

Dear Ms Maruma Mrema,

Civil Society participation in Open Ended Working Group 4

We write to you to express our collective disappointment and frustration at the access restrictions communicated this morning (20 June 2022) to some of us, that will severely limit the participation of civil society organisations in this week's OEWG4 meetings and that, in some cases, will require that access be collectively negotiated amongst civil society observers. Rules and processes for observer co-ordination cannot simply be set up on 24 hours' notice. The process and criteria for allocating limited access passes is not clear and raises questions of equity and fairness.

This is entirely unacceptable.

In addition to the provisions of Art 23.5 of the Convention, the Rules of Procedure for Meetings of the Conference of the Parties of the Convention under Rule 7.2. state that "*Such observers may, upon invitation of the President, participate without the right to vote in the proceedings of any meeting in matters of direct concern to the body or agency they represent unless at least one third of the Parties present at the meeting object.*"

We are not aware of any vote having been passed amongst the Parties to amend these rules or to collectively limit participation of observers at this meeting.

The consequence of the late communication of these restrictions is that civil society groups, having invested time, and in many cases precious charitable funds, to bring representatives to Nairobi, will have limited access to these meetings. No timely indication was provided that such limitations would be imposed.

In a notification of 20 April 2022 inviting participants to register for these meetings (SCBD/EM/DC/90280), observers were "*encouraged to limit the total number of their representatives present physically in Nairobi*" but no indication was given that civil society organisations might be required to collectively limit their numbers or their participation.

The Modalities section of the Scenario Note published on 16 May 2022 (CBD/WG2020/4/1/Add.2) likewise gave no indication that civil society participation would be limited at these meetings.

The information note for participants issued on 8 June states *that "meeting room access badges" will be given to the first registered delegate from each Party or Organization. They are labelled with Parties or Organization names, must be managed and shared/interchanged within each delegation (but cannot be transferred between delegations).*"

There was, therefore, an expectation that civil society organisations would each be able to participate in these meetings. The unexpected and last-minute nature of this morning's change makes it all the more unacceptable. It has also been communicated without any formal written notice – many of us will have to justify to charitable funders and donors why we have used their precious funds to travel to these meetings, where we are unable to participate.

You will be aware that civil society is not a monolith. There are many issues of direct concern to our individual organisations, or where we take different views from one another. You will also be aware that OEWG meetings do not function in a way where it is straightforward, or even possible, for people to drop in and out on specific detailed points.

We appreciate that there are covid protocols which must be followed, but the large-scale exclusion of civil society is not the answer and, in any case, any rule changes should have been communicated much earlier. At the very minimum civil society organisations must be given sufficient access to contact groups, and friends of co-leads meetings, where our participation is active and essential.

We would be grateful if you could find a way to resolve this situation. A compromise of one participant per organisation, as we had in Geneva, would be workable. A strong, ambitious Global Biodiversity Framework needs the active, equitable, and transparent engagement of civil society.

We await your urgent response.

Signatories:

CBDAlliance
African Centre for Biodiversity
African Wildlife Foundation
African Civil Society Organizations Biodiversity Alliance
Born Free Foundation
EcoNexus
ClientEarth
Conservation International
Greenpeace International
David Shepherd Wildlife Foundation
Fondation Franz Weber
Friends of the Earth Europe
Friends of the Earth International
Fundación Ambiente y Recursos Naturales
Wildlife Conservation Society
Natural Resources Defense Council
Pan African Sanctuary Alliance
Center for Biological Diversity
The Royal Society for the Protection of Birds
The Nature Conservancy
Campaign for Nature
Pacific Environment
BirdLife International
Rainforest Foundation Norway
World Federation for Animals
Worldrise
WWF International
Global Youth Biodiversity Network
World Future Council
Alliance Nationale d'Appui et de Promotion des Aires et Territoires Conservés par les Peuples Autochtones et Communautés locales en RDCONGO ANAPAC RDC.
Institute for Sustainable Development and International Relations
Fundación Gaia Amazonas - Colombia
ICCA Consortium
Women's Environment and Development Organization (WEDO)

Signatures received after sending the letter:

ESCR-Net
AbibiNsroma Foundation

Missionary Society of St. Columban
The Norwegian Forum for Development and Environment (ForUM Norway)
Soka Gakkai International