# Anchoring non-state action within CBD processes: institutional and operational options for the post-2020 framework

**WORKSHOP REPORT**

Feb. 2022

**Workshop report – December 10 & December 17, 2021**

## 1. CONTEXT AND OBJECTIVE OF THE WORKSHOP

Originally scheduled for October 2020 in China, the 15th Conference of Parties to the Convention on biological diversity (COP15) will likely take place by the end of the first semester of 2022 and adopt the post-2020 global biodiversity framework, providing a pathway for enhanced action for biodiversity. Despite many delays and postponements of important meetings because of the Covid-19 outbreak, collective work has continued remotely with online discussions. Released in July 2021, the first draft of the post-2020 framework aims to foster transformative change to tackle biodiversity loss, through a whole-of-society and whole-of-government approach, through four 2050 goals, ten 2030 milestones, twenty-one 2030 action targets and reinforced means and modalities for implementation.

On the road to COP15, the mobilization of NSAs (NGOs, sub-national governments, private sector, etc.) fulfils strategic functions to create political momentum and help raise the ambition of decisions that will be taken by governments. After the COP, these actors will play a fundamental role in realizing nature-positive outcomes. Building upon, but going beyond, the "Sharm El-Sheikh to Kunming Action Agenda for Nature and People" launched at COP14, it appears necessary to channel this mobilization towards supporting the implementation of the post-2020 Global Biodiversity Framework (GBF), monitor these efforts that might not be visible in the national reports of Parties, and evaluate their outcomes in the context of global stocktaking of efforts for biodiversity.

With the objective to support negotiators, and more broadly all stakeholders, involved in the preparation of the GBF, the Institute for Sustainable Development and International Relations (IDDRI) and PBL Netherlands Environmental Assessment Agency organized in December 2021 a series of two workshops to foster discussions on the options to enhance non-state commitments and to link them to the GBF and other international frameworks, while ensuring both ambition and measurability. This report provides a synthesis of the discussion, that took place under Chatham House Rules.

## 2. THE DIVERSIFICATION OF VOICES IN MULTILATERAL SETTINGS AND PERSPECTIVES FOR THE CBD

This introductory session addressed the background of the evolving role of NSAs, both generally and in the context of international biodiversity governance within the CBD. The concept of "polylateralism"[1] was put forward as a new perspective and a way out of classic multilateralism, as non-state organizations now play a major role beyond national borders and States. However, understanding diverse and shifting balances at national levels is crucial. While several countries maintain a role for the central government, others have moved towards a more polylateral system, for instance relying more on subnational stakeholders. During a multilateral process and international negotiations, those differences require to find a consensus between different systems and may hinder developing an ambitious framework. Within the CBD and for the development of the new framework and instruments, it is thus necessary to reflect on the various legal systems and the way conservation policies have been developed around the world (voluntary vs. compulsory; hard rules vs. incentives, etc.).

Some may judge States are less powerful, and that advancing the sustainable development agenda requires

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1 A concept put forward by Pascal Lamy: https://geopolitique.eu/en/2020/12/07/polylateralism-as-the-way-forward-a-conversation-with-pascal-lamy/

the engagement of every part of society. In terms of outcomes and effectiveness, NSAs have played a considerable role within multilateral processes. There is a general recognition that while governments have a key role to set objectives—a "roadmap"—NSAs stimulate accountability and implementation. An important challenge is to provide an enabling environment for NSAs, and, at the same time, not to undermine the role of governments and not to shift their responsibility onto NSAs only.

Another challenge is to engage with a diverse group of NSAs, including businesses, indigenous people and local communities, NGOs, scientists, subnational and local governments, etc. In that respect, the post-2020 GBF must be a framework for all, with a language that is understandable and appealing to a majority of States and NSAs. The framework, and its related goals and targets, should not be too technical and foster a sense of ownership by NSAs but also sectoral ministries and agencies. Their participation at national and international levels, and particularly in the process of the GBF development, is therefore necessary. The first draft of the post-2020 GBF implicitly encourages the whole-of-society approach in all action targets, and explicitly in some (15, 16, 18, 20, 21), so that the targets provide a compass for more regulations, mandatory standards, but also incentives and social norms pulling the implementation in the right direction. The engagement of NSAs through instruments and means of implementation, such as planning, reporting, and review mechanisms, should also be further envisioned, in a way that those mechanisms are robust but also leave room for flexibility to fit in national circumstances.

Several participants drew a parallel between biodiversity and climate governance. The UNFCCC Nationally Determined Contributions (NDCs) were pointed out as a strong integrated system which could represent a model for integrating NSAs in the implementation of the post-2020 GBF. National Biodiversity Strategies and Action Plans (NBSAPs) established under the CBD could for instance represent the first way to include NSAs, including subnational actors, which is an existing process in federal States for instance as they rely more on their federated states for their reporting. More generally, the two interconnected issues of climate change and biodiversity loss are seen as not competing as both agendas could and should support each other.

In 2018, China and Egypt jointly launched the Sharm El-Sheikh to Kunming Action Agenda for Nature and People (AANP) at CBD COP14 to mobilize all actors, recognizing the achievements of the climate action agenda. As to the end of 2021, diverse types of organizations have submitted more than 300 pledges, mainly academic or research institutes and NGOs. It has been pointed out that the AANP should not become a space for greenwashing but a platform to uphold commitments and accountability. However, the diversity of types of actors, the acceptance across the full range of Parties and NSAs, and the dynamics between and among those actors should be considered when moving the AANP forward. The post-2020 GBF and the AANP underline the opportunity to call for more action and gather related information outside of the "formal" implementation of the GBF. The issue of power dynamics was

also highlighted, as a small number of players act in specific sectors, which is important to take back to universal discussions. A key example mentioned was the South African Coal Deal during UNFCCC COP26 in November 2021, which has unlocked a specific issue in a very particular context and was brought to the international conference.

Finally, discussions emphasized the role of indigenous people and local communities (IPLCs) in the global conservation efforts and the importance of reinforcing the right-based approach within the framework and relevant instruments and platform such as the AANP. Participants also highlighted the great potential of subnational and local governments to regulate economic sectors, and discussed the role and participation challenges of women and girls.

## 3. EXISTING MULTI-ACTOR COALITIONS ON THE ROAD TO COP15: NEEDS AND EXPECTATIONS TOWARDS THE POST-2020 GLOBAL BIODIVERSITY FRAMEWORK

Following the introductory session, this session aimed at hearing needs and expectations from NSAs and coalitions towards the post-2020 GBF and COP15. Three representatives from the private sector, subnational and local governments, and indigenous people and local communities presented their perspective before open discussions among all participants.

A representative of the One Planet Business for biodiversity (OP2B) presented the coalition's actions, contributions, and expectations towards COP15. The initiative is structured around three pillars–regenerative agriculture, products diversification, and high-value ecosystems–and objectives:
— Protecting and enhancing biodiversity at and around farms;
— Improving or preserving carbon and water retention in the soil;
— Enhancing the resilience of crops and nature while decreasing pesticide and fertilizer usage;
— Supporting the livelihoods of farm communities.

The OP2B representative indicated that the business sector (here the sector related to agricultural systems) has made progress and that companies are moving towards more ambition with action-oriented principles and practical projects. Since its creation, the coalition has participated and contributed to the post-2020 GBF negotiations and engaged in the decision-making process at the European Union level. The representative presented their key expectations from the post-2020 GBF and COP15 negotiation process:
— Redirect harmful subsidies to support better practices;
— Specify the contribution of the private sector, especially by ensuring that the framework considers the different sectors and value chains and provides proper guidance to NSAs..

A representative of ICLEI–Local Governments for Sustainability presented the perspective of the subnational and local governments. The role of subnational and local governments was highlighted as agents of the State who are mandated to act locally. Subnational and local governments are organized around many initiatives and platforms, such as CitiesWithNature & Regions WithNature, the Local Action for Biodiversity Program, and many declarations and summits, underlining their engagement for nature. More recently, the Edinburgh Declaration, endorsed by many subnational and local governments, showed a great commitment to support the implementation of biodiversity goals and targets. The representative pointed out the singularity of the CBD governance, which has a "systematic and comprehensive mechanism for multi-level governance" especially since the endorsement of the Plan of Action on Subnational Governments, Cities and Other Local Authorities for Biodiversity at COP10, a key Plan to ensure implementation at local and landscape levels. The key role of subnational and local governments as contributors to NBSAPs and to national reporting was also expected to be reinforced.

A representative of the Forest Peoples Programme presented key messages from the Local Biodiversity Outlooks 2 (LBO-2) as well as proposals and expectations for COP15, the post-2020 GBF and the AANP. First, the LBO-2 shows the necessity for further engaging with IPLCs in the planning (NBSAPs) and reporting (national reports) processes. There is however not enough use of indicators on Traditional Knowledge (TK). Aichi targets were not achieved partly because the contributions of IPLCs, of their rights and cultures, were not enough recognized and underlined.

The representative emphasized six major transitions from the LBO-2 to tackle biodiversity loss and at the same time safeguard IPLCs' rights: (i) securing land rights, (ii) revitalizing IPLCs' food systems, (iii) recognizing and respecting diverse ways of doing, (iv) promoting inclusive decision-making and self-determined development, (v) using resources sustainably and supporting local economies, (vi) rewarding (through resource mobilisation & allocation of resources, both monetary and non-monetary) IPLCs' solutions and ceasing harmful funding. Those transitions are closely linked to more than half of the action targets of the post-2020 GBF, but also to the means and tools for implementation, which are key to engage with IPLCs and other NSAs who can go further than the ambition of the GBF. Suggestions included:
— The creation of a Subsidiary Body on IPLCs, which could be permanent, and a new dedicated work programme within the CBD;
— The inclusion of IPLCs in NBSAPs, with a national focal point on TK;
— An emphasis on the importance of mainstreaming and of the whole-of-society approach;
— Monitoring, reporting, and review mechanisms are an important room for improvement, through for instance the adoption of appropriate indicators, Community-based monitoring and information systems (CBMIS)[2] or LBO to become a complement to the Global Biodiversity Outlook (GBO).

# 4. MONITORING, VERIFICATION, AND REVIEW OF NON-STATE COMMITMENTS

The second session was the opportunity to explore options for monitoring, verifying, and reviewing non-state commitments. The session was introduced by three speakers who presented their research or experience in setting up mechanisms for tracking non-state actions.

A researcher from the Institute for Environmental Studies of VU University Amsterdam (IVM) presented the results of a study[3] conducted by PBL and IVM on accountability of commitments by NSAs in the CBD post-2020 GBF. Based on an analysis of the state of play and of existing and relevant mechanisms, the research concludes that designing new mechanisms for monitoring, reporting, and reviewing non-state commitments represents a great opportunity to scale the ambition level up through advocacy and facilitate new commitments. It also shows a few challenges ahead, such as a potential shift of responsibilities away from established processes or green washing. Those challenges should be considered to avoid empty or counter-productive commitments. To avoid this, the objective would be to create credibility, requiring accountability and transparency of the commitments. Looking at various monitoring, reporting, and reviewing procedures from other multilateral processes, a few options were suggested:
— Aligning national and non-state actor commitments, *via*, for instance, a science-based targets approach or the involvement of stakeholders in the preparation of NBSAPs;
— Aligning national reporting with reporting on non-state actor commitments, bringing in NSAs into the review process;
— Aligning country-by-country review process and review of non-state actor commitments;
— Aligning NSAs with the global analytical review, this process requiring to develop a data and analytics community, in order to aggregate data in periodic gap analysis reports.

A representative of the Union for Ethical Biotrade (UEBT) indicated that the organization has put in place a certification system as well as a monitoring and evaluation system to assess the implementation of practices in companies and certified supply chains. Lessons from this experience include:
— What makes sense for a business sector does not make sense for another. He advised to measure what is the most relevant;
— Big values/big data: only focus on big volumes (palm oil, sunflowers, etc.), but a lot of positive impact along the supply chains, where local communities are directly involved. If we set targets and indicators on big volumes, we are missing important parts;
— Understand how instruments use 'standard' metrics. There is difference between what we see between actual practices on the ground and those assumed in standard metrics.

2   https://www.forestpeoples.org/en/topics/environmental-governance/publication/2015/community-based-monitoring-and-information-systems-

3   https://www.pbl.nl/en/publications/accountability-of-commitments-by-non-state-actors-in-the-cbd-post-2020-global-biodiversity-framework

The experience in building a National Action Agenda in the Netherlands to foster non-state contributions to tackle biodiversity loss was shared. Launched in 2019, this initiative aims at creating an overview of the existing non-state activities for biodiversity in the Netherlands and to identify potential new ones. As of the end of 2021, 152 organizations (NGOs, youth, academic and knowledge institutions, local governments, and businesses) have contributed to this agenda. Pledges contribute to different types of action, such as direct on-the-ground actions, the reduction of threats to biodiversity, but also education and capacity-building. Non-state actions should be further integrated in the Dutch NBSAP and national report. However, the high variety of pledges, and the variety of their quality, require a flexible and phased approach in monitoring, reviewing and verifying non-state actions. To this end, the UNEP-WCMC platform could serve as a guiding model for area-based commitments and be used at the national level.

Participants also pointed out some initiatives that could support transparency of non-state contributions to the post-2020 GBF:

— A soon-to-be-published report conducted by many international and non-governmental organizations looking at commitments made by coalitions compared with the current text of the GBF, to analyze the gap and draft recommendations to bridge it. This report aims to support and raise commitments, and at the same time, make sure those commitments are translated in the GBF;

— UNEP-WCMC has prototyped an area-based commitment platform to capture on-the-ground best practices. The platform will be launched in the following years. It will be possible for NSAs and individuals to demonstrate their contributions to global targets;

— The LANDSCALE plateform;

Following its mandate given by its members in February 2021, the IUCN Secretariat has begun the development of a Contribution for Nature platform. This will allow IUCN constituents to document their intended contributions to the Programme and by extension, other conservation frameworks and agreements such as the Global Biodiversity Framework, Paris Agreement, and Sustainable Development Goals. A fully operational platform is currently under development. Last, participants identified questions for further considerations:

— **How to combine non-state actor and Parties commitments** and how to evaluate and measure their respective contributions to the GBF? What kind of analysis and metric to develop to this end? Beyond area-based and spatial commitments, for which UNEP-WCMC and IUCN's tools exist, what kind of data could be used? Some underlined the necessity of a feedback, bottom-up process between the formal process at the CBD level and emerging non-state actions.

— **Shall commitments or their impacts be monitored?** For instance, for a "no-deforestation" commitment, shall the actual deforestation be monitored, or actions undertaken that may reduce deforestation?

— **How to develop transparency mechanisms so to meet the credibility challenge?** According to some participants, transparency is a pre-condition to understand what is happening to then get accountable for their actions. According to others, the credibility of non-state actions is not related to monitoring, reporting, and reviewing processes but to the legitimacy, which comes before those processes. There is however a general recognition that Parties cannot act alone, and non-state commitments should be further measured to ensure meaningful outcomes. There is however a lack of indicators in that respect. One participant suggested a global goal for businesses, financial organization, cities, etc.

— **Is an Apex goal necessary?** Some believe it would help generate momentum, but others underlined the scope for action changes between the different sectors (even in the climate arena for decarbonization). Nature is multi-dimensional, and some targets (protected areas) will receive more visibility than others. There was a global recognition that it is challenging and not practical to get one metric for all.

— **How to bridge climate and nature challenges?** Some participants stressed the integration of climate and biodiversity where useful while not forgetting about discreet actions on each side. Some suggested to further align through commonality in indicators, or indicators that can be translated across each agenda, as it may be difficult for NSAs to address two agendas independently.

## 5. WHAT TO EXPECT FROM COP15 AND BEYOND?

The last session aimed at identifying priorities for COP15 in relation to the institutional and operational options to anchor non-state action and their contributions within the CBD processes.

Participants emphasized the importance of platforms where NSAs can notify their commitments. Some lessons were drawn to support non-state action and the AANP. Some participants underlined the importance of political will, and the need to develop incentives (political, economic, social decisions) to convene actors in the ANNP. Others pointed out that the AANP should be reflected in the draft post-2020 GBF, which already mentions that all States & actors should have a role in implementing the framework; but roles could be described more specifically in the text. The AANP could be reflected in the post-2020 GBF, but also in a COP decision to put it on a permanent footing and extend its mandate. Another key document for engaging and involving non-state action is the action plan for Long-Term Approach to Mainstreaming (LTAM). The document could refer to the AANP as a concrete way to reinforce biodiversity mainstreaming across the society.

A gap report could represent a great opportunity to identify sectors where actions are needed. According to some, the first step would be to organize the efforts around key issues (main

drivers of biodiversity loss, and transition pathways identified by the IPBES global assessment and the GBO-5), especially on how to contribute to the post-2020 GBF. Participants raised the question of the credibility of commitments. According to some, there is a clear difference between actors' credibility and commitments' credibility. The latter needs accountability, and those commitments, preferably from key actors and sectors, should be monitored, reviewed, and showcased at COP15. As for States, submitted or updated NBSAPs could support the momentum and guide non-state action at the national level.

More generally, participants agreed on the necessity to address the framework as a whole and reiterated the importance of IPLCs. Some pointed out difficulties, as a Party, to detect and obtain consistent and reliable data on NSAs contributions, especially from smallholders and IPLCs which extensively contribute to tackle biodiversity loss. They face important challenges and have fewer resources than other NSAs, especially big corporations, and governments. Some suggested to put in place measures such as supply chain collaboration or capacity building for smaller NSAs. A representative underlined the experience of a working group on green economy and bioeconomy to balance corporate examples with local businesses. Finally, to be transformative, the framework should take into account "niche contributions" which, when cumulated and taken as a whole, should not be overlooked to achieve the 2030 mission.

# List of participants to the workshop

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|---|---|
| Gilles Kleitz | AFD |
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| Zino Irourar | Algeria, Ministry of Foreign Affairs |
| Monica Gabay | Argentina, Ministry of Environment and Sustainable Development |
| Mika Tan | ASEAN Centre for Biodiversity |
| Stanislaus Lebaga | Cameroon, Ministry of the Environment, Nature protection and Sustainable development |
| Valeria Trendafilova | Canada, Environment and Climate change |
| Hugo R. da Conceição | Carbon Disclosure Project |
| Ligu | CBD |
| Marcia Tambutti | CEPAL |
| Victor Alvarado | CEPAL |
| Ahmat Abaya | Chad, Ministry of Environment, Fisheries and Sustainable Development |
| Waldemar Coutts | Chile, Ministry of Foreign Affairs |
| Tian Yu | Chinese Research Academy of Environmental Sciences |
| Yijia Geng | Chinese Research Academy of Environmental Sciences |
| Basile van Havre | Co-chair of the Open-ended Working Group |
| Stephanie Paquin Jaloux | Firmenich - OP2B |
| Joji Carino | Forest Peoples Programme |
| Sylvie Lemmet | France, Ambassador for the Environment |
| Benoit Piguet | France, Ministry of Ecological Transition |
| Jean-Baptiste Dozier | France, Ministry of Ecological Transition |
| Lennart Kümper-Schlake | Germany, Federal Agency for Nature Conservation |
| GYBN representative | Global Youth Biodiversity Network |
| Ingrid Coetzee | ICLEI |
| Julien Rochette | IDDRI |
| Juliette Landry | IDDRI |
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| Johan Meijer | PBL |
| Marcel Kok | PBL |
| Max de With | PBL |
| Didier Babin | Post-2020 Biodiversity Framework - EU Support |
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| Aleksandar Rankovic | SciencesPo |
| David Cooper | Secretariat of the CBD |
| Jillian Campbell | Secretariat of the CBD |
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