

Global Law and Policy Developments

Convention on Biological Diversity: A Review of the Post-2020 Global Biodiversity Framework Working Group Negotiations

Elsa Tsioumani*

Ph.D.; Research Fellow, School of International Studies, University of Trento, Italy; lawyer, Thessaloniki, Greece; and regular contributor to EPL

The 2019–2020 biennium is crucial for global biodiversity governance. Despite many positive actions by Parties and stakeholders, most of the Aichi targets of the Strategic Plan for Biodiversity 2011–2020¹ will not be achieved. In the absence of further significant progress, this failure will also jeopardise achievement of the Sustainable Development Goals (SDGs) and ultimately the planet's life-support systems. Although knowledge gaps still exist, an increasing amount of research demonstrates that biodiversity, which encompasses variation at the genetic, species and ecosystem level, is crucial for the long-term resilience of ecosystem functions and the services they provide to human wellbeing,² including reducing the prevalence of infectious diseases.³

The Aichi targets comprise a set of 20 targets⁴ related to the three objectives of the Convention on Biological Diversity (CBD): biodiversity conservation, sustainable use of its components, and fair and equitable sharing of the benefits arising from the use of genetic resources. The Aichi targets are organised under five strategic goals: addressing

the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society; reducing the direct pressures on biodiversity and promoting sustainable use; improving the status of biodiversity by safeguarding ecosystem, species and genetic diversity; enhancing the benefits to all from biodiversity and ecosystem services; and enhancing implementation through participatory planning, knowledge management and capacity building.

The international community, under the auspices of the CBD, is set to review successes and failures in the context of the implementation of the current Strategic Plan and negotiate a global biodiversity framework for the post-2020 era. The current Strategic Plan has provided an overarching framework on biodiversity management and policy development, not only for the biodiversity-related conventions, but for the entire UN system and other partners. To ensure implementation of the Strategic Plan and its Aichi targets at the national and local level, Parties to the CBD agreed to revise and update their national biodiversity strategies and action plans (NBSAPs). The post-2020 global biodiversity framework is expected to be adopted at the 15th meeting of the CBD Conference of the Parties (COP-15), initially scheduled to take place

*E-mail: elsa.tsioumani@gmail.com.

in October 2020 in Kunming, China, but now postponed due to the COVID-19 pandemic.

Preparations for the post-2020 global biodiversity framework started in 2016, when CBD COP-13 requested the CBD Executive Secretary to prepare a proposal for a preparatory process and timetable, for consideration by the Convention's Subsidiary Body on Implementation (SBI).⁵ On the basis of the SBI's recommendation, CBD COP-14 adopted a process for the preparation of a post-2020 global biodiversity framework.⁶ This preparatory process was to be Party-led and guided by a series of principles. It was also designed to be, *inter alia*, participatory, inclusive, transparent, gender-responsive, knowledge-based and results-oriented, aiming to mobilise broad societal engagement to achieve accelerated and sustainable transformations to implement the three CBD objectives⁷ and catalyse a global-scale movement for biodiversity.

These negotiations are being held in the context of an open-ended intersessional Working Group, co-chaired by Francis Ogwal (Uganda) and Basile van Havre (Canada), with three meetings envisioned to be held before COP-15. In addition, the Convention's other intersessional and subsidiary bodies will address aspects of the post-2020 framework of relevance to their mandates. The Working Group on Article 8(j) (traditional knowledge) is tasked with examining the potential role of traditional knowledge, customary sustainable use, and the contribution of the collective actions of indigenous peoples and local communities. The Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) has been considering the draft framework from a scientific and technical perspective,⁸ and reviewing possible elements, including any implications arising from global assessments such as the *Global Assessment on Biodiversity and Ecosystem Services*, prepared under the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services.⁹ The SBI was also intended to consider the draft from the point of view of means to support and review implementation, at its third meeting, which was originally scheduled to take place from 24–29 August 2020 in Montreal, Canada, immediately following the 24th meeting of SBSTTA (which has since been tentatively rescheduled for 2–7 November 2020).¹⁰

A discussion paper prepared by the CBD Secretariat¹¹ provided a synthesis of submissions

received, and served as a basis for a series of global, regional and thematic consultation meetings.¹² The discussion paper outlined the main areas for discussion and decision-making, stemming from prior deliberations and submissions. These related to several issues, ranging from the structure of the post-2020 framework and the integration of targets and voluntary commitments, to political and strategic matters such as the level of ambition, the relationship with relevant processes, mainstreaming, the integration of diverse perspectives and worldviews, and communication and outreach. The paper also addressed implementation at different levels, touching upon the relationship between the Convention and its Protocols, indicators, NBSAPs, and resource mobilisation and finance.¹³

1. The First Meeting of the Working Group

The first meeting of the Working Group on the post-2020 framework convened from 27–30 August 2019 in Nairobi, Kenya.¹⁴ Participants, including Parties and observers, heard reports on consultations conducted and contributions received; discussed the possible elements of the post-2020 framework; and adopted conclusions regarding the future steps for its preparation. The Working Group requested its Co-Chairs to prepare a zero-draft text of the post-2020 framework to facilitate deliberations at its second meeting; and took note of a preliminary list of meetings, consultations and workshops for the development of the post-2020 framework.

Discussions on the possible elements of the framework were held in plenary and in a discussion group. Deliberations were organised around four clusters: outcome-oriented elements (vision, mission, goals and targets); enabling conditions and means of implementation; planning and accountability modalities, mechanisms and tools (monitoring, reporting and review); and cross-cutting approaches and issues.

A series of information sessions took place at lunchtime, replacing conventional side-events. These sessions addressed issues related to strategic planning and scientific evidence to support the framework. They included discussion of threats and drivers of biodiversity loss; linkages to SDGs, including with regard to reporting and indicators; and strategic planning in other international instruments and processes.

The report of the meeting outlined the Working Group's conclusions, and listed possible elements of a post-2020 framework for further discussion. The Group invited SBSTTA to provide elements concerning guidance on specific goals, specific, measurable, achievable, result-based and time-bound (SMART) targets, indicators, baselines, and monitoring frameworks, relating to the drivers of biodiversity loss. It also invited the Working Group on Article 8(j) to consider aspects related to traditional knowledge. It noted the role of the UN Environment Programme in facilitating the contribution of the UN system, and in the development and implementation of the post-2020 framework. It also recognised the relevance of various on-going processes to provide input to the Working Group.

2. The Zero Draft

The Zero Draft of the post-2020 framework was circulated in January 2020.¹⁵ It was prepared on the basis of the Working Group's first meeting and the consultation meetings, further taking into account elements of guidance on goals, SMART targets, indicators, baselines, and monitoring frameworks discussed during SBSTTA-23. It also took the outcomes of the 11th meeting of the Working Group on Article 8(j) into account. The Co-Chairs noted that the Zero Draft had been prepared in an attempt to keep the set of goals and targets concise, in relatively simple language, and limited in number.

In its introduction, the Zero Draft recognised the need for urgent policy action globally, regionally and nationally, in order to transform economic, social and financial models. It identified the goal of stabilising the trends that have exacerbated biodiversity loss by 2030 and allowing the recovery of natural ecosystems, envisioning net improvements by 2050. This work is directed at the achievement of the Convention's vision: "living in harmony with nature by 2050". The Zero Draft also assumed that a whole-of-government-and-society approach is necessary to make the changes needed over the next ten years as a stepping stone towards the achievement of the 2050 Vision. Among the challenges to be addressed through that approach are determining priorities, allocating financial and other resources, internalising the value of nature and recognising the cost of inaction.

2.1. Theory of Change

The draft called for the enunciation of a "theory of change", aiming to propose a framework for strategic planning to help plan, implement and evaluate the impacts of actions taken. It provided structures for organising measurable goals and solutions, and for evaluating short and long-term impacts. Such an approach will allow stakeholders to articulate challenges, work together towards common goals, use the same language when sharing information on the status of implementation, and ensure that collective actions are aligned towards achieving the greatest possible impact. The theory-of-change approach focuses on transformative actions to establish acceptance and application of tools and solutions for implementation and mainstreaming. In these negotiations, the changes sought include the reduction of threats to biodiversity and entrenchment of sustainable use of biodiversity in order to meet people's needs. To figure within a theory of change, such transformative actions should be supported by enabling conditions, and adequate means of implementation, including financial resources, capacity and technology. It should also mandate monitoring of progress in a transparent and accountable manner with adequate stocktaking exercises to ensure that by 2030 the world is on a path to reach the 2050 Vision for Biodiversity. The theory-of-change approach must also acknowledge the need for appropriate recognition of women's empowerment and the full and effective participation of indigenous peoples and local communities in implementation. Its implementation would require partnership with many organisations at the global, national and local levels. It must take a rights-base approach, on the basis of intergenerational equity.

2.2. Long-term goals

The Zero Draft included long-term goals for 2050, focused on five areas:

- ecosystem integrity and resilience;
- species conservation;
- genetic diversity;
- nature's benefits to people contributing to improved nutrition, access to water, resilience to natural disasters, and achievement of the

targets of the Paris Agreement on climate change; and

- fair and equitable benefit sharing from the use of genetic resources and traditional knowledge.

It stated its 2030 Mission as follows: to take urgent action across society to put biodiversity on a path to recovery for the benefit of planet and people. It also included 20 action-oriented targets for 2030, organised in clusters on reducing threats to biodiversity; meeting people's needs through sustainable use and benefit sharing; and tools and solutions for implementation and mainstreaming.

It further stated that effective implementation of the post-2020 framework requires implementation support mechanisms commensurate with the ambition set out in its goals and targets, and with the transformative changes required to reach them. These refer to sufficient financial resources, capacity building, generation and sharing of scientific information and knowledge, and technical and scientific cooperation and technology transfer. In addition, it made prominent mention of numerous relevant concepts: enabling conditions refer to the participation of indigenous peoples and local communities; a recognition of their rights in implementation; participation of all relevant stakeholders; women's empowerment; recognition of intergenerational equity; synergies with other multilateral environmental agreements and processes; partnerships to leverage activities at all levels; adequate inclusive and integrative governance to ensure policy coherence and effectiveness for implementation; and adequate political will and recognition at the highest level of government of the urgent need to halt biodiversity loss. Finally, it called for measures to monitor, review and report on implementation at the national, regional and global levels, reflecting the framework in relevant planning processes, including NBSAPs, periodic reporting (including through the use of identified indicators), periodic reviews and stocktakes of the progress made in implementation and the successes and challenges encountered. It also mentioned additional mechanisms for responsibility and transparency.

3. The Second Meeting of the Working Group

The second meeting of the Working Group was held from 24–29 February 2020 at the headquarters

of the Food and Agriculture Organization of the UN (FAO) in Rome, Italy.¹⁶ The meeting was relocated to Rome from Kunming, China, due to the COVID-19 outbreak.

At the opening session, regional groups and observers shared their views on the Zero Draft. New Zealand, on behalf of a group of non-EU developed countries, and Croatia for the EU, stated that the Zero Draft was a good basis for negotiation, although much work remained to be done. The EU called for it to better reflect the urgency of the biodiversity challenge and aim for higher ambition and stronger links with the SDG-related processes. South Africa, for the African Group, emphasised the need to ensure effective and timely means of implementation to support capacity building and technology transfer. Costa Rica, for the Latin American and Caribbean Group (GRULAC), emphasised sustainable development as the cornerstone of the post-2020 framework, further calling for ensuring resource mobilisation, adequately reflecting the three objectives of the CBD, and agreeing on ambitious goals to address the drivers of biodiversity loss. The International Indigenous Forum on Biodiversity emphasised that cultural diversity loss goes hand in hand with biodiversity loss and noted the need to integrate human rights in goals, targets and indicators.

Participants established four contact groups to review and address different sections of the Zero Draft: goals for the post-2020 framework; reducing threats to biodiversity; meeting people's needs; and tools and solutions for implementation and mainstreaming. In addition, a series of information sessions were held to address four topics: biodiversity, food and agriculture; the outcomes of the first global dialogue on digital sequence information; resource mobilisation and the financial mechanism; the role of science; and the role of the financial and business sectors.

Following deliberations, the Working Group requested the Co-Chairs to prepare a First Draft of the post-2020 framework and make it available six weeks prior to its third meeting. In addition, it requested that SBSTTA-24 provide elements for the development of the post-2020 framework for consideration at its third meeting.

4. Outlook

According to the update provided by the Co-Chairs in April 2020, "the Working Group wants

an ambitious post-2020 Framework that is easy to communicate, based on science, reflects the three objectives of the Convention, and provides the tools and conditions for strengthened reporting and successful implementation”.¹⁷ As the COVID-19 crisis unfolds, the third meeting of the Working Group has not yet been scheduled. It will be the last opportunities to provide scientific, technical and administrative advice for the post-2020 framework. SBSTTA-24 is expected to address a document prepared by the Co-Chairs, including draft language of updated goals and targets and proposed components. SBSTTA will then produce a scientific and technical analysis of the updated goals and targets, as well as develop potential monitoring elements, indicators and baselines based on those interim goals and targets. SBI-3 will consider several agenda items of relevance to the post-2020 framework, including resource mobilisation and financial mechanisms, capacity building, scientific and technical cooperation, technology transfer, knowledge management and communication, cooperation with other conventions, mechanisms for reporting, assessment and review of implementation, and mainstreaming.

Endnotes

¹ CBD COP 10 Decision X/2 (2010).

² Oliver, T.H. *et al.* 2015. “Biodiversity and Resilience of Ecosystem Functions”. *Trends in Ecology and Evolution* 30(11): 673–684.

³ Keesing, F. *et al.* 2010. “Impacts of biodiversity on the emergence and transmission of infectious diseases”. *Nature* 468: 647–652.

⁴ Online at <https://www.cbd.int/sp/targets/>.

⁵ CBD COP 13 Decision XIII/1 (2016).

⁶ CBD COP 14 Decision 14/36 (2018).

⁷ The three objectives of the CBD are biodiversity conservation, sustainable use of its components, and fair and equitable sharing of benefits arising from the use of genetic resources (CBD Art. 1).

⁸ See Young, T.R. 2019. “Contributions to the Post-2020 Global Biodiversity Framework”. *Environmental Policy and Law* 49(6): 309–312.

⁹ Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES). 2019. *The global assessment report on biodiversity and ecosystem services: Summary for policymakers*. Bonn: IPBES Secretariat. Online at <https://ipbes.net/global-assessment>

¹⁰ See CBD Secretariat website at <https://www.cbd.int/sbstta/>.

¹¹ CBD. Post-2020 Global Biodiversity Framework: Discussion Paper. Note by the Executive Secretary. UN Doc Symbol CBD/POST2020/PREP/1/1 (25 January 2019).

¹² A series of consultations were held for all UN regions, among biodiversity-related conventions, as well as on themes including access and benefit sharing, biosafety, ecosystem restoration, marine and coastal biodiversity, area-based conservation, resource mobilisation, monitoring, reporting and review, and capacity building. Background documents and reports of these consultations are available at <https://www.cbd.int/conferences/post2020/brc-ws>.

¹³ See Tsioumani, E. 2019. “On the road to the 2020 UN Biodiversity Conference: Imagining the post-2020 Global Biodiversity Framework”. IISD Policy Brief. Online at <http://sdg.iisd.org/commentary/policy-briefs/on-the-road-to-the-2020-un-biodiversity-conference-imagining-the-post-2020-global-biodiversity-framework/>.

¹⁴ The official report of the meeting and background documents are available at <https://www.cbd.int/conferences/post2020/wg2020-01/documents>. See also Nyingi, D.W., Finnegan, L. and Willetts, L. 2019. “Summary of the First Meeting of the Open-ended Working Group on the Post-2020 Global Biodiversity Framework”. *Earth Negotiations Bulletin* 9(732). Online at <https://enb.iisd.org/download/pdf/enb09732e.pdf>.

¹⁵ CBD. Zero Draft of the Post-2020 Global Biodiversity Framework. Note by the Co-Chairs. UN Doc Symbol CBD/WG2020/2/3 (6 January 2020).

¹⁶ The background documents of the meeting are available at <https://www.cbd.int/conferences/post2020/wg2020-02/document>. The official report was not yet available at the time of writing. See also Nyingi, D.W., Hestad, D. and Tsioumanis, A. 2020. “Summary of the Second Meeting of the Open-ended Working Group on the Post-2020 Global Biodiversity Framework”. *Earth Negotiations Bulletin* 9(751). Online at <https://enb.iisd.org/download/pdf/enb09751e.pdf>.

¹⁷ Online at <https://www.cbd.int/conferences/post2020/co-chairs-updates>.