



## **CMS COP11 HIGHLIGHTS: MONDAY, 3 NOVEMBER 2014**

The eleventh meeting of the Conference of the Parties (COP11) to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) opened today in Quito, Ecuador, with a High-Level Ministerial Panel on “Uniting the Rights of Nature and the Green Economy: Finding Solutions to Protecting International Wildlife.”

### **HIGH-LEVEL MINISTERIAL PANEL**

The High-Level Ministerial Panel focused on reconciling the “apparently conflicting philosophies” of the green economy in the context of sustainable development and poverty eradication and the rights of nature. Philippe Cousteau Jr. moderated the panel.

Lorena Tapia, Minister of Environment, Ecuador, noted that Ecuador was the first country in the world to include in its national constitution the rights of nature, an approach that considers humans and nature as equal members of an integral system of life. She highlighted the importance of this approach as a tool for protecting biodiversity, particularly migratory species, which may lack obvious or measurable economic value. Noting that any constitution needs rules, regulations and policies for its successful implementation, she described the range of policies in Ecuador related to the rights of nature, including the “National Plan for Good Living.” She requested that the Panel discuss how to create effective frameworks and incentives for protecting the rights of nature.

Noting that this event was the first high-level segment at a CMS COP, Bradnee Chambers, CMS Executive Secretary, called for panelists to concentrate on complementarity, rather than philosophical differences, between the two approaches. He discussed the context of each approach for protecting migratory species, whether through “green economy” initiatives, such as ecotourism, or through the “rights of nature” protections for “unique and beautiful” migratory species whose biodiversity functions and economic values are not known or determinable.

Steven Stone, UN Environment Programme (UNEP), said conventional economic approaches have not delivered prosperity and human well-being, proposing a paradigm shift to focus on the “rights of nature.” He also called for rethinking measures of progress and suggested inclusive wealth accounting as a way to capture physical, human and institutional wealth, among other dimensions.

Lawyer Cormac Cullinan advocated for a “rights of nature approach,” recognizing the earth as an integrated, interconnected whole in which all species are intrinsically valuable. He recommended recognizing the rights of nature and migratory species to exist, saying upholding such rights are fundamental to living in harmony with nature. He underscored the role of governments, the international community and civil society in supporting such an approach.

Fernando Spina, Chair, CMS Scientific Council, Italy, described the role emotions play in environmental protection. He underscored the importance of formally recognizing rights of nature in Ecuador and Bolivia, and suggested this idea should be much more widespread around the world. He also stressed the importance of a strong scientific baseline as well as citizens’ involvement at the global level.

Azzedine Downes, President and CEO, International Fund for Animal Welfare (IFAW), noted that the desire to live in harmony with nature is not a universal value, pointing out that many communities see conquering nature as a primary goal. He urged shifts in economic and legal frameworks to avoid “a race to the bottom.”

Félix Wing, Secretary General, the National Authority for the Environment, Panama, shared a case study from Panama on the links to rights of nature, which constitute an evolution of legal concepts regarding rights-holders. He stressed that laws or conventions may not solve the problem single-handedly, citing the importance of public involvement. He further questioned the importance of economic growth when it poses threats to the “basis of our existence” and called for revising development indicators. He described rights of nature as mainly a legal concept and the green economy as an economic notion, wondering whether we are trying to “compare apples with oranges,” and saying that each concept is linked to a specific philosophical, ideological worldview.

John Scanlon, Secretary-General, Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), wondered whether attributing rights to nature may introduce tension between those rights and the rights of humans. He underscored the importance of the compliance mechanism under CITES and noted the lack of similar mechanisms in other processes. He stressed that environmental degradation is caused by billions of small actions, pointing out that influencing everyday decisions is essential “to turn the tide.”

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Noel Nelson Messone, Minister of Water and Forests, Gabon, questioned whether a new social, economic and legal compact should be agreed on to make sustainable development a reality. He said that a common set of core values should be established to frame human beings' relationship with nature.

Responding to Cousteau on gaps in granting certain rights to nature, Messone said that Gabon's laws are extending long-held views. Tapia said that while her government welcomes civil society's involvement in protecting the environment, Ecuador's institutions and authorities have a commitment, and do respond, to such issues. She said that Ecuador could be seen as a role model for environmental protection.

On the role of civil society in the costs and remediation of environmental degradation, Scanlon said that Australia established the Australian Network of Environmental Defenders Offices as a mechanism through which citizens or citizen groups can obtain legal advice to exercise their environmental rights. He lamented, however, that a change in government has led to a significant decrease in funding for the Network, which then raises the question of where citizens could go to "more easily" exercise their rights.

Elizabeth Mrema, UNEP-Division of Environmental Law & Conventions (DEL/C), said CITES' compliance mechanisms are effective, largely due to the economic consequences of sanctions for non-compliance. She noted that an equivalent mechanism in CMS does not yet exist but a certain level of compliance is attained through national reporting. She queried whether the structures of conventions need to be revisited to reflect change in views on environmental rights. She also recommended recognizing the need for concomitant resources for implementation. Messone said that broad consensus is needed for effective implementation.

Alfred Oteng-Yeboah, Chair, CMS Standing Committee, Ghana, said that the decisions taken at CMS, along with other biodiversity-related conventions, are largely as a result of sufficient political will to adopt these decisions. He underscored the responsibilities of Parties to implement COP resolutions, including sourcing adequate financial and technical resources.

Downes questioned the concept of "rights of nature," saying that it is a contentious issue, and mooted using the concept of legal guardianship as governments and the general public are more likely to accept this concept. He argued that "the scarcest

commodity on earth is well-being," but questioned how this concept is measured, citing examples such as Bhutan's Gross National Happiness Index. He said that these indices are now being translated into other measures, which could be used as alternates to GDP.

Minister Tapia highlighted Ecuadorian laws, such as the forestry law, which aim to conserve and restore nature. Ana Paulo Gudo Chichava, Deputy Minister of Coordination of Environmental Affairs, Mozambique, emphasized the importance of environmental education in communities as their views of nature conservation differ from those of governments.

Ambassador Patrick Van Klaveren, Monaco, also emphasized the role of education in achieving sustainable natural resource management. Boundjiouw Sama, Secretary General, Ministry of Environment and Forestry Resources, Togo, added that in Togo the concept of "rights of nature" is still foreign but efforts are underway, through education and outreach, to promote the sustainable management of natural resources.

Stone noted that there are many financial resources available that could be harnessed and invested into nature conservation. Downes highlighted the difficulty of including information about species from outside of the respective countries in environmental curricula.

Messone highlighted the plight of forest elephants and measures adopted to fight poaching as well as the challenge of elephant-farmer conflicts in the face of measures to encourage a return to agriculture. Spina noted the importance of reaching out to children for the benefit of migratory species.

Øystein Størkersen, Norway, emphasized the need to value different natural resources.

Cullinan noted that degradation and loss of natural resources impacts the poor the most and therefore the best way to alleviate poverty is to conserve the environment. He also emphasized the importance of assigning rights to nature as a departure from a history of viewing humans as the only ones entitled to have rights. Spina noted that for the first time the CMS COP will consider the culture of animals.

Stone summarized the panel's discussions and highlighted this event as a historic moment, with migratory species recognized as ecosystem indicators and the concept of rights of nature advanced. Minister Tapia concluded the panel by acknowledging the work done to demonstrate the importance of assigning rights to nature.



A view of the High-Level Ministerial Panel