



Report for the CBD Alliance

Thematic Consultation on Area-based conservation measures for the post-2020 global biodiversity framework

1-3 December, 2019

Montreal, Canada

I. Introduction

The workshop was an expert meeting aimed at providing specific inputs for the use of the Co-Chairs of the Working Group on the Post-2020 Global Biodiversity Framework for consideration in their work on the zero draft of the post-2020 framework. The expected outputs would contribute to informing negotiations at the second meeting of the Working Group, to be held in Kunming, China, from 24 to 29 February 2020.

II. Context

The debate around ABCM has been circumscribed under Aichi target 11 that states: *By 2020 at least 17 per cent of terrestrial and inland water, and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscape and seascapes.*

But ABCMs include not only protected areas (PAs) but also other effective area-based conservation measures (OECMs). They could also include Ecological Corridors/Areas of Connectivity Conservation, High Conservation Value Areas (as protected or conserved in some commodity certification schemes), and various governance arrangements for such area-based conservation measures, including territories and areas conserved by indigenous peoples and local communities (ICCAs).

The mid-term assessment of progress towards the implementation of the Strategic Plan for Biodiversity 2011-2020, presented in the fourth *Global Biodiversity Outlook* (GBO-4), showed at least some progress for all elements of Target 11. However, for all elements besides terrestrial protected area coverage, progress was occurring at an insufficient rate, and unless efforts were increased the Target would not be met by 2020¹. Also, while there's a quantitative increase in protected areas, their quality is at question added to the increased pressure over them by human activities. At the same time, some criticism around ABCMs include:

- Targets set based on representation do not address species persistence (e.g. minimum reserve area, or minimum replicates needed to ensure persistence);
- There is incomplete information on the distribution of most species;
- The amount advocated may either be inadequate to meet biodiversity conservation objectives, or inefficient by conserving amounts far in excess of what is needed;
- They may lead to 'perverse outcomes', such as the prioritization of large protected areas in low opportunity cost areas that may not be particularly important for biodiversity;
- they may imply that the "remainder of each ecosystem can be modified or destroyed";
- A strong focus on area-based conservation measures may detract from other actions required to address the full range of drivers of biodiversity loss;

¹ Secretariat of the Convention on Biological Diversity (2014), *Global Biodiversity Outlook 4*, Montreal, Canada: Secretariat of the Convention on Biological Diversity.

- The Half-Earth proposal, in particular, is criticized for not addressing the root cause of the problem (e.g. overconsumption in the Global North), for potentially having negative consequences on people, and not addressing conservation in the human-dominated other half;
- The world is heterogeneous (ecological and social conditions vary considerably), as such a 'one size fits all approach' (a single percentage-based target) is inappropriate (some areas will require far more protection than others)

III. Highlights from the meeting

The same methodology used for previous consultations was applied this time. For setting the context, a number of experts were invited to give presentations on specific matters. The presentation from IPBES reiterated the need for shifting away from business as usual and the one from NatGeo was centered on the potential benefits of strictly protected areas but pretty much ignored any reference to indigenous peoples and local communities. Also, the outcomes of two previous workshops on Restoration and Marine and Coastal biodiversity were presented as well as examples on target setting from five countries from all UN regions. All presentations are already available at: <https://www.cbd.int/conferences/post2020/post2020-ws-2019-09/documents>

Participants were then divided into discussion groups that were guided by a facilitator elected by the organizers. Having a central role of collecting the inputs that would then be reflected into the final report, facilitators had in their hands the task of capturing the best way possible the widely diverse comments and views. However, all the elected facilitators were only from the global north and with a western-academic background causing that many of the points expressed by civil society representatives to be either omitted or misinterpreted. We brought this situation to the attention of the Secretariat and the co-chairs of the OEWG on post-2020 who were also present there. This immediate action helped in onward discussion sessions, but it is an alert that without the presence of civil society the debates would be only led by the usual dominant lines of thought.

Civil society present at the meeting acted coordinately and even prepared a final document containing some of our main points for each discussion. The document was sent to the organizers so our points could be taken without misinterpretations.

The points presented below are extracted from that document and do not represent a common position, but simply a collection of important ideas, concerns and proposals somehow shared by civil society:

Discussion table 1: *The potential scope of area-based conservation measures to be included in the post-2020 framework (for example protected areas, OECM, indigenous lands), considering also other relevant international instruments and processes, and including possible coverage (for example the percentage of terrestrial and percentage of marine ecosystems with a special spatial management regime)*

According to the Rights and Resources Initiative, as much as 65% of the world's land is communally held by indigenous peoples and local communities (IPLCs). These lands have been managed for thousands of years through traditional wisdom, providing both sustainable livelihoods and biodiversity habitat. Yet, only 10% of their lands have been legally recognized. That's why the world need 100% legal recognition of indigenous and community lands, territories and waters.

According to Garnett et al (2018), Indigenous lands specifically cover 25% of the terrestrial surface, two-thirds of which is in a natural condition, containing 80% of the world's remaining biodiversity.

We can deduce that 40-50% of the terrestrial surface is managed by IPLCs and in a natural condition capable of supporting biodiversity.

So if the goal of the CBD is to preserve biodiversity, it should incorporate traditional land management by IPLCs, providing a mechanism to strengthen land tenure claims with governments who are Parties to the CBD.

Area-based targets are one means to do so. Of the 15% of land designated as Protected Areas (PAs) under Aichi target 11, 40% overlaps with indigenous land (Garnett et al, 2018). Additionally, many PAs have been contested as "land grabs" taken from IPLCs.

The post-2020 area based targets under CBD must not support land grabs. If government parties claim IPLC land as part of their contribution to the CBD, without the free, prior and informed consent, and self-determined management of those areas, such lands should not be accepted under the convention.

Instead, the convention framework should allow for voluntary designation by Indigenous Peoples and Local Communities of their communally held land that contributes to the biodiversity objectives of the convention.

We know that when comparing side-by-side government PAs with indigenous reserves, the biodiversity outcomes are always much greater for the latter.

So allowing IPLCs to voluntarily designate land is a win-win that will both increase the efficacy and quantity of PAs accounted under the CBD, while also helping IPLCs to secure their land tenure rights.

In fact, it will be impossible to achieve the stated goals of the CBD without the full cooperation and support of Indigenous Peoples and Local Communities.

According to the "Global Deal for Nature," 50% of land area must be conserved to save biodiversity as the planet warms to 1.5C. We have lost 60% of mammals, birds, fish and reptiles since 1970. We simply cannot lose any more habitat and expect to achieve any of the goals under the CBD. Approximately 47% of the world's land is in a natural or semi-natural condition — land that supports biodiversity, stores carbon, and increases water security. So an additional 3% of lands must be restored to get to the 50% target. Almost all of the additional land required to achieve the 50% target is made up of land communally held by Indigenous Peoples and Local Communities, and IPLCs must be provided with a mechanism to designate these lands voluntarily under the CBD, without any fear of government land grabs.

Since nearly all remaining high-biodiversity lands are communally held by IPLCs, who is selected to be part of the "next 15" to be added to the 15% currently protected? Which communities are left out? And what happens to the remaining 10-20% of IPLC land that has functioned for hundreds of years as refugia for wildlife?

These are essential moral questions we must answer without much delay. It is clear that all IPLC land in a natural condition must be incorporated into the CBD. The 50% target would allow for that inclusiveness, while also giving us a chance of preserving the biodiversity that remains as the planet warms to 1.5C. We should also ensure that.

The 30 x 30 global area target alone is not sufficient to preserve biodiversity. The conservation community should be very careful in pushing for spatial targets without fully engaging with IPLCs.

Discussion table 2: *Representativeness, especially areas of importance for biodiversity and ecosystem services (areas of importance for priority conservation and for conservation overall in the long term)*

Representation not only of eco-regions or ecosystems but also of governance types should be a target, recognizing in particular the role of indigenous peoples and other collectively governed land types. This is particularly critical given the clear assessment results of the global IPBES (Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services) report indicating that a significant proportion of remaining biodiversity is conserved and held by indigenous peoples.

Discussion table 3: *Connectivity (enhancing a coherent well-connected network of areas of importance for biodiversity and ecosystem services) and the ecosystem approach*

Indigenous lands, territories and resources play a very key role in this subject, in some areas are the last areas that protect biodiversity and at the same time, are key for the protection of traditional knowledge. Where conservation is an objective, indigenous peoples' lands, territories and resources may be known as Indigenous and Community Conserved Areas (ICCAs). On this sense, ICCAs needs to be part of connectivity. Derived from the previous, Indigenous Peoples and local communities's collective rights need to be respected.

OECMs play a key role in connectivity and IPLCs (Indigenous Peoples and Local Communities) should be taken into full account. Last but not least, a tool that is important for connectivity is spatial planning and if we promote a collective way to do it, we will guarantee ownership of the result also. On this spatial planning we need to list all the drivers.

Discussion table 4: *Effectiveness (including means to improve and strengthen conservation effectiveness)*

There is clearly a certain level of difficulty in assessing the effectiveness of the current Protected Area system, both from a process and outcome point of view. Many comments over the past three days from people more closely involved in monitoring protected areas than us have made it clear that the effectiveness of a large number of these areas in contributing to the convention's aim of conserving biodiversity is far from clear, measurable, or even, in places, intended or expected. From the point of view of effectiveness in delivering the 'equity' element of the Convention of Biological Diversity (CBD), tools are either insufficient, unused, or currently missing. Both positive and negative indicators on the human rights impacts of the current PA estate are possible and should be introduced, for instance.

1. Effectiveness indicator related to the presence or absence of conflict with communities and peoples.
2. Effectiveness indicator related to the land tenure arrangements that underpin Protected Areas, with a linked target to increase indigenous peoples' titled ownership over areas they govern.

The logic of OECMs (Other Effective Area-Based Conservation Measures) suggests that effectiveness will be an essential element in the identification of these types of sites or areas. Verification of such effectiveness should be assessed according to the self-determined objectives and indicators of the stewards of such areas, as long as they contribute to biodiversity conservation. Direct reporting of OECMs by the stewards of the areas should be encouraged or required, in order to rebalance the world's recognition of conservation outcomes away from the preponderance of government or State-led areas currently included in global databases.

Discussion table 5: *Equity and good governance, as well as benefit-sharing (including social impacts and ecosystem services)*

Connect and use indicators and existing mechanisms and frameworks already implemented and in place in other spaces that specialize in particular elements related to equity and governance, such as:

- Sustainable Development Goals framework
- Escazú Agreement.
- Aarhus Convention.
- Indigenous Navigator.
- United Nations Human Rights Declaration, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
- United Nations Special Rapporteur on Human Rights, Indigenous Peoples Rights, Human Rights and the environment.
- Rights of nature

We strongly encourage a review and incorporation of these indicators and reporting frameworks where relevant, particularly for socio-economic indicators, land tenure, cultural diversity and governance indicators.

The following should all be achieved to ensure equity:

1. *Effective laws, policies, institutions in place.*
2. *Full and meaningful participation in decision-making.*
3. *Access to information.*
4. *Access to justice.*
5. *Compliance with international human rights laws, standards, and frameworks.*

In considering the subject of equity, special consideration must be provided to women, youth, indigenous peoples and local communities and other vulnerable groups.

Another dimension of equity is intergenerational equity, which means that all generations share a common but differentiated responsibility in ensuring a healthy planet for the generations that follow.

Discussion table 6: *Land- and sea-scape approaches to enhance conservation outcomes and sustainable use, including spatial planning.*

There is rich traditional knowledge, innovations, and practices on managing landscapes and seascapes. Many IPLC lands and territories are good cases of landscape approaches —with zones for active use, strict protection and sacred sites, etc.— and there is much potential in recognizing IPLC territories as an ABCM in the aspect of integration.

Extra discussion table: *Resource mobilization*

The last day of the workshop was dedicated to discuss issues proposed by attendees that had not been addressed or had not been addressed deeply enough during the previous days. One important issue brought by civil society was resources mobilization as it involves important elements such as the principle of common but differentiated responsibilities; possible dangerous

market-based schemes; and others related. Below some notes taken from the discussion in the group:

Seven to eight different studies will be concluded and contribute to the post-2020 agenda. They will not reveal much new information as they simply collect available information.

The World Economic Forum is highly involved and looking to contribute to the resource mobilization debate. Switzerland and other countries are exploring ideas on how to grant resources for biodiversity. The Chinese government also has plans to offer a monetary commitment similar to the German contribution when they hosted the COP.

Some studies are covering the costs of inaction.

Nature based solutions came in traction. When you look at resource mobilization both public and private go to energy issues and little goes to nature.

On Area based measures we are at a different position. In others, we are talking about market-based solutions. Here we cannot really connect to market-based solutions. So here, costs have to be covered by other sources. There are few private schemes but no large conservation schemes. If you look at all the private sector money, it is really not enough.

The enforcement costs money and it is difficult.

Resources should be directed not only to address the management of PAs or OECMs but the development costs. The UK study is looking at such costs.

The main competition on land for PA is agriculture. At sea is fishing. In the latter one, there are concrete benefits through protected areas.

How would this funding be distributed. Through GEF..? New mechanisms? Some parties want to continue and others want other options. For many developing nations, GEF is extremely bureaucratic and difficult to access.

One of the biggest failures is that it took too long to study how much Aichi targets would cost and only then looking for the money. So we are trying to get the studies earlier. So companies can have commitments.

Other funding mechanisms can be used taking into account the ecological services provided by OECMs.

In some countries, the government owns the land so there's no private involvement for example.

Development banks, and other regional development banks have trillions of investment and in many co-benefits can be built. There's a lot of potential. In order to speak to this audiences, we need a spokes person. Coordinated efforts like a CEO for example.

The WEF has put a group of business for nature. Big CEOs will make the case for biodiversity.

The time lag not only in getting the money but on when it gets to flow. We should think about different scales. More smaller bilateral funds and those donors can move the doors within a week for example.

Specially in small islands we do not have enough capacities to deal with resource mobilization. We need the person on the ground.

As an example with CC, every investment is climate screened. The EU is pretty much in favor. The IMF is into this green agenda. There can be momentum to do something.

Most of the discussion is not in the target 11 space. It is on mainstreaming, subsidy reforms, etc. How do we make sure that target 11 financing makes it through?

Companies do not do things from their heart. There's a need for compliance mechanisms so resources can flow to this emergency.

Another source of funding could be redirect subsidies. Who, at what level of leadership does this have to be made? Philanthropists should not be leading this momentum, but rather States at all their levels.

- It is crucial to redirect harmful subsidies to protected areas
- We need mechanisms to redirect resources and but also to have new and additional resources. There is very limited funding for PAs.
- GEF needs additional funding including from the private sector that needs to get more involved.
- Procedures need to be improved. If a project is planned for 5 years, for at least 2 years the money does not move due to bureaucracy.
- It is important to have resources to convince parties to change their development pathways
- Market based mechanisms are not effective in many cases.
- Deeper analysis on where huge investments go is required. GEF is peanuts compared to the whole investment in the world that causes damage to biodiversity.
- Information should be available including for example having a basket of projects that require funding. This could be attractive to donors.
- Developing nations need direct finance mechanisms that are equitable and provide enough resources to reach the projected goals.
- Resources are needed also at a community level.
- Bring the scientific case. It could attract other sorts of investments (aside from money).
- The bureaucracy on the access to funding needs to be reduced. It should be taken into account the mixed capacities in a country where the communities have the practical capacities and the government only plays a facilitation role.
- Any finance or resource mobilization mechanism has to be framed under a strong rights based approach.
- In order to obligate our governments to pay we need legislation and enforcement.
- We should demonstrate also how the private sector will benefit from what they invest on. This in case of applying extra taxes for biodiversity for example.
- If there is a global target, there are differentiated burdens among countries. Right now, there is no sufficient recognition of the principle of CBDR.

IV. Agenda of the meeting

1. Opening of the workshop.
2. Introduction to and purpose of the workshop.
3. Organizational matters.
4. Outcomes of previous thematic workshops for the post-2020 global biodiversity framework.
5. Stock-taking on current state and future trends.
6. Area-based conservation measures and the 2050 Vision.
7. Lessons learned from the work towards the achievement of Aichi Biodiversity Target 11.
8. Case studies focused on target-setting for the post-2020 global biodiversity framework.
9. Area-based conservation measures in the post-2020 global biodiversity framework: elements of goals and targets.
10. Baseline and indicators for effective monitoring.
11. Contribution to other potential elements of the post-2020 global biodiversity framework.
12. Further items for discussion.
13. Closing of the workshop.

V. Participants from civil society

- Helen Tugendhat, Forest Peoples Programme
- Josefa Tauli, Global Youth Biodiversity Network
- Oscar Soria, Avaaz
- Isaac Rojas, Friends of the Earth International
- Ghanimat Azhdari, ICCA Consortium
- Mrinalini Rai - CBD Alliance
- Gadir Lavadenz, CBD Alliance

VI. Useful references

All presentations and official documents are already available at:

<https://www.cbd.int/conferences/post2020/post2020-ws-2019-09/documents>

Elaborated by:

J. Gadir Lavadenz Lamadrid

CBD Alliance Coordinator

2019