

DAY 2: Tuesday 26 – September 2023
09:00 a.m. – 12.00 p.m.
LEGAL RESPONSES TO COMBAT BIODIVERSITY CRISIS

Options Paper for stakeholder discussion

Brief introduction and purpose of the discussion

Biodiversity and ecosystems provide multiple benefits such as soil formation, climate regulation, water purification, pollination, disaster risk reduction, the provision of food, textiles, medicinal products, and cosmetics, among others, in addition to the cultural, scenic, religious, and intrinsic value biodiversity and ecosystems has for itself. Biodiversity plays a fundamental role in meeting the targets of the SDGs, particularly SDGs 1, SDG 14, and SDG15.

Latin America and the Caribbean has rich biological and cultural diversity, and many people depend directly on ecosystems for their livelihoods (IPBES 2018)¹. There is a growing recognition that numerous species are being significantly reduced by the negative impacts of certain human activities on nature. It has been demonstrated that Latin America and the Caribbean, one of the most biodiverse regions on the planet, suffered the highest regional decline recording a 94% decrease in monitored wildlife populations (WWF, 2022)².

At the first global meeting of national focal points to the Fifth Montevideo Programme for the Development and Periodic Review of Environmental Law³ (the Programme) that concluded on 9 June 2022 (First in-person Global Meeting), national focal points agreed to three core and interlinked thematic areas for the implementation of the Programme.⁴ The thematic areas, which are legal responses to address the pollution crisis, the climate crisis, and the biodiversity crisis, supplemented by relevant and interlinked cross-cutting activities, express the objectives for an impactful decade of action and implementation.

¹ IPBES (2018). The IPBES regional assessment report on biodiversity and ecosystem services for the Americas. Rice, J., Seixas, C. S., Zaccagnini, M. E., Bedoya-Gaitán, M., and Valderrama N. (eds.). Secretariat of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, Bonn, Germany.

² <https://www.wwf.org.ec/?379250/Living-Planet-Report-2022>

³ Delivering for People and the Planet: Fifth Montevideo Programme for the Development and Periodic Review of Environmental Law (November 2019) (available [here](#)).

⁴ Report of the resumed first global meeting of national focal points for the Fifth Programme for the Development and Periodic Review of Environmental Law (Montevideo Programme V): Delivering for people and the planet, UNEP/Env.Law/MTV5/GNFP.1/6/Add.1, 4 July 2022 (available [here](#)); Co-Chairs' Summary of the fifth meeting of the steering committee for implementation, 10 March 2023 (available [here](#)).

This session will include an interactive discussion on priority areas to strengthen, develop, or implement appropriate legal and institutional frameworks at the national and subnational levels to implement biodiversity-related goals and commitments. These discussions will also explore the intricate relationship between biodiversity, climate change, and pollution, as well as between biodiversity, wildlife protection, and sustainable development in Latin America and the Caribbean.

Objectives

- 1) Provide the region with inputs for the preparation of a report for the national focal points on options for clearly defined priority areas for legal responses to address biodiversity loss to develop, strengthen, and implement appropriate legal and institutional frameworks at the national and sub-national level.
- 2) Identify potential legal and policy frameworks for effective implementation of biodiversity-related commitments at the national and regional level which can be delivered under the framework of Montevideo Programme V from 2024-2029.
- 3) To set the scene, inform the meeting about the current state of biodiversity globally and in the region, as well as any emerging issues of concern, which require policy and legal responses to the biodiversity crisis.
- 4) Identify progress in the integration and synergies on multilateral agreements on biodiversity in the region.
- 5) Inform and discuss international and regional treaties that serve to tackle environmental degradation and prevent biodiversity loss, such as the Treaty of the High Seas and the Escazu Agreement, to establish cooperation opportunities and possible legal national responses at the regional and national levels.
- 6) Identify innovative approaches, knowledge exchange, and forging collaborations to safeguard the region's extraordinary biological and cultural diversity and ensure a harmonious coexistence between humans and wildlife.
- 7) Highlight key multilateral and national legal measures that are in place to address the biodiversity crisis in the region including national and regional priorities and implementation action relating to Kunming-Montreal Global Biodiversity Framework (GBF).
- 8) Integrate human rights, rights to participation, access to information, and to justice in the discussion, as well as the recognition of environmental human rights defenders and indigenous people and local communities in the protection of lands, resources, and territories.
- 9) Identify and evaluate existing opportunities for financing the implementation of national actions to comply with obligations under international agreements relevant to the conservation, sustainable use, and equitable benefit sharing of biodiversity and ecosystems.

Agenda

Session Run Sheet			
Session	Legal Responses to Combat the Biodiversity Crisis - Leveraging on Montevideo Programme V		
Date and Time	09:00 am - 12:00 pm (Panama Time GMT-5), 26 September 2023		
Platform	In-person and online (Zoom)		
Language	Spanish and English, with simultaneous interpretation		
Contact Person	Sylvia Bankobeza Sylvia.Bankobeza@un.org		
Time		Action/Task	Responsibility
Start	Finish		
		Technical presentations	
09:00	09:05	5 min	Introduction and Welcome The moderator introduces speakers and shares the objective of the session
			Moderator Andrea Brusco , Regional Coordinator Environmental Governance Subprogramme, United Nations Environment Programme
09:05	09:20	15 min 10 min presentation	The Implementing international biodiversity law in Latin America and the Caribbean Claudia Ituarte-Lima , Leader of Human Rights and Environment Thematic Area & Senior Researcher, The Raoul Wallenberg Institute of Human Rights and Humanitarian Law

		and 5 min Q&A		
09:20	09:35	15 min	Legal state and regional progress of Biodiversity in Latin America and the Caribbean	Teresa Cruz , MSc. Environmental Law; Professor on Environmental Law at the University of La Habana, Cuba; Consultant
Regional Consultation				
09:35	09:45	10 min	Introduction to discussion questions	Sylvia Bankobeza , Legal Officer, United Nations Environment Programme
09:45	11:30	1 hour and 45 min (20 min for coffee break)	<p>Break Out for Interactive discussions.</p> <p>The questions will focus on four broad areas:</p> <p>(i) Strengthening legal frameworks related to biodiversity at the national, subnational and regional level.</p> <p><i>What are the specific gaps in this area of strengthening legal frameworks?; What is the target group? Partners? What is the Strategy or option, which is needed? Suggest some activities.</i></p> <p>(ii) Building capacity of various stakeholders to implement biodiversity related MEAs including the GBF.</p> <p><i>What type of capacity-building initiatives are needed to fill the capacity gap in this area? What</i></p>	<p>Participants will break out into 2/3 groups, select a chair and rapporteur, and receive guiding questions.</p> <p><i>(The dynamic of the consultation is to be confirmed considering in-person and online participation)</i></p> <p>Facilitators</p> <p>Sylvia Bankobeza, Renée Gift</p> <p>Claudia Ituarte-Lima and Teresa Cruz</p> <p>Andrea Brusco, Maria Candela Zaffiro and Maria Catalina Pedrozo</p>

			<p><i>are the target groups? Do we have potential Partners?; What are the strategies or options which are needed? Suggest some activities.</i></p> <p>(iii) Strengthening enforcement and criminal laws in biodiversity to address biodiversity loss.</p> <p><i>Is this a priority in the region or for various countries? Who are the target groups? What kind of crimes are mostly contributing to biodiversity loss? Potential Partners? What are the strategies or options that are needed? Suggest some activities.</i></p> <p>(iv) Addressing knowledge gaps on key areas of biodiversity in the region by developing knowledge products</p> <p><i>Are there any knowledge gaps relating to legal responses on biodiversity that can be filled by knowledge products? What areas need a multimedia guide, legislative guide, or other legal guidance material for a better appreciation of biodiversity-related environmental laws? Target group? Potential Partners? What are the strategies or options that are needed? Suggest some activities.</i></p>	
11:30	12:00	30 min	Main conclusions and close session	Sylvia Bankobeza and Andrea Brusco

Each Group needs a three-column table to record proposed options and their objectives; strategy; Activities and potential partners.

Questions	The proposed options and their objectives	The strategy	Activities and potential partners
Strengthening legal frameworks			
Building the capacity of various stakeholders to implement biodiversity			
Strengthening enforcement and criminal laws			
Knowledge gaps			