

Crucial biodiversity talks begin for post-2020 actions

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The process to develop a new framework for protecting biodiversity – life on Earth – has begun.

On 27-30 August, Parties to the UN Convention on Biological Diversity (CBD) met for the first time to negotiate a new 'Post-2020 Global Biodiversity Framework' at the UN Environment headquarters in Nairobi, Kenya.

It is widely acknowledged that effective implementation of the CBD has been hugely lacking in the decades since it entered into force. Recent scientific reports such as the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) adopted earlier this year have highlighted the crisis of biodiversity and that urgent action is required to save nature itself.

Amidst this backdrop of urgency, Parties, and other observers to the process (including the United States which is the only country that is not a Party to the CBD) met to begin crucial deliberations that provide an opportunity for renewed and strengthened implementation of the CBD that has biodiversity, ecosystems and livelihoods as its focus. However, there will be many challenges too.

Under the CBD, a Strategic Plan for Biodiversity, together with its Aichi Biodiversity Targets, have been agreed to guide its implementation from 2011-2020. The Aichi Targets translate the CBD's general obligations into specific strategic goals and targets, which are to be implemented through Parties' National Biodiversity Strategies and Action Plans.

As such, at the recent 14th Conference of the Parties (COP) of the CBD in Sharm-el-Sheikh in November last year, Parties agreed to launch new negotiations under an 'Open-ended Working Group (OEWG)' to address the CBD's implementation in the period post-2020.

This negotiations process has been given more prominence by the fact that it is a 'Working Group' that has a budget and a detailed mandate to arrive at an outcome through numerous meetings. It also has dedicated Co-Chairs - Basile van Havre from Canada and Francis Ogwal from Uganda. The previous Strategic Plan and its Aichi Targets were simply negotiated at the scheduled meetings of the COP and its Subsidiary Bodies.

The final form of the outcome of the process has however not been specified. While the previous Strategic Plan and its Aichi Targets were adopted as part of a COP decision, a footnote in the mandate from COP 14 says, "The term "framework" is used in the present document so as not to prejudge ... what form the follow-up to the Strategic Plan for Biodiversity 2011-2020 will take".

The first meeting of the OEWG in Nairobi saw discussion on the scope and structure of the new post-2020 framework, as well as the work programme for the post-2020 process.

However, the meeting was notable for its lack of negotiations on issues of content and for overlapping discussions on two similar documents – official documentation in plenary sessions, and a ‘non-paper’ by the Co-Chairs in a ‘Discussion Group’.

In the discussions in the plenary sessions on the post-2020 framework, Parties expressed their views on four clusters of issues as set out in the official document for the meeting: 1) the outcome-oriented elements (vision, mission, goals, and targets); 2) enabling conditions and means of implementation; 3) planning and accountability modalities, mechanisms and tools (monitoring, reporting, review); and 4) cross-cutting approaches and issues. A synthesis of these views is simply annexed to the procedural report of the meeting.

A ‘Discussion Group’ was also set up by the Co-Chairs, which met a few times to discuss, not negotiate, the potential structure, main elements and possible themes of the post-2020 framework as set out in their ‘non-paper’. The discussions on the new framework were reflected in another non-paper, ‘Possible Elements of a post-2020 global biodiversity framework for further discussion’ which is annexed to the conclusion that was adopted by the meeting.

The non-paper collects the views of Parties on the following elements: rationale and scope; 2050 Vision; 2030 Mission and/or apex goal and milestones; goals, targets, sub-targets, and indicators; means of implementation and enabling conditions; cross-cutting issues and approaches; transparent implementation, monitoring and reporting mechanism; and outreach, awareness and uptake.

A footnote to this non-paper states: “The present note, which was not negotiated, reflects the efforts by the Co-Chairs of the discussion group ... to begin elaborating elements of a post-2020 global biodiversity framework, and is without prejudice to the rights of the Parties to make further amendments and additions ...”. The final conclusion that was adopted by the OEWG is careful to make mention of both sets of outputs, which are to be drawn upon in preparing a zero draft text and a detailed workplan (explained below).

An ambitious draft workplan, including many consultations, workshops and meetings organised by partners had been drawn up by the Co-Chairs of the process, which aims to present a draft framework for adoption by the next COP 15 in Kunming, China, towards the end of 2020.

The workplan had foreseen that the first meeting of the OEWG in Nairobi would begin considering elements of the structure and scope of the post-2020 global biodiversity framework on the basis of a Co-Chairs’ text. The second meeting would include a detailed discussion on the scope and content of the major elements, and begin more substantial discussions on the wording of the different elements. And the third meeting would conclude discussions so that a draft text

on the post-2020 global biodiversity framework can be submitted to COP 15.

The Co-Chairs had proposed that the outcomes of the first and second OEWG would be reflected in reports of those meetings, upon which they would prepare Co-Chairs' text for subsequent meetings, which would be the basis for further discussions. This means that Parties would not begin actual negotiations until the third meeting of the OEWG, and that the process would be primarily driven by the Co-Chairs.

At the negotiations in Nairobi, a number of Parties expressed their preference for a more Party-driven process, and submitted text proposals in that regard. The final conclusion invites Parties, other Governments, organizations and stakeholders, to submit proposals on the structure of the post-2020 global biodiversity framework and "requests the Co-Chairs and the Executive Secretary, with the oversight of the Bureau", to prepare a "zero draft text" of the post-2020 global biodiversity framework six weeks before the second meeting of the OEWG, and to present a preliminary overview of the zero draft at an informal session on the margins of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) meeting in November. This means that Parties can begin to negotiate a draft post-2020 global biodiversity framework at the second meeting of the OEWG.

The ambitious draft workplan was also of concern especially to developing countries, with limited human and other resources, to be able to engage and participate in all the many consultations, workshops and meetings organised by partners. The CBD Secretariat has also undergone changes under the current Executive Secretary, and is potentially understaffed to manage and support such a process effectively.

Many Parties were also concerned about the large number of parallel meetings to the OEWG and the issue of democratic and inclusive participation by all Parties in these workshops and consultations. This in turn raised questions about the outputs of those meetings, and how they will feed into the official negotiations under the OEWG.

Another issue that dominated the meeting was the issue of 'balance' between the three objectives of the CBD, which are the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

Historically, developed countries have focused more on the first two objectives, while developing countries have championed the latter objective, because of North-South inequities – much of the world's biological resources are located in developing countries, while its commercialization for profit has mainly been driven by entities in developed countries. As such the issue of 'benefit sharing' has dominated the South's discourse.

In recent years, discussions have also focused on the issue of 'digital sequence information on genetic resources' (DSI) because the advancements in genome

sequencing technologies means that access to DSI may circumvent current benefit sharing arrangements. Many developing country Parties view the issue of DSI as so important that at COP 14 in 2018, several Parties linked the progress of discussion on the post-2020 framework to that of DSI.

In Nairobi, this issue played itself out in the discussions on content, where many developing countries continuously stressed the importance of including priorities related to the third objective of the CBD, including DSI, in the post-2020 global biodiversity framework. This includes implementing the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization which is another multilateral treaty under the CBD. Similarly, the Cartagena Protocol on Biosafety (including its Nagoya–Kuala Lumpur Supplementary Protocol on Liability and Redress) were often raised as priorities for developing countries.

Discussions on the draft work programme of the OEWG were also largely driven by these concerns, as workshops on topics of interest to developed countries are funded by them, potentially leaving unfunded and hence unrealised workshops on topics of interest to developing countries. For example, so far three thematic workshops have been listed in the draft work programme – on ecosystem restoration, marine environment and area-based conservation measures, while none related to access and benefit-sharing has even been proposed.

This led to protracted negotiations at the final plenary on the preliminary list of meetings, consultations and workshops. The final conclusion “Requests the Co-Chairs and the Executive Secretary, in consultation with the Chairs of the SBSTTA and SBI with the oversight of the COP Bureau, to prepare a detailed workplan, in a manner that balances the three objectives of the Convention, ... and clarify[ing] how each output will be considered in the development of the post-2020 global biodiversity framework, and to present it at the informal session on 24 November 2019”.

During the discussions on substantive issues, positions could be seen to be already emerging. For example, developing countries strongly supported ‘means of implementation and enabling conditions’ to be an integral part of the framework itself, while developed countries like Switzerland considered that it could simply be addressed in the COP decision that adopts the post-2020 global biodiversity framework.

Many developing countries considered ‘means of implementation and enabling conditions’ to be a cross-cutting basis for ensuring that goals and targets are met, in line with Article 20 of the CBD which requires developed countries to provide “new and additional financial resources” to enable developing countries to meet “the agreed full incremental costs to them of implementing measures which fulfil the obligations of this Convention and to benefit from its provisions...”. In addition, many developing countries were of the position that the various means of implementation and enabling conditions should also be included as goals and targets.

While there is general consensus that the implementation of the CBD is key and has yet to be undertaken rigorously, there were nevertheless differences in views on the ways and means to do so. Clearly improvements can be made in Parties' development and implementation of NBSAPs and mechanisms for reporting, which Parties generally agree should be built upon. Developing countries stressed that the means of implementation are also key in this respect.

Some Parties were in favour of following elements of the Paris Agreement on Climate Change, particularly in relation to issues relating to systems for measurement, reporting and verification, a transparency and accountability framework, and a global stocktake and ratcheting mechanism. Options such as monitoring, a compliance mechanism, and review processes also all remain under discussion. At issue was whether emphasis should be placed on enabling better implementation or on establishing a more punitive accountability structure, with some developing countries emphasizing that the principle of common but differentiated responsibilities should be taken into account.

Other areas where there were differing positions include the issue of voluntary commitments, with the EU strongly supporting its inclusion; on the indirect drivers of biodiversity loss, with Brazil and Argentina strongly opposed to its inclusion; and on whether there should be an apex target, which was advocated for at the opening of the meeting by the newly appointed Executive Director of UN Environment, Inger Andersen.

Prior to the start of the first meeting of the OEWG, one-day consultations were held on how to include the two Protocols of the CBD, the Cartagena Protocol on Biosafety (including its Supplementary Protocol on Liability and Redress) and the Nagoya Protocol on Access and Benefit Sharing in the post-2020 global biodiversity framework.

The next meeting of the OEWG will be held in Kunming, China in February 2020. Prior to that, the next meeting of the SBSTTA in November 2019 in Montreal will discuss and transmit results and conclusions regarding the science and evidence base relevant to the post-2020 global biodiversity framework to the second meeting of the OEWG. The SBSTTA will also discuss and provide elements concerning guidance on goals, targets, indicators, baselines, and monitoring frameworks, "relating to the drivers of biodiversity loss, for achieving transformational change, within the scope of the three objectives of the Convention".