

## OUTCOMES STATEMENT FROM CBD COP14 BIODIVERSITY LAW & GOVERNANCE DAY 2018

14th Conference of the Parties to the CBD  
15:00 Plenary Sunday, 25 November 2018  
Sharm El-Sheikh, Egypt

Thank you, and hello. I am Professor Dr Marie-Claire Cordonier Segger, Chair of the CoP14 Biodiversity Law & Governance Day, Professor of Law at uWaterloo in Canada, Senior Director of the Centre for International Sustainable Development Law (CISDL) and Dean of the new International Law School for Sustainable Development (ILSSD) Commission in Cambridge, United Kingdom.

**On behalf of the BLGI, I would like to thank our kind Chair, our generous Egyptian Hosts, distinguished Delegates, Observers and partners for this opportunity.**

On the 23<sup>rd</sup> of November at COP14, Parties and Observers to the CBD and other biodiversity accords convened nearly 100 law deans, general counsels, arbitrators, experts, policy-makers, practitioners, stakeholders and students from law, governance and other fields, in order to **scale up efforts to address the main drivers of biodiversity loss, implement the Strategic Plan 2020 and the global Sustainable Development Goals (SDGs) through legal and institutional measures.**

**The 2018 Biodiversity Law & Governance Day** was the second biennial event of its kind, building on the success of CoP13's BLGD in Cancun. It was a rich and substantive exchange, focused on dialogue, engagement and action.

**Together, we are building a global biodiversity law and governance Community of Practice to support the implementation of the CBD regime and the global SDGs.**

Law and governance can be a powerful tool for our world's biodiversity.

If carefully crafted and faithfully enforced, legal and institutional reforms can take down barriers to achieving the objectives of the Convention.

**CoP14's Biodiversity Law & Governance Day 2018** identified innovations, shared experiences and charted a way forward in four main areas:

- **Mainstreaming biodiversity across sectors through law:** *Law and governance mechanisms can help mainstream biodiversity into energy and mining, infrastructure, manufacturing and health sectors. Public participation, access to information and justice, environmental assessments, including strategic assessment, were identified as useful measures.*
- **Legal tools to achieve Strategic Plan 2020 and beyond:** *COP 15 in 2020 is expected to consider for adoption the post-2020 global biodiversity framework in the context of the 2050 Vision, the 2030 Agenda for Sustainable Development and other processes. Law and governance tools, including rights-based approaches and indigenous treaties, are helping to implement the current Strategic Plan- they offer valuable innovations. Law and governance can make an essential contribution to the post-2020 framework.*
- **Legal measures to implement the Nagoya Protocol:** *The Nagoya Protocol has been in force for nearly four years, and Parties will undertake the first review of its effectiveness at COP-MOP 3. Many lessons can be learned from national and regional implementation efforts. Law can provide a framework for emerging technologies and contribute to the Protocol's objectives.*

- **Enhancing synergies between biodiversity treaties and instruments:** *Many international treaties and organizations are important for biodiversity and ecosystems. Law and governance mechanisms can be used to improve coordination and cohesion, delivering their commitments on the ground.*

Through BLGD 2016 and 2018, we seek to:

- Profile and share innovative legal & institutional challenges, mechanisms and best practices;
- Catalyse knowledge exchange to co-generate new approaches & understanding; and
- Support law & policy education and capacity development for implementing the CBD regime, our Strategic Plan and the SDGs.

**All Parties and Observers are very welcome to join this Initiative, as sponsors, partners, thematic leaders or participants.**

Senior representatives and experts from CBD Parties have formed a Programme Committee to guide the growing Initiative. We would especially welcome all interested governments and stakeholders to contact us, in order to help shape the next BLGD at COP15 in 2020, and ideally, to serve distinguished judges for the global biodiversity law & policy student essay competition and moot in 2020.

In conclusion, we are very grateful to the Centre for International Sustainable Development Law (CISDL) and the CBD Secretariat (SCBD), together with the UNDP, Swedbio / Stockholm Resilience Centre, the Governments of Sweden and Norway, the Al-Khataibeh Centre for Arbitration in Jordan, the Universities of Sao Paulo in Brasil, Waterloo in Canada, Costa Rica, Nairobi in Kenya, Chile and Cambridge in the UK, along over 60 other brilliant partners, for a very successful Biodiv Law & Governance Day this COP and for our collaborations to come.



*Deepest thanks & acknowledgements are due to the partners & advisors from the BLGI Programme Committee*



*Deepest gratitude is also due to the successful session hosts & collaborators for BLGI Session Hosts:*



\* Invited, participation to be determined



## **BACKGROUND**

### **Biodiversity Law & Governance Day 2018 Programme Outline**

08:30 – 09:00    **Registration**

09:00 – 09:30    **Plenary: Welcome & Opening** (El Wadi/CG6)

*Master of Ceremonies:* Mr. David Caughey (Biodiversity Programme Coordinator, CISDL)

*Words of Welcome:* Dr. Cristiana Pasca Palmer / David Cooper (Executive Secretary/Senior Officer, CBD)\*

*Chairs:* Prof. Marie-Claire Cordonier Segger (Senior Director, CISDL / Professor, uWaterloo / Senior Fellow, uCambridge) & Prof. Jorge Cabrera (Lead Counsel, CISDL / Professor, uCostaRica)

*Partners:* Dr. Claudia Ituarte (Adviser, Swedbio/Researcher, Stockholm Resilience Centre (SRC)); Mr. Gaute Voigt-Hanssen (CBD Head of Delegation & Senior Advisor, Norwegian Ministry of Climate and Environment); Mr. Tim Scott (Senior Policy Advisor, UNDP); Prof. Patrícia Faga Iglecias Lemos, University of São Paulo

9:30 – 10:30    **Plenary: Legal Aspects of Implementing Biodiversity Accords for the Sustainable Development Goals (SDGs)** (El Wadi/CG6)

*How do international treaties on biodiversity contribute to achieving the global SDGs? How can legal and institutional reform support implementation of these accords? What are the key trends, challenges and most promising innovations?*

*Chairs:* Prof. Marie-Claire Cordonier Segger (Senior Director, CISDL / Professor, uWaterloo / Senior Fellow, uCambridge) & Dr. Balakrishna Pisupati (Chairperson, FLEDGE)

*Legal Experts:* Prof. Jorge Cabrera (Lead Counsel, CISDL / Professor, uCostaRica); Prof. Robert Kibugi (Senior Legal Fellow, CISDL / Professor, uNairobi); Mr. Frederic Perron-Welch (Legal Research Fellow, CISDL & Researcher, uLeiden); Dr. Kishan Khoday (Regional Team Leader for Climate Change, DRR and Resilience UNDP\*).

10:30 - 10:45    **Health & Networking Break**

10:45 – 11:45    **Concurrent Workshops/Roundtable Sessions 1** (El Wadi/CG6 & Dahab/CG3)

**Session 1A: Traditional Knowledge Legal Innovations for Nagoya Protocol Implementation** (El Wadi/CG6)

*What are the challenges facing the recognition of traditional knowledge, protection of biodiversity and implementation of the Nagoya Protocol? What legal and institutional innovations have Norway, Brazil & EU adopted in order to address these challenges? What has been the experience with new laws and mechanisms to date?*

*Hosted by:* Norwegian Ministry of Climate and Environment

*Chairs:* Mr. Gaute Voigt-Hanssen (CBD Head of Delegation & Senior Advisor, Norwegian Ministry of Climate and Environment)

*Presenters & Discussants:* Dr. Henry de Novion (Senior Officer, Ministry of the Environment, Brasil)\*/Dr. Maira Smith (National General Coordinator for Regulatory Affairs on ABS, Brasil); Ms Linda Lund, Senior Advisor, Ministry of Climate & Environment, Norway); Dr. Sten Olav Heahтта (Sami Parliament, Norway); Ms. Alicja Kozłowska (Policy Officer, EU Focal Point for Nagoya Protocol).

**Session 1B: Public Participation & Access to Justice in Sustainable Use of Biodiversity – From Aarhus to Escazu** (Dahab/CG3)

*How have the contours of public participation and access to justice in the biodiversity context changed from Aarhus onward? What does Escazu mean for the region and for the larger ways in which the international community conceives of public participation and access to justice in the biodiversity context? What methods of global governance and implementation systems have been effective in crafting the growth and parameters of public participation and access to justice in the biodiversity context?*

*Hosted By:* International Law Association (ILA) Colombia; Lauterpacht Centre for International Law (LCIL) of uCambridge; Helmholtz Centre of uMunich; Grotius Centre at uLeiden; Law Faculty at uCostaRica & Centro de derecho ambiental (CDA), uChile

*Chairs:* Dr. Alexandra Harrington (Lead Counsel, CISDL / Fulbright Fellow, Balsillie School of International Affairs BSIA)

*Presenters & Discussants:* Dr. Markus Gehring (Lead Counsel, CISDL / Lecturer, uCambridge); Mr. Frederic Perron-Welch (Legal Research Fellow, CISDL & Researcher, uLeiden); M. Erick Kassongo (Executive Director, Congolese Centre for Sustainable Development Law (CODED), DRC / Legal Research Fellow, CISDL OL); M. Mohamed Hafijul Khan (Adj Lecturer, uNorth-South, Bangladesh / Legal Research Fellow, CISDL OL); Ms. Mery Ciacci (Policy Officer, EU Focal Point for Nagoya Protocol).

11:50 – 12:50 **Concurrent Workshops/Roundtable Sessions 2** (El Wadi/CG6 & Dahab/CG3)

**Session 2A: Mainstreaming Biodiversity in Mining and linked Sectors for SDGs** (El Wadi/CG6)

*What governance mechanisms facilitate better mainstreaming of biodiversity and linked community concerns into the design, financing, and implementation of mining policies and across the mining cycle? How can procedural rights be used to safe-guard both environmental and substantive human rights? What diagnostics and participatory consultation and monitoring tools can be used to advance mainstreaming?*

*Hosted by:* United Nations Development Programme (UNDP) and Swedish EPA

*Chair:* Dr. Tim Scott (Senior Policy Advisor, UNDP)

*Presenters & Discussants:* Mr. Kiruben Naicker (Science Policy Interface Director, Biodiversity & Conservation, Department of Environmental Affairs, South Africa); Dr. Claudia Ituarte (Senior Officer, Swedbio); Mr. Kabaka Watai (MEAs Director, Ministry of Tourism & Wildlife, Kenya); Ms. Rahima Njaidi (Executive Director, MJUMITA Community Forest Conservation Network, Tanzania).

**Session 2B: Biodiversity Conservation for Achieving the Sustainable Development Goals** (Dahab/CG3)

*What are the key lessons from biodiversity governance for the implementation of the SDGs overall? What SDGs are most impacted by/ that potentially impact biodiversity governance? How can we define the fundamental relationship between biodiversity governance and achievement of the SDGs?*

*Hosted by:* University of São Paulo

*Chairs:* Prof. Patrícia Faga Iglecias Lemos (Professor and Head of Environmental Affairs, University of São Paulo)

*Presenters & Discussants:* Dr. Jéssica de Carvalho Hipólito (Lawyer, São Paulo State Forest Foundation); Prof. Christiano Jorge Santos (Public Prosecutor / Professor, PUC São Paulo); Dr. Rodrigo Levkovicz (General Director, São Paulo State Forest Foundation); Dr. Frineia Rezende (Executive Manager, Votorantim Protected Areas); Ms. Caroline Marques Jorge Santos (PhD Student, uSão Paulo).

12:50 – 13:35 **Luncheon** (El Wadi/CG6)

13:40 – 14:40 **Concurrent Workshops/Roundtable Sessions 3** (El Wadi/CG6 & Dahab/CG3)

**Session 3A: Human Right to a Healthy Environment & the SDGs - Weaving SDG16 & Human Rights into the post-2020 global biodiversity framework** (El Wadi/CG6)

*How are the global recognition of the human rights to a healthy and sustainable environment and SDG 16 connected? How can human rights be integrated in the post-2020 global biodiversity framework? How can an enabling environment for environmental human rights defenders to exercise their rights be enhanced?*

*Hosted by:* Swedbio/Stockholm Resilience Centre (SRC), University of Nairobi, International Development Law Organization (IDLO), Office of the United Nations High Commissioner for Human Rights (OHCHR) – Special Procedures, UN Environment and Natural Justice

*Chairs:* Prof. Robert Kibugi (Senior Legal Fellow, CISDL / Professor, uNairobi) and Dr. Claudia Ituarte (Adviser, Swedbio/Researcher, SRC)

*Presenters & Discussants:* Legal practitioners, government and inter-governmental officials, human rights and biodiversity experts, and environmental human rights defenders (TBC).

**Session 3B: Middle Eastern Experiences - Advancing Biodiversity Law and Governance** (Dahab/CG3)

*What are key lessons in biodiversity law and governance that have emerged from the Middle East region? How have the challenges and needs of the Middle East been incorporated into larger constructs of international biodiversity governance? What are the key lessons from the Middle East region for the implementation and achievement of biodiversity-related aspects of the SDGs?*

*Hosted By:* Association of Environmental Law Lecturers in Middle East Universities (ASSELLMU) & Gulf Research Centre

*Chairs:* Prof. Mohamed Abdelraouf (Sustainability Programme Manager, Gulf Research Centre)

*Presenters & Discussants:* Dr. Nihaya Khalaf (Lecturer, uKirkuk / Visiting Scholar, uSheffield,OL); Prof. Damilola S. Olawuyi (Professor, HBKU / Senior Legal Fellow, CISDL/uOxford, OL); Dr. Omar Al Khateibeh (Executive Director, Al-Khateibeh Centre for International Arbitration & Training); Mr. Moustafa Madbouhi / Mr. Larbi Sbai (Senior Officers, Ministry of Fisheries, Morocco);\* Ms. Hiba Obaid Al-Shehhi (Senior Officer, Ministry of Climate Change & Environment, United Arab Emirates);\* Mr. Mohamed Ali Ben Temessek (Senior Officer, Ministry of Environment & Sustainable Development, Tunisia).\*

14:45 – 15:15 **Health & Networking Break** (El Wadi/CG6)

15:15 – 16:15 **Concurrent Workshops/Roundtable Sessions 4**

#### **Session 4A: The Swedish Experience and Beyond - Using Law & Governance in Mainstreaming Biodiversity for Positive Socio-Ecological Outcomes** (El Wadi/CG6)

*How to secure species protection within the Swedish environmental permit process? What are the outcomes of using Reindeer Husbandry Plans in environmental permitting? How to weave the CBD guidelines, safeguards and human rights?*

*Hosted by:* Swedish EPA, Swedbio/Stockholm Resilience Centre (SRC), Sami Parliament

*Chair:* Mr. Johan Abenius (Senior Advisor, Swedish Environmental Protection Agency)

*Presenters & Discussants:* Mr. Olof Ekström (Senior Officer, Swedish Environmental Protection Agency); Ms. Matilda Månsson & Mr. Per-Olof Nutti (Members, Sami Parliament in Sweden); Dr. Claudia Ituarte (Adviser SwedBio/Researcher, SRC) & Ms. Niak Sian Koh (PhD Student/SRC).

#### **Session 4B: Advancing the SDGs and the Aichi Targets through Indigenous Treaties & ABS Agreements** (Dahab/CG3)

*How can international, regional and national indigenous treaties forward the SDGs and the Aichi Targets in order to build more inclusive mechanisms? How can indigenous communities use indigenous treaties to assist countries with the implementation and achievement of the SDGs, particularly SDG 15, and the Aichi Targets? What are best practices and institutional designs for ensuring that biodiversity governance mechanisms include the perspectives and needs of indigenous communities?*

*Hosted by:* School of Environment, Enterprise and Development (SEED), uWaterloo; International Inter-Tribal Trade and Investment Organization IITIO; Centre for Energy, Environment and Natural Resources Governance (CEENRG) at uCambridge; Sociedad Peruana de Derecho Ambiental (SPDA)

*Chairs:* Prof. Marie-Claire Cordonier Segger (Senior Director, CISDL) & Prof. Robert Kibugi (Senior Legal Fellow, CISDL / Lecturer, University of Nairobi)

*Presenters & Discussants:* Dr. Alexandra Harrington (Fulbright Fellow, BSIA / Lead Counsel, CISDL); Ms. Tara Dawn Atleo (PhD Candidate, University of Waterloo / CEO, Ahousaht Economic Development Corporation); Dr. Manuel Ruiz (Director, SPDA); Prof. Joe Vogel (Professor, uPuerto Rico); Prof. Padmavati Manchikanti (Dean, Rajiv Gandhi School of IP Law, IIT Kharagpur); Ms. Aysegül Sirakaya (Phd Research, uGhent).

17:15 – 18:00 **Closing Plenary with Thanks & Acknowledgements** (El Wadi/CG6)

*What were the key insights of each session during BLGD 2018, from the Chairs or Rapporteurs perspectives? What are the most important lessons learned, what new collaborative ventures should be prioritized, and how to advance the agenda for CBD implementation on the ground?*

*Chairs:* Prof. Jorge Cabrera (Lead Counsel, CISDL / Professor, uCostaRica) & Dr. Elizabeth Mrema / Mr. Andreas Obrecht (Law Division, UN-Environment\*)

*Special Presentation:* Dr. Kent Nnadozie (Secretary of Governing Body, International Treaty on Plant Genetic Resources for Food & Agriculture / UN FAO, OL)\*

*Chairs/rapporteurs from each session shall present findings to the plenary before closing.*

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