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# Biodiversity Law & Governance Day 2018 Proceedings Report

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*14th Conference of the Parties to the CBD*

*23 November 2018*

*Sharm El-Sheikh, Egypt*

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



*Deepest acknowledgements are due to international organization partners and members of the BLGI Programme Committee*



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## About the Biodiversity Law and Governance Initiative (BLGI)

The BLGI supports and generates knowledge sharing activities, an active community of practice, and specialised biodiversity law and governance capacity-building events and courses alongside the annual Conferences of the Parties to the United Nations Convention on Biological Diversity. It coordinates the work of a broad climate action coalition of international organizations, academic institutions, leading law associations and law firms, courts, and tribunals.

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## Foreword

It was an honour and a pleasure to co-chair the Biodiversity Law and Governance Day 2018 (BLGD 2018), the second such events, in what has become a fascinating and engaging international forum since its formal launch at the UNCBD CoP13 in Cancun. It is marvelous to be part of this initiative, and to witness its growth, as we continue to advance awareness, open debate, research, capacity development and sharing of law and governance solutions to the challenges and opportunities of biodiversity at all levels. It has been a special pleasure to support the next vibrant generation of biodiversity and biodiversity-related scholars, law and governance leaders and professionals through our student engagement.

During BLGD 2018, we celebrated the launch of three outstanding new international publications. With over 270 jurists, professors, legal researchers, international officers, parliamentarians, delegates, professionals, and students joining us for BLGD 2018, we are convinced of the vitality of the event and the community surrounding it, and eagerly look forward to seeing the results of new research dialogues, debates and partnerships formed during the day in 2020 and beyond.

Biodiversity Law and Governance Day is organized by the partners of the Biodiversity Law and Governance Initiative (BLGI), including co-hosts such as United Nations Development Programme, the Swedish Environmental Protection Agency, the Norwegian Ministry of Climate and Environment, and the SwedBio Stockholm Resilience Centre. As Co-Chairs of the Day, we are immensely grateful to the wonderful and generous partners, the wise and helpful advisors and members of Programme Committee, the hard-working coordinators and student volunteers who make this event possible, among other leading partners. We would like to specifically acknowledge the excellent advice and efforts of Dr. Claudia Ituarte-Lima, SwedBio Stockholm Resilience Centre; Mr. Gaute Voigt-Hanssen, Norwegian Ministry of Climate and Environment; Mr. Tim Scott, UNDP; Prof. Patrícia Faga Iglecias Lemos, University of São Paulo; Dr. Omar Al Khataibeh, Al-Khataibeh Center for International Law; Prof. Robert Kibugi, University of Nairobi; Mr. Johan Abenius, Swedish Environmental Protection Agency; Dr. Markus Gehring, University of Cambridge; Dr. Balakrishna Pisupati, FLEDGE; and Dr. David Cooper and Mr. Nader Ibrahim of the tireless CBD secretariat. Furthermore, a heartfelt thank you to Isabella Gambill, Rebecca Herbener, and Vanessa DiFeo, the student officers of our BLGD Secretariat.

2020 will be a groundbreaking year for the biodiversity community and those associated with it, as we establish a post-2020 framework that will serve to guide the ways in which biodiversity issues themselves are addressed and governed, as well as the ways in which biodiversity issues are intertwined with the successful implementation and achievement of the SDGs. In this context, the interconnections and interlinkages between the biodiversity agenda and the broader sustainable development agenda have never been as important as they are today. We invite all partners and participants to join us for Biodiversity Law and Governance Day 2020 alongside CoP15 in China.

Professor Marie-Claire Cordonier Segger, Executive Secretary | Biodiversity Law & Governance Initiative;  
Professor Jorge Cabrera, Lead Counsel | Biodiversity and Biosafety;  
Professor Alexandra Harrington, Lead Counsel | Peace, Justice and Good Governance;  
Mr. David Caughey, Programme Manager | Biodiversity and Biosafety;  
Centre for International Sustainable Development Law (CISDL)

## Table of Contents

Foreword.....	3
Biodiversity Law & Governance Day 2018.....	6
Plenary: Legal Aspects of Implementing Biodiversity Accords for the Sustainable Development Goals .....	7
Traditional Knowledge Legal Innovations for Nagoya Protocol Implementation .....	7
Mainstreaming Biodiversity in Mining and linked Sectors for SDGs.....	8
Biodiversity Conservation for Achieving the Sustainable Development Goals.....	9
Luncheon.....	10
Human Right to a Healthy Environment & the SDGs - Weaving SDG16 & Human Rights into the post-2020 global biodiversity framework .....	10
Middle Eastern Experiences - Advancing Biodiversity Law and Governance.....	11
The Swedish Experience and Beyond - Using Law & Governance in Mainstreaming Biodiversity for Positive Socio-Ecological Outcomes .....	11
Advancing the SDGs and the Aichi Targets through Indigenous Treaties & ABS Agreements .....	12
Closing Plenary with Thanks & Acknowledgements .....	13
Biodiversity Law & Governance CBD COP14 Side Event.....	14
Acknowledgements.....	15
Annex I: Plenary Address to CBD COP 14 .....	16
Biodiversity Law & Governance Day 2018 Outcomes Statement to the CBD COP14 Plenary .....	16

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## BLGD 2018 in Numbers

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### Participants

**100** jurists, legal researchers, IGO officers, parliamentarians, legal professionals, students, and professors

More than **40** expert speakers to catalyze discussion amongst this diverse audience

### Plenaries, Roundtables & Workshops

**22 Hosts**

**10 Sessions**

1 Address to the CBD COP14 Plenary

1 Summary Side Event

1 Report Launch

## Biodiversity Law & Governance Day 2018

On 23 November 2018, during UN CBD CoP14, Parties and Observers to the CBD and other biodiversity accords convened nearly 100 deans and professors, 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 Sustainable Development Goals (SDGs) through legal and institutional measures. Together, Biodiversity Law & Governance Day (BLGD) 2018 was a rich and substantive exchange, focused on dialogue, engagement and action. BLGD 2018 was the second biennial event of its kind, building on the success of BLGD 2016, held during CoP13 in Cancun. Together, these events have allowed for the creation of a global biodiversity law and governance community of practice to support the implementation of the CBD regime and the SDGs. BLGD 2018 identified innovations, shared experiences and charted a way forward in four key themes:

**1. 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 (as stated in Principle 10 of the Rio Declaration), and environmental assessments, including strategic assessment, were identified as useful measures.

**2. Legal tools to achieve Strategic Plan 2020 and beyond**

CoP15 in 2020 is expected to consider the adoption of a 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 and offer valuable innovations in this context. Similarly, law and governance can make an essential contribution to the post-2020 framework. The conceptual foundations and possible elements for a stand-alone target on the human right to a healthy environment and cross-cutting dimensions of all targets was discussed (such as impacts on women, local communities and indigenous peoples), and an associated **Co-Chairs' Summary Report of the Peer-to-peer Dialogue on the Human Right to a Healthy Environment and SDGs: Weaving SDG 16 and Human Rights Law with the post-2020 Global Biodiversity Framework** was launched.

**3. 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.

**4. 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 between these treaties and organizations, delivering their commitments on the ground and ensuring a sound legal framework for their future development.

Through BLGD 2016 and 2018, the BLGI and its partners:

- Profiled and shared innovative legal and institutional challenges, mechanisms and best practices;
- Catalysed knowledge exchange to co-generate new approaches and understanding; and
- Supported law and policy education and capacity development for implementing the CBD regime, the Strategic Plan and the SDGs.

*Plenary: Legal Aspects of Implementing Biodiversity Accords for the Sustainable Development Goals*

*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, uCosta Rica); 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, Energy & Environment, UNDP).

During this panel, experts from law and society-related fields presented a number of insights into the interrelatedness and interconnectedness of treaties on biodiversity and the Sustainable Development Goals (SDGs). This included the relationships between biodiversity treaties and the SDGs per se as well as between biodiversity treaties and individual SDGs and SDG targets. Further, panellists discussed the ways in which reform of laws and institutions at the national and international levels can supplement the implementation of biodiversity treaties so as to reinforce the SDGs. Finally, the panellists presented key trends and challenges in the relationship between biodiversity treaties and the SDGs along with the most promising examples of innovations in this relationship.



*Traditional Knowledge  
Legal Innovations for  
Nagoya Protocol  
Implementation*

*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).

Brasil and Norway, along with the EU, presented their national experiences with implementing the provisions on traditional knowledge associated with genetic resources in the Nagoya Protocol. The Norwegian government and the Sami Parliament presented regulations on protection of traditional knowledge associated with genetic material which came into place after consultations with the Sami Parliament. Brasil presented how traditional knowledge is handled in the Brazilian Biodiversity Act. The presentations and discussion showed that countries implement the Protocol according to their national circumstances and that there is no



"one size fits" all. The EU provided comments on EU regulations on traditional knowledge associated with genetic resources.



*Public Participation & Access to Justice in Sustainable Use of Biodiversity – From Aarhus to Escazu*

*Hosted By:* International Law Association (ILA) Colombia; Lauterpacht Centre for International Law (LCIL), uCambridge; Grotius Centre at uLeiden; Law Faculty at uCostaRica & Centro de derecho ambiental (CDA)  
*Chairs:* Dr. Markus Gehring (Lead Counsel, CISDL / Lecturer, uCambridge)

*Presenters & Discussants:* Dr.

Alexandra Harrington (Lead Counsel, CISDL / Fulbright Fellow, Balsillie School of International Affairs BSIA, OL); 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).

During this panel, experts discussed the ways in which public participation and access to justice in matters impacting on biodiversity, such as land development and concomitant environmental impact assessments, have changed and become more adaptive between the ratification of the Aarhus Convention and the 2018 Escazu Convention. Panellists set out the parameters of the Escazu Convention in Latin America and discussed their meaning within the region and within the larger international biodiversity context. Finally, the panel addressed the methods through which global governance mechanisms and implementation systems have been and can be effective tools in crafting the growth and larger parameters of biodiversity related public participation and access to justice.

*Mainstreaming Biodiversity in Mining and linked Sectors for SDGs*

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

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

*Presenters & Discussants:* Mr. Kiruben Naicker (Science Policy Interface Director, Biodiversity & Conservation, Department of Environmental Affairs, South Africa); Dr. Claudia Ituarte-Lima (Adviser, Swedbio/Researcher, SRC); Ms. Rahima Njaidi (Executive Director, MJUMITA Community Forest Conservation Network, Tanzania).

Panel speakers and participants highlighted the need for a wide range of governance mechanisms to ensure that biodiversity and linked social and community concerns are fully integrated into the design, financing and implementation of mining policies throughout the mining cycle. Experts and practitioners representing



Swedbio, the South Africa Department of Environmental Affairs, and the Tanzania MJUMITA Community Forest Conservation Network, offered examples of such governance mechanisms. These include national, sector and community systems of environmental and social safeguards, as well as linked efforts to mainstream human-rights based approaches that promote procedural rights in line with Principle 10, such as the rights of citizens to have access to information concerning the environment and activities in their communities that is held by public authorities; the right to participate in decision-making processes; and the right to access to judicial and administrative proceedings, including redress and remedy. A number of diagnostic tools and participatory consultation mechanisms can be used to strengthen and implement these governance mechanisms and public and corporate standards, laws and regulations at all levels. Many of these are outlined in the Swedish-EPA-UNDP [\*Guide for Governments and Partners to Integrate Environment and Human Rights into the Governance of the Mining Sector\*](#). Participants highlighted the need for such guidance and country examples to be shared more broadly and captured with in the work of the CBD COP, preparations for the post-2020 global biodiversity framework, and linked efforts to mainstream biodiversity into infrastructure planning.

### *Biodiversity Conservation for Achieving the Sustainable Development Goals*

*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, University of São Paulo).

During this panel, experts addressed the key lessons to be learned and taken from biodiversity governance when crafting methods of implementing the Sustainable Development Goals (SDGs). Panellists discussed the SDGs which are most significantly impacted by biodiversity and, as a consequence, by biodiversity governance mechanisms and systems. Through these presentations and the ensuing discussion, the panel addressed the essential issue of how to define the fundamental relationship that exists between biodiversity governance mechanisms and systems and the successful achievement of the SDGs in the short and long-term.





### *Luncheon*

A special luncheon event with negotiators, expert authors, leaders of international organizations and guests featured the launch of “**Co-Chairs’ Summary Report of the Peer-to-peer Dialogue on the Human Right to a Healthy Environment and SDGs: Weaving SDG 16 and Human Rights Law with the post-2020 Global Biodiversity Framework.**”<sup>1</sup>

The 2018 Peer-to-peer Dialogue on Human Right to a Healthy Environment and Sustainable Development Goals in Machakos Kenya, co-chaired by Dr. Claudia Ituarte-Lima and Prof. Robert Kibugi was organised as part of the on-going partnership between SwedBio/Stockholm Resilience Centre, the International Development Law Organization (IDLO), Natural Justice, UN Environment and the Office of the United Nations High

Commissioner for Human Rights (OHCHR) – Special Procedures.

The Dialogue brought together around fifty legal practitioners, government and inter-governmental officials, human rights and biodiversity experts, and environmental human rights defenders. The outcomes of this Dialogue include conceptual and practical contributions for the global recognition and implementation of the human right to a safe, clean, healthy and sustainable environment. Elements and strategies to incorporate SDG16 and norms, standards and principles of human rights into the post-2020 global biodiversity framework were also proposed, specifically through a new dedicated target and as crosscutting dimensions of all targets of this framework. Outcomes of this process are feeding into global legal and policy processes in human rights, environment and Agenda 2030.



### *Human Right to a Healthy Environment & the SDGs - Weaving SDG16 & Human Rights into the post-2020 global biodiversity framework*

*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-Lima (Adviser, Swedbio/Researcher, SRC)

*Presenters & Discussants:* Ms. Louisa Falcao (Member of Brazilian Chapter, Global Youth Biodiversity Network); Mr. Tim Scott (Senior Policy Advisor, UNDP), Mr. Gadir Lavadenz (Coordinator CBD Alliance), Ana Di Pangracio (Deputy Director FARN), Suneetha M. Subramanian (Research Fellow with the Biodiplomacy Initiative of the UNU Institute of Advanced Studies), Dr. Markus Gehring (Lead Counsel, CISDL / Lecturer, uCambridge)

<sup>1</sup> Ituarte-Lima, C., and Kibugi, R., (2018) Co-chairs’ Summary Report of the Peer-to-peer Dialogue on the human right to a healthy environment and SDGs: weaving SDG 16 and human rights law with the post-2020 global biodiversity framework, SwedBio/Stockholm Resilience Centre, International Development Law Organization, Office of the United Nations High Commissioner for Human Rights (OHCHR) – Special Procedures, UN Environment and Natural Justice, [https://swed.bio/wp-content/uploads/2018/11/7017-0008-SRC-Co-chairs-summary-of-the-peer-to-peer\\_Web.pdf](https://swed.bio/wp-content/uploads/2018/11/7017-0008-SRC-Co-chairs-summary-of-the-peer-to-peer_Web.pdf)



During this panel, experts addressed the fundamental question of how global recognition of the human rights to a healthy and sustainable environment are connected with Sustainable Development Goal 16. These rights are related to a number of other SDGs and associated targets. The panel focused on how SDG 16 and the governance

mechanisms could contribute to positive social-ecological outcomes relevant to also other SDGs. Further, the panellists discussed methods through which human rights generally can be integrated in to the future post-2020 global biodiversity framework. Additionally, the panel addressed methods through which an enabling environment in which environmental human rights defenders can exercise their rights might be supported and enhanced.

Key highlights of the session are that if we weave human rights, environmental law and the Sustainable Development Goals, it could accelerate the transition towards sustainable consumption and production patterns across the world, the access to clean and safe drinking water for millions and, the protection of the diversity of our planet. More specifically, if the UN General Assembly recognized the human right to a healthy environment, it would be a significant step in bridging the fragmentation between human rights and environmental law and would also be a meaningful way to empower courageous environmental human rights defenders, women and men, youth and children who are ready to stand-up for human rights and healthy ecosystems, leaving no-one behind.

### *Middle Eastern Experiences - Advancing Biodiversity Law and Governance*

*Hosted By:* Al-Khataibeh Center for International Arbitration & Training, Association of Environmental Law Lecturers in Middle East Universities (ASSELLMU) & Gulf Research Centre

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

*Presenter:* Dr. Omar Al Khataibeh (Executive Director, Al-Khataibeh Center);

During this panel, speakers and participants focused heavily on how conflict and instability impede effective biodiversity law and governance in the Middle East. Experts and practitioners from Jordan as well as the Gulf Research Centre offered their thoughts on what can be achieved despite regional turbulence, while also reinforcing why it is so important to strive for peace and stability for the region. A running theme of the session was transboundary water bodies and the difficulties of governing scarce resources across international borders. The importance of dialogue and cooperation at a regional level was frequently invoked as a facilitator for generating long-lasting and substantive solutions.

### *The Swedish Experience and Beyond - Using Law & Governance in Mainstreaming Biodiversity for Positive Socio-Ecological Outcomes*

*Hosted by:* Swedish EPA; Swedbio/Stockholm Resilience Centre (SRC), and 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 (Legal Advisor, Sami Parliament in Sweden) & Mr. Per-Olof Nutti (President, Sami Parliament in Sweden); Dr. Claudia Ituarte-Lima (Adviser SwedBio/Researcher, SRC) & Ms. Niak Sian Koh (PhD Student, SRC).



During this panel, a transection of Swedish society including national government authorities, the Sami parliament, and academia presented achievements and insights into the field of Biodiversity Law & Governance from the Swedish experience and discussed how these experiences might be translated to other jurisdictions and the

international context as a whole. An essential topic of discussion was the Swedish environmental permitting process and how it can be used as a vehicle to secure species protection at the national level. By way of example, the Sami parliament showed how the innovative use of satellite data and GIS tools have improved the environmental permitting process through the application of reindeer husbandry plans, the data from which provides numerous additional insights on land use. In the final part of the session, the role of resource mobilization and biodiversity financing mechanisms to meet the Aichi Biodiversity targets was discussed. Through cases studies on biodiversity offsets and mining projects in Sweden and Madagascar, the panellists showed the importance of integrating human rights and social and environmental safeguards in the choice, design and implementation of biodiversity financing mechanisms for achieving positive social-ecological outcomes.

### *Advancing the SDGs and the Aichi Targets through Indigenous Treaties & ABS Agreements*

*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. Joseph Henry Vogel (Professor, uPuerto Rico); Prof. Padmavati Manchikanti (Dean, Rajiv Gandhi School of IP Law, IIT Kharagpur); Ms. Aysegul Sirakaya (PhD Researcher, uGhent / Legal Advisor, ABS-int).

During this panel, experts addressed issues associated with the use of international, regional and national indigenous treaties to advance the Sustainable Development Goals overall and the Aichi Targets as well as to build more inclusive governance mechanisms within each regime. Panellists discussed ways in which indigenous communities can use indigenous treaties to assist countries with the implementation and achievement of the SDGs – in particular SDG 15 – and the Aichi Targets. Further, panellists addressed the potential best practices and institutional designs for ensuring that biodiversity governance mechanisms include the perspectives and needs of indigenous communities. Among options discussed was ‘bounded openness’ as the modality for the Global Multilateral Benefit-Sharing Mechanism (Art. 10 of the NP).

### *Closing Plenary with Thanks & Acknowledgements*

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

In the Closing Plenary, the chairs and special presenters addressed the key insights and take-aways from BLGD 2018, including the summaries and lessons highlights by the panel chairs and rapporteurs. As part of the Closing Plenary, speakers identified the most important lessons learned throughout the day, as well as which new collaborative ventures should be given priority in the future, and how to advance the agenda for implanting the CBD on the ground in meaningful and appropriate ways. The Closing Plenary identified a number of avenues through which biodiversity governance mechanisms may be used to further the CBD and associated Protocols and the Aichi Targets along with constructing an insightful and innovative vision for post-2020.



## Biodiversity Law & Governance CBD COP14 Side Event

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

On the 25<sup>th</sup> of November 2018 at COP14 of the Convention on Biological Diversity (CBD) in Sharm El-Sheikh, CISDL hosted a Biodiversity Law & Governance Side Event, which convened experts, practitioners, scholars and stakeholders from law, governance and other fields. The gathering provided opportunities to discuss the findings and outcomes from the discussions surrounding the four themes of Biodiversity Law and Governance Day 2018: mainstreaming biodiversity in energy and mining, infrastructure, manufacturing and processing, and health; implementing the Strategic Plan 2011-2020 and Aichi Biodiversity Targets; strengthening the effectiveness of the Nagoya Protocol; and enhancing synergies between biodiversity treaties and international organizations.



The event also contained a panel discussion on “Advancing the SDGs and the Aichi Targets through Indigenous Treaties & ABS Agreements.” This session hosted by the 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). It was chaired by Prof. Marie-Claire Cordonier Segger (Senior Director, CISDL) and Prof. Balakrishna Pisupati (Chairman, FLEDGE) with presenters Dr. Alexandra Harrington (Fulbright Fellow, BSIA / Lead Counsel, CISDL); Dr. Robert Kibugi (University of Nairobi); Ms. Tara Dawn Atleo (PhD Candidate, University of Waterloo / CEO, Ahousaht Economic Development Corporation); and Dr. Claudia Ituarte-Lima (Swedbio/Stockholm Resilience Centre).





## Acknowledgements

The BLGI is 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, uSao Paolo in Brazil, uWaterloo in Canada, uCosta Rica, uNairobi in Kenya, uChile and uCambridge in the UK, along over 60 other partners, for a very successful BLGD 2018 at CoP14 and for future collaborations.

We would also like to specifically acknowledge the excellent advice and efforts of Dr. Claudia Ituarte-Lima, SwedBio Stockholm Resilience Centre; Mr. Gaute Voigt-Hanssen, Norwegian Ministry of Climate and Environment; Mr. Tim Scott, UNDP; Prof. Patrícia Faga Iglecias Lemos, University of São Paulo; Dr. Omar Al Khataibeh, Al-Khataibeh Center for International Law; Prof. Robert Kibugi, University of Nairobi; Mr. Johan Abenius, Swedish Environmental Protection Agency; Dr. Markus Gehring, University of Cambridge; Dr. Balakrishna Pisupati, FLEDGE; and Dr. David Cooper and Mr. Nader Ibrahim of the tireless CBD secretariat.

All Parties and Observers are very welcome to join this BLGI in the future as sponsors, partners, thematic leaders or participants. Senior representatives and experts from CBD Parties have formed a Programme Committee to guide the growing BLGI throughout upcoming CoPs and similar events. The BLGI and its partners 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 as distinguished judges for the global biodiversity law & policy student essay competition and moot in 2020.

### BLGD 2018 Team

David Caughey, CISDL Biodiversity Programme Manager  
 Isabella Gambill, BLGD Project Officer  
 Rebecca Herbener, BLGD Project Officer  
 Vanessa DiFeo, BLGD Project Officer

*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:*



## Annex I: Plenary Address to CBD COP 14

On 25 November 2018 Professor Dr. Marie-Claire Cordonier Segger, in her capacity as Executive Secretary of the Biodiversity Law & Governance Initiative, delivered a plenary address summarizing the outcomes of Biodiversity Law and Governance Day 2018. The address outlined key topics of discussion and core findings, and invited all CBD Parties and Observers to join the Biodiversity Law and Governance Initiative.

### *Biodiversity Law & Governance Day 2018 Outcomes Statement to the CBD COP14 Plenary*

#### **14th Conference of the Parties to the CBD Plenary**

**15:00 Sunday, 25 November 2018**

**Sharm El-Sheikh, Egypt**

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 uSao Paolo in Brasil, uWaterloo in Canada, uCosta Rica, uNairobi in Kenya, uChile and uCambridge 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.