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Briefings on the Post-2020 Global Biodiversity Framework

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State of play of the post-2020 global biodiversity framework

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This year, 2020, was meant to be a ‘super year’ for biodiversity and the environment. Instead, what a year it has been as the COVID-19 pandemic rages its way through the human population and humanity scrambles to respond, with no clear end in sight. International travel has ground to a halt, and physical distancing imperatives to curb the spread of the virus have meant that large international meetings are off the cards.

A slew of high-profile international environmental meetings had been planned for 2020, including a UN Biodiversity Summit on the margins of the UN General Assembly’s annual session. A much pared-down version of the planned Summit was eventually held virtually.

The 15th Conference of the Parties (COP) to the Convention on Biological Diversity (CBD), and the 26th Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC) were to be the twin major achievements, the former adopting a new ‘Post-2020 Global Biodiversity Framework (GBF)’, and the latter finalising outstanding aspects of the rules for the Paris Agreement on climate change, while also advancing work on ongoing issues. Instead, both meetings have been postponed to 2021, and may be subject to further postponement.

Under the CBD, a Strategic Plan for Biodiversity, together with its Aichi Biodiversity Targets, had been agreed to guide its implementation from 2011-2020. The Aichi Targets translate some of

the CBD’s general obligations into specific strategic goals and targets, which are to be implemented through Parties’ National Biodiversity Strategies and Action Plans. Comprehensive implementation of the CBD remains an issue in the post-2020 GBF, as there are concerns over the ‘cherry picking’ of issues to include in the 4-goals-and-20-targets format of the GBF.

It is widely acknowledged that effective implementation of the CBD has been hugely lacking in the decades since it entered into force. According to the CBD’s recently launched 5th Global Biodiversity Outlook, which is the final ‘report card’ on the progress of the 20 Aichi Targets, none of the targets will have been fully met by the end of 2020.

Post-2020 Global Biodiversity Framework process

In 2018, COP 14 of the CBD launched new negotiations under an ‘Open-ended Working Group (OEWG)’ to address the CBD’s implementation in the period post-2020. Two meetings of the OEWG have been held, in August 2019 and in February 2020. The third and final meeting of the OEWG has since been postponed and may be held some time in 2021.

At the second meeting of the OEWG, a ‘zero draft’ of the post-2020 GBF that was prepared by the Co-Chairs of the process – Basile van Havre from Canada and Francis Ogwal from Uganda –

was discussed by the Parties. This ‘zero draft’ was mandated by the first meeting of the OEWG, after some Parties pressed for a document which could serve as a basis for Parties to begin negotiations. However, at OEWG 2, Parties did not begin negotiations on the ‘zero draft’ but instead made comments, and provided suggestions and proposals on the draft document. These were collected, collated and annexed as a document to the conclusions of the meeting.

Since OEWG 2, the Co-Chairs have produced an ‘update of the zero draft’, taking into account the inputs and proposals made at that meeting. This is in order to facilitate the work of the CBD Subsidiary Bodies – the 24th meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) and the 3rd meeting of the Subsidiary Body on Implementation (SBI) – to provide inputs and advice to the post-2020 GBF process.

The meetings of the Subsidiary Bodies are scheduled to take place before OEWG 3, and the ‘first draft’ of the post-2020 GBF is to be produced by the Co-Chairs six weeks before OEWG 3, taking into account the outcomes of SBSTTA 24 and SBI 3, among other inputs. With the meetings postponed, there is no certainty on when the long-awaited ‘first draft’ will be made available.

SBSTTA 24 is mandated to ‘carry out a scientific and technical review of the updated goals and targets, and related indicators and baselines, ... as well as the revised appendices to the framework (containing the preliminary draft monitoring frameworks for the goals and targets of the draft post-2020 global biodiversity framework) ...’.

SBI 3 is mandated to ‘provide elements to the development of the post-2020 global biodiversity framework, in particular with regard to means to support and review implementation, including implementation support mechanisms, enabling conditions, responsibility and transparency and outreach and awareness ...’.

Civil society concerns

Documents related to the post-2020 GBF issued in advance of SBSTTA 24 for its ‘peer review’ process reflecting an updated zero draft drew consternation and concern from across civil society.

One of the documents for ‘peer review’ was the ‘Draft monitoring framework for the post-2020 global biodiversity framework’ which included in table form: updated 2050 goals, milestones and targets; components of the goals and targets; monitoring elements; indicators; and period of availability of baseline data and frequency of updates.

All elements except the updated goals, milestones and targets were open to ‘peer review’, meaning that they were open to comments and inputs by Parties and observers. The documents are then to be revised, taking into account these comments and inputs, and issued as official documents for SBSTTA 24 for its review during the meeting.

In an open letter, the CBD Alliance (comprising civil society organisations), the Women’s Caucus and the Global Youth Biodiversity Network expressed deep concern about the planned sequencing to first discuss the components of the goals and targets, monitoring elements, indicators and baseline data, when the goals, milestones and targets themselves have not yet been agreed on and prioritised by Parties, as this ‘risks pre-judging and pre-determining the goals, milestones and targets. It will inevitably hamper SBSTTA 24 from carrying out a proper scientific and technical review of the updated goals and targets, as per its mandate, and worse, will leave Parties little room to properly negotiate the goals, milestones and targets’.

The open letter from the CSOs also expressed concern that while it may be necessary to move to virtual and online processes, these must take into account the realities, needs and priorities of the Global South and rights holders, particularly the accessibility of such virtual meetings, and insisted that it should be standard procedure to conduct such meetings and provide documentation in all six UN languages.

The open letter also demanded an urgent response from the CBD and its bodies on the most relevant way to react to the COVID-19 pandemic. ‘The post-2020 GBF has to reflect the profound and long-term implications and urgent challenges of this new reality through an inclusive and equitable process for a rethink and restructuring of both the content and process of the post-2020 GBF,’ it said.

UN Biodiversity Summit

A ‘virtual’ UN Biodiversity Summit was held in September 2020, a first for summits usually held with great fanfare in New York around the time of the General Assembly. The Summit’s theme of ‘Urgent action on biodiversity for sustainable development’ was meant to highlight the urgency of action at the highest levels in support of the post-2020 GBF.

The programme included two ‘Leaders’ Dialogues’ on ‘Addressing biodiversity loss and mainstreaming biodiversity for sustainable development’, and ‘Harnessing science, technology and innovation, capacity building, access and benefit sharing, financing and partnerships for biodiversity’.

With limited time for the online sessions, and with no possibility of real interaction during and around the meetings, the Summit was even more of a one-way public relations exercise than usual. A summary of key messages from the Summit will be its main substantive outcome, which will be transmitted to relevant processes such as the post-2020 GBF.

Ahead of the UN Biodiversity Summit, around 70 countries endorsed a Leaders’ Pledge for Nature, with 10 urgent actions to put nature on a path to recovery by 2030. A few more countries have since endorsed the Pledge. However, whether these countries will actually fulfil their pledges is an open question, as there is no legally binding aspect to the pledges.

In the meantime, more than a hundred civil society organisations supported another open letter (see box) expressing concerns about the UN Biodiversity Summit. In particular, concerns were raised regarding the inadequate representation and lack of a democratic process for civil society participation at the Summit, even as it ‘provides a prominent role to some of the world’s biggest corporations and financial actors who are among those most responsible for biodiversity destruction.’

The open letter also highlighted many of the concerns around the content of the post-2020 GBF itself, while pointing to the urgent actions that are needed to address the root causes of biodiversity loss.

‘Voluntary commitments’

The COP decision launching negotiations on the post-2020 GBF invited Parties and other governments (the United States is the only country that is not Party to the CBD) to consider developing ‘voluntary commitments’ that ‘contribute to the achievement of the three objectives of the Convention, strengthen national biodiversity strategies and action plans, facilitate the achievement of the Aichi Biodiversity Targets and contribute to an effective post-2020 global biodiversity framework’. Information on these ‘commitments’ is to be shared through the CBD’s Clearing-House Mechanism of information exchange and other means.

At the same time, indigenous peoples and local communities (IPLCs), and organisations and stakeholders, including the private sector, were also encouraged to consider developing biodiversity ‘commitments’ that may contribute to an effective post-2020 GBF and to make such information available as a contribution to the ‘Sharm El-Sheikh to Kunming Action Agenda for Nature and People’.

As such, an online engagement platform for the Action Agenda has been launched by Egypt and China, which are the hosts of the previous and next COPs respectively. It aims to ‘catalyze a groundswell of actions from all sectors and stakeholders in support of biodiversity conservation and its sustainable use, while enabling the mapping of current global efforts, in order to assess impact and gaps.’

To date, 150 ‘commitments’ have been registered on the online platform from academia and research institutes, non-governmental organisations, the private sector, the UN system, youth, IPLCs and individuals. ‘Commitments’ from governments are also registered.

Civil society groups have been critical of the voluntary approach by Parties, arguing that a ‘voluntary commitment’ is not legally binding and is merely a pledge. And while contributions from various sectors of society are welcome in principle, they must not detract from Parties’ legally binding obligations to conserve and sustainably use biodiversity, and to share the benefits equitably. Mixing up Parties’ legally binding obligations with the voluntary contributions of other actors blurs the line, and

dilutes and lessens Parties' obligations.

Contributions from business and industry, especially those that are driving the biodiversity crisis, are also very problematic. It provides an opportunity for companies to 'greenwash' their practices often with tokenisms, leaving systemic flaws intact; it opens the door to conflicts of interest; it allows for the introduction of 'false solutions', which often benefit the companies themselves; and it turns a blind eye to the corporate lobby that prevents real action.

There is also evidence that some corporations are destroying biodiversity and violating human rights. Rather than being the subject of regulation, corporations are instead invited to contribute, with no means to distinguish between real and false efforts.

'Nature-based Solutions'

One of the issues that have increasingly gained prominence in the discourse on the biodiversity and climate change crises, and around the post-2020 GBF and the Paris Agreement on climate change, is 'Nature-based Solutions (NbS)', a recently coined term which is broadly and vaguely self-defined. Different understandings of the term lead to vastly different conclusions, making common ground on the use of the contested term elusive.

The International Union for the Conservation of Nature (IUCN), the initial proponent of the term, defines it as 'actions to protect, sustainably manage and restore natural or modified ecosystems that address societal challenges effectively and adaptively, simultaneously providing human well-being and biodiversity benefits.'

NbS are actively promoted by many large Western conservation organisations and fossil fuel companies in particular, for the unsubstantiated claim that 'nature' could provide more than 1/3 of the global climate change mitigation effort by 2030. This proposition advances the idea that 'nature' can compensate for (or 'offset' though the carbon market) the continued burning of fossil fuels through carbon sequestration.

(With the rules on carbon markets due to be finalised during the next UNFCCC COP, which will be held after the CBD COP, the expectation is

that some agreement on NbS in the post-2020 GBF will be necessary to carry through to the climate change arena.)

Many others, including governments, international organisations and other non-governmental organisations, also support NbS for different and diverse reasons, many using the term in its literal form and interchangeably with other terms like 'natural solutions', 'natural climate solutions' and 'ecosystem-based approaches' to describe an array of positive actions and approaches such as agroecology and ecosystem restoration.

Another contentious issue in the draft post-2020 GBF is a target on increasing protected areas and other area-based conservation measures that could lead to violations of the human rights of millions of indigenous peoples and other land-dependent communities, without any proper safeguards. All this while the rights of IPLCs are not fully recognised or protected within the post-2020 GBF.

Critical issues also include the continued move away from the commitment of developed-country Parties to provide financial resources towards 'resource mobilisation from all sources'. And while elaborate provisions on responsibility, transparency, planning, reporting, assessment and review are positive in principle, the lack of commensurate focus on means of implementation, implementation support mechanisms and enabling conditions means that burden sharing between countries will be increasingly inequitable, as most of the world's biodiversity is in developing countries, and the comprehensive implementation of the CBD with its careful balance of rights and obligations of developed and developing countries remains in doubt.

Virtual meetings

A number of virtual meetings have now been planned in light of the continuing pandemic and the uncertainty regarding when face-to-face meetings can eventually be held. Virtual sessions on some aspects of SBI 3, and on some aspects of SBSTTA 24, are currently being discussed and may occur at the end of 2020 or early 2021.

In addition, an Extraordinary COP to the CBD and Extraordinary COPs serving as the Meeting of the Parties (MOPs) to the Cartagena Protocol on Biosafety and the Nagoya Protocol on Access and

Benefit Sharing will be held virtually on 16-19 November 2020. Again, this will be another first in an extraordinary year.

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The Extraordinary COP and Extraordinary COP-MOPs have become necessary because the budgets for 2021 for the CBD and its Protocols need to be approved by the end of 2020. This would also include the budget for the post-2020 GBF process. The budgets will be the only agenda item for the Extraordinary COP and COP-MOPs, and only Parties will be able to participate in these virtual meetings.

The Extraordinary COP and Extraordinary COP-MOPs will be conducted through the ‘silence procedure’, which was adopted by the UN General Assembly in March this year. In accordance with the procedure, a statement with a draft decision will be circulated by the CBD Secretariat, on behalf of the President of the COP (Egypt), to the Parties.

If no issues or comments are raised by any Party in writing within a certain period of time, the President will declare that agreement has been reached by the Parties on the interim budget for 2021, and close the meetings. Under the procedure adopted by the General Assembly, at least 72 hours must pass without the silence broken, before a decision can be considered to have been adopted. However, there are important considerations that need to be taken into account in relation to virtual in lieu of in-person negotiations, especially when such virtual meetings could have substantive policy impacts or implications. (See Vicente Paolo B. Yu III, ‘International negotiations by virtual means in the time of the COVID-19 pandemic’, TWN Briefing Paper, June 2020, https://twm.my/title2/briefing_papers/twn/Virtual%20negotiations.pdf)

The year 2020 has not been short of surprises, and the COVID-19 pandemic has underscored the absolute necessity to address growing inequality and inequity among countries and peoples, and to protect against the further destruction of nature. It has clearly demonstrated that fundamental and systemic change is necessary to address the root and structural causes of biodiversity loss, a major driver of which is unsustainable production and consumption. Whether this can be accomplished and whether the post-2020 GBF will be ambitious and equitable still remains to be seen.

Peoples' response to the High-Level Summit on Biodiversity

Statement signed by 139 organisations/ networks/ groups from all over the world

The UN Biodiversity Summit that will take place on September 30, 2020, will draw the world's attention to the biodiversity crisis and the urgent need to take action. However, we are concerned that it lacks time for meaningful dialogue and does not ensure adequate participation of civil society, in particular those groups who are most affected by the destruction of nature and who play a key role in preserving biodiversity.

We denounce the fact that there has been no democratic process for civil society to nominate speakers that can reflect our voice. We condemn the fact that indigenous peoples, local communities, women, youth, customary and indigenous farming systems, and small-scale food producers are not adequately represented through their organisations, while the Summit provides a prominent role to some of the world's biggest corporations and financial actors who are among those most responsible for biodiversity destruction.

We remind states that they have obligations to protect biodiversity, but also they must ensure the realisation of human rights. This requires them to ensure effective participation of people and communities as rights holders and to ensure accountability of states regarding their commitments.

We also urge states to engage in good faith in the process towards an ambitious Global Biodiversity Framework which is compatibly derived from all the CBD provisions as a direct tool to implement – not just some other cherry-picked voluntary targets, but – the due totality of the legal CBD obligations – under the auspices of the Convention of Biological Diversity (CBD). The upcoming summit must not pre-empt this process, but support upcoming negotiations and agreements at the CBD, which is the dedicated UN space.

To overcome the current deep ecological crises, the new Global Biodiversity Framework needs to address the root causes of biodiversity loss and pave the way towards truly transformative change that:

Is based on the commitments that states have agreed to under the CBD, the fundamental principles of environmental law and the international human rights framework, including also that: the CBD legally obliges its parties to 'regulate or manage' 'activities which have or are likely to have significant adverse impacts on the conservation and sustainable use'¹ 'to ensure that activities within their jurisdiction or control do not cause damage' to biodiversity 'regardless of where their effects occur', within or 'beyond the limits of national jurisdiction' 'within or outside protected areas'.²

Sets a deadline for divesting from biodiversity harm, and redirects perverse incentives. It makes no sense to ask for increased investments in biodiversity conservation if governments continue to invest far more funding in subsidies, fiscal incentives and infrastructure and other projects that harm biodiversity.

In addition, current unsustainable consumption and production, a major root cause of biodiversity loss, cannot be addressed by voluntary approaches. What is therefore needed is systemic change that includes strong policy measures backed up by the requisite regulatory measures.

Is centred around a strong rights-based approach that: protects, respects and fulfils all human rights, in particular the rights of indigenous peoples and local communities as well as peasants and other small-scale food producers; realises the right to a healthy environment; recognises the rights of Mother Earth to exist and flourish with diversity and recognises ecocide as an international crime.

Creates enabling conditions and reduces hurdles for the implementation of food sovereignty, agro-ecology, small-scale family farming and fisheries, and local small-scale initiatives in ways that also enhance inherent agricultural biodiversity within peasant seeds, livestock breeds and local fisheries.

Includes proper and effective monitoring based on the whole of CBD obligations, rights-based review and accountability systems, harmonised at CBD level, taking into account the capacities of developing countries and providing the support they may need, to make sure implementation is effective to prevent the escalation of global

biodiversity loss and degradation. These monitoring systems shall also include critical review by non-State public interest actors and include implementation of Article 20 of the CBD.³

We've tried all the market-based and voluntary approaches since Rio and the evidence of failure is piling up. Now is the time for strong public investment which can be generated through redistribution of wealth by time-tested means – taxes and payments for ecological debts. We cannot afford to repeat past mistakes:

Blanket targets for increasing areas under protection will not halt biodiversity loss. Protected areas have not prevented the acceleration of biodiversity loss so far, but have rather channelled the overall growing biodiversity-degrading impacts of our life and overconsumption into other parts of Earth that have already beforehand suffered more from degradation. Protected areas have often been badly designed and poorly governed, based on the priorities of opportunistic funding, PR value and top-down governance that has harmed local communities and violated human rights rather than promoting equity. Their value has been further undermined as we have seen in the exponential growth of exploitation and extraction that occur in parallel.

Increasing evidence shows that indigenous territories and community-managed lands and forests are more effective for biodiversity conservation than protected areas. Any action for biodiversity, including the Post-2020 Global Biodiversity Framework must thus place indigenous peoples, local communities, women, indigenous farming and small farmers, front and centre of future efforts to conserve biodiversity. At present, it fails even to offer a minimal level of protection for their rights.

The concept of nature-based solutions remains uncharted in the CBD context and could undermine the long-established ecosystems approach of the CBD, to protect and conserve biodiversity. This hype over nature-based solutions is used for instance by fossil fuel emitters to offset their emissions and thus to continue emitting.

We cannot fail to address a major risk – zoonotic disease and future pandemics – in biodiversity policy for the next decade. By overlooking One Health and One Welfare, the connections between human health and wellbeing and the health and wellbeing of plants, animals and ecosystems, the current version of the GBF fails to address the looming risk of future zoonotic disease outbreaks. We must eliminate practices that threaten the health and wellbeing of Earth's life in its diversity, and transition towards healthier and more sustainable consumption patterns.

The world is going through multiple crises, which threaten our survival. The loss of biodiversity is intrinsically connected to the climate crisis and the current pandemic as well as unacceptable inequalities, which in turn are the product of a predatory production and consumption system that is based on extraction and exploitation, causing the destruction of life support systems.

New and emerging technologies such as synthetic biology and genome editing – including the release of genetically modified organisms containing engineered gene drives – are not 'solutions' but have the potential to add to our current crises.

We must be on track to achieve Harmony with Nature by 2050. The planet can only be preserved 'through a paradigm shift from a human-centric society to an Earth-centred global ecosystem' and the UN must 'be the champion of non-anthropocentrism and a voice on behalf of the natural world and to play a lead role for a twenty-first century global Earth-centred transition, in which the lives of all human and non-human species matter'.⁴

We cannot wait for more reports stating what is already obvious and well known, namely the alarming speed of biodiversity destruction and our failure to take action. What we need is courageous action to transform the economic systems and development models once and for all.

Notes and references

1. CBD articles 7 (c) and 8 (l)
2. CBD articles 3, 4 (b) and 8 (c)
3. Do's and Don't's document containing more detailed elements of the positions from civil society
4. A/75/266