



IT'S A TOUGH GAME OUT THERE

Avaaz comments on SBSTTA-25
of the Convention on Biological Diversity,
15-19 October 2023, Nairobi, Kenya

AVAAZ

The first meeting dealing with the implementation of the [Kunming-Montreal Global Biodiversity Framework \(KMGBF\)](#) concluded today, leaving documents with a substantial number of brackets to be sorted out and resolved until COP16.

Understanding the wider reasons for the tensions that (re) emerged during SBSTTA-25 is necessary, both to make sense of them and find ways to agree next year. One key point is to understand that these “technical points” are tightly connected to, and actually part of, broader geopolitical concerns.

WHAT HAPPENS IN NAIROBI DOESN'T STAY IN NAIROBI

Multilateralism, including in environmental matters, has been marked for some time by a strong trend, corresponding to the advent of a multipolar world where the authority of hegemonic blocs is increasingly challenged. States are becoming more reluctant to accept the legitimacy of global goals once they are perceived as being imposed from “outside” and overly binding. The Paris Agreement on climate was already [a reflection of its time](#) in the way it tried to balance collective ambition and individual sovereignty: the combination of top-down logic (an agreement on broad outcome targets that commit all its signatories), bottom-up logic (freedom for everyone to determine how they wish to contribute to the efforts) and provisions for organizing a regular political cycle aimed at collectively assessing the sum of efforts, and then encourage a reassessment of individual State's efforts on this basis.

The increasingly protective and conservative approach to individual sovereignty influences every component of this delicate equation, which we saw at play during the negotiations of the Kunming-Montreal Global Biodiversity Framework (KMGBF), and we are seeing it now re-emerge at SBSTTA-25 while States negotiate the rules for its implementation.

During the negotiation of the KMGBF, issues of national sovereignty were present when the global goals and targets were negotiated, but they became even more visible on topics pertaining to transparency and accountability. A key point of contention has always been the “and so what?” of the reviewing process: once we have (likely) determined that we are not on track to reach the global goals, what happens? How do we discuss the measures that everyone should take

to improve implementation (and avoid what happened with the Aichi Targets)? How far can we go in singling out topics, sectors, and even countries?

Talking about what is wrong and what should happen is a no-brainer in down-to-earth language, and becomes increasingly clear in scientific literature. But diplomacy is a different arena: what you say and don't say can be used against you later, and in other fora. Let your agriculture policies be identified as a problem, and you don't know how that can be used in a tough trade negotiation later. Be shamed about your public subsidies and dirty public spending, and you don't know how the IMF, the World Bank, or other funders might treat you. Worse, you don't know how the credit rating agencies, who follow all dialogues like vultures looking for signs of weakness, might react and whether they will downgrade you. A decision of the CBD, after all, creates international law. However soft it might be, it has normative power.

It's a tough game out there, and however technical a topic can seem, everything is geopolitical in such a setting. It is in this light that the negotiations on indicators and reviewing that took place in Nairobi must be understood. These topics were pushed as far as consensus could be reached before COP15, and pending issues were parked for after the agreement. This is what has re-emerged at SBSTTA-25, the first meeting after COP15, that had to deal with implementation procedures.

WHAT HAPPENED IN NAIROBI

There were several topics on the table of SBSTTA-25. While frictions appeared on other topics too, such as the links between biodiversity and climate change¹, we will focus here mostly on the items that directly concerned the implementation of the KMGBF. There were three major contentious points in our view: (i) how to measure implementation, (ii) what sources of knowledge could be used to review implementation, and (iii) what we do with the results of the review.

1 On moving forward on biodiversity and climate change, the Plenary adopted an [L document](#) with brackets in the whole part of what this Advisory body is recommending the COP to decide. Therefore, not really moving forward at all.

(i) How to measure implementation? The contentious issue of indicators.

At COP15, a set of indicators (the “[Monitoring Framework](#)”) was adopted. Several targets already had indicators, but several required more work and an expert working group (the Ad Hoc Technical Expert Group (AHTEG) on Indicators for the Kunming-Montreal Global Biodiversity Framework) was tasked to make proposals to fill the gaps. AHTEG’s work so far was the basis for country discussions on indicators in Nairobi. The lack of a robust set of indicators means shooting ourselves in the foot for the coming years when we’ll have to assess where we are on both ambition and implementation, and how to do better.

What appeared clearly at this SBSTTA is the serious risk of making the reporting useless for concrete monitoring of implementation. For many targets, even those for which quantitative indicators had already been adopted, what is now under consideration are “indicators” in the form of binary questions. While this was decided at COP15, the proposed questions are so open, with more nuances of answers than categorical yes/no answers, that virtually everyone could report progress on many targets without doing anything. Let’s take an example:

Here is a question proposed to follow the implementation of Target 12, whose aim is to “significantly increase” green and blue space in urban areas:

Are there urban areas in your country under biodiversity-inclusive urban planning incorporating the management of green or blue spaces for ecosystem services and nature’s contributions to people?

The possible responses are “(a) No”, “(b) No, but under development”, “(c) Yes, for some urban areas”, “(d) Yes, for all urban areas”. It is easy to imagine that most replies will fall within answers b or c, with close to no one replying a firm “no”. This is a very bureaucratic view of “implementation”: if some national policies reflect aspects of the KMGBF, then this would be enough to report progress. Whether this results in any concrete change on the ground, which should be at the center of attention, becomes invisible.

This was strongly [criticized by civil society](#) in Nairobi, especially because this occurred for indicators pertaining to hu-

man rights, notably of environmental defenders and indigenous peoples and local communities (IPLCs) - one of the most innovative and important features of the KMGBF. It is hard to imagine that any country will reply “no” when asked whether they have put in place measures respecting the rights of IPLCs, women, or youth.

Interventions in the Plenary only requested that the report of the meeting should clearly state that indicators for some of the KMGBF targets were not addressed. The Plenary then adopted the document on the monitoring framework, which will have to be reviewed again at SBSTTA-26 before being sent to the COP16 at the end of 2024.

(ii) What sources of knowledge to review implementation?

All of this reporting is supposed to be used for a “global review” of implementation, the first edition of which will take place at COP17 in 2026. The Monitoring Framework will be used to develop National Reports (*e.g.*, the self-reporting by countries on their progress). Over the last few years, there have been opposing views on the other sources of information that would be used in this process. Some would like to restrict the information to the National Reports and to other reports from intergovernmental organizations that have been reviewed by governments (such as the summaries for policymakers of the IPCC and IPBES). Others would like a more open approach, allowing the use of scientific evidence, reports from civil society (NGOs, businesses, etc.), technical reports, reports from local governments, and contributions from IPLCs and other groups such as women and youth.

Some countries have shown a very rigid stance on this issue throughout the Nairobi meetings. For example, in the evening plenary of Thursday 18, while discussing a document on invasive alien species, Argentina even bracketed references to the Global Biodiversity Information Facility (GBIF), an “international network and data infrastructure funded by the world’s governments and aimed at providing anyone, anywhere, open access to data about all types of life on Earth”, because GBIF’s outputs do not forego intergovernmental approval before being made available.

The stakes here are easy to understand. With a national reporting framework that is likely to be quite “loose” on how it describes the success and limits of national implementation,

and lots of national reports likely skewed towards presenting an overly positive image, the question of whether we open the door or not to independent information becomes critical. Independent information would be the only way to provide a more accurate picture of what happens on the ground, and potentially be much more critical of the (in)action of governments to implement the KMGBF. Thus, if you wish to avoid your country becoming the object of scrutiny by the global review, even if only through the references used in the report, controlling and limiting the sources of information becomes of strategic importance.

(iii) What should be the consequences of the review?

What should happen after this information has been collected has been a point of contention throughout the negotiation process leading to COP15. Section J of the KMGBF contained the following in its article 17:

17. Parties may take the outcome of the global reviews into account in the future revisions and implementation of their national biodiversity strategies and action plans, including the provision of means of implementation to developing country Parties, with a view to improving actions and efforts, as appropriate.

This is the furthest that the negotiations managed to go then, with the details left to be resolved in later stages. And the tensions around this issue re-emerged at this SBSTTA meeting. When negotiating the structure of the report informing the global review, the scope of the report's conclusion were the object of much dissent, as can be seen in article 1(h) the [outcome document](#), fully bracketed:

[(h) A conclusion exploring options for addressing identified gaps and challenges in implementation[[, in a non-prescriptive[, non-intrusive and non-punitive] manner][, including a summary of gaps in data and knowledge and] [of successful policy interventions for addressing the drivers of biodiversity loss]];

This conversation was public and is available [here](#) (see at 2:18:51 min). Brazil and Argentina were leading the charge on this paragraph², especially to add the “non-punitive” and “non-prescriptive” language. What we mentioned in the first section of this paper is quite visible here. The general atmosphere of distrust is such that Parties are extremely defen-

sive, try to do preventive damage-control, and want to avoid any possibility of the global review being weaponized against them. Add in the fact that most governments would prefer to avoid reputational damage at home if they fail to implement the new targets, and you understand why there aren't stronger instructions to push for a robust accountability mechanism, and thus not enough counterweight to oppose those who are actively weakening it.

WHAT HAPPENS NEXT

The KMGBF calls its accountability system “Responsibility and transparency”. As an analyst of negotiations [noted two years ago](#), “responsibility” can be understood in three different ways:

- **Responsibility understood as a collective responsibility:** The CBD needs better, more regular collective monitoring of implementation to be more credible. It is no longer possible to meet every ten years and, again, acknowledge failure in delivering on global commitments. It is a question of the credibility of the CBD as a space creating global norms on biodiversity.
- **Responsibility understood as individual responsibility:** Then, it is the credibility of each country as an international partner that is at stake. Each country is supposed to follow through on the COP15 decisions and do their best at their level to contribute to the global targets and goals - including on mobilizing financial resources.
- **Responsibility understood as a mutual responsibility:** A multilateral agreement, especially on environmental issues, is supposed to facilitate and increase cooperation between its Parties. In this context, everything that concerns compliance (which is really the legal term to refer to what we are talking about here) is supposed to foster this. Here, mutual responsibility is strongly a principle of solidarity. Collective learning through the sharing of experiences, better identification of needs for cooperation (including on financial resources), or the creation of coalitions around certain subjects to improve collective work, for instance.

² See additional information [here](#).

What we have seen these last years is that it's the first dimension of responsibility that is the best understood. The second one is understood but feared - this is where the potential weaponization we mentioned above can occur. The third one is potentially the least understood and discussed, which further contributes, in our view, to the tensions on the first two dimensions. In a context of escalating geopolitical tensions, happening with a backdrop of historical distrust, the fact that the question of how these mechanisms can be useful to create more solidarity, and not more conflict is not at the center of discussions can only increase suspicion.

It is in this spirit that [Avaaz developed its proposals](#) for a compliance committee and a series of mechanisms that could help Parties cooperate more - not less - to be better on implementation. In this sense, the three dimensions of responsibility can be seen as nested: more solidarity so that each Party has the opportunity for better cooperation to do better at its national level, so that collectively all Parties do better.

Until the next meetings, we believe that everyone should double down on the solidarity component, precisely be-

cause the broader context has become more divisive and hostile. This means investing time and effort in lots of informal meetings, online and/or physical, between delegations to prepare for the next meetings.

SBSTTA-26 and SBI-4, taking place in May 2024³, will have to finalize the monitoring framework and deal with other pending points of responsibility and transparency mechanisms. These meetings will not make final decisions this will be done during COP16 (tentatively late October 2024). There is thus a year remaining to make these crucial elements not only functional but with the quality that is needed to finally become more serious about implementation at the CBD.

Frustration should not become cynicism nor defeatism. Everyone knew that implementation would be hard, notably because the KMGBF challenges the status quo of virtually all economic sectors and thus requests changes from very powerful actors. This is why Avaaz framed its [position paper](#) for the Nairobi meetings as a call to prepare for these potential clashes. Heads up, sharpen your teeth, and let's bite!

³ The Twenty-sixth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA-26) will take place from 13 to 18 May 2024, while the Fourth meeting of the Subsidiary Body on Implementation (SBI-4) will take place from 21 to 29 May 2024, in Nairobi, Kenya.



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