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IMPLEMENTATION OF THE CONVENTION ON BIOLOGICAL DIVERSITY REPORT OF THE EXECUTIVE SECRETARY

Background Paper No. 1

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UNITED NATIONS CONVENTION ON
BIOLOGICAL DIVERSITY

Implementation of the Convention on Biological Diversity

Report of the Executive Secretary of the Convention on Biological Diversity

I. Introduction

1. The General Assembly has invited¹ the Executive Secretary to provide a report on the experience of the Convention on Biological Diversity and on lessons learnt, and to provide ideas and proposals for the further implementation of Agenda 21 and of the Programme for the Further Implementation of Agenda 21, for consideration by the Commission on Sustainable Development at its tenth session and by the World Summit on Sustainable Development.

2. The challenge facing the World Summit on Sustainable Development is how to further implement sustainable development at all levels. Key elements of this challenge include the need to integrate the economic, social and environmental objectives of sustainable development, to promote greater policy coherence and coordination between the various processes, and to renew the commitment to make available the financial resources and the technical and scientific cooperation that are needed if progress is to be made.

3. Biological diversity underpins society in many important ways. Food security, climatic stability, provision of freshwater, soil conservation, and human health all depend directly upon maintaining and using the world's biological diversity. Sustainable development clearly cannot be achieved without the sustainable use of biological diversity.

4. The objectives of the Convention, which was negotiated contemporaneously with Agenda 21, are to promote sustainable development through the conservation and sustainable use of biological diversity, and the equitable sharing of benefits deriving from the use of genetic resources. The Convention is therefore an important instrument for the implementation of Agenda 21.

5. The next section highlights the experiences gained to date and the lessons learnt by the Convention regarding implementation of its objectives, and thus the relevant objectives of Agenda 21, over the past ten years. Drawing on this, the third section provides options and suggestions for the further implementation of both Agenda 21 and the Convention.

¹ Resolution 54/218 (paragraph 11 (e)); Resolution 55/201 (paragraph 10); and Resolution 55/199 (paragraph 11).

II. Experience Gained and Lessons Learnt

6. The Executive Secretary and the Conference of the Parties made submissions concerning the contribution of the Convention to the implementation of Agenda 21 to the General Assembly at its nineteenth special session². In these submissions the Conference of the Parties observed that the Convention was an important tool for translating the principles of the Rio Declaration on Environment and Development and of Agenda 21 into concrete actions. The Conference of the Parties highlighted key aspects of the relationship between the Convention and Agenda 21, as well as key challenges. Many of the points made in that submissions remain pertinent to the ten-year review by the General Assembly.

7. For example, the Conference of the Parties observed that the Convention was the principal global instrument relevant to achieving the goals set out in chapter 15 of Agenda 21 - 'Conservation of biological diversity'. The Conference of the Parties also recognized that biological diversity was a cross-cutting issue and of the utmost relevance to a number of the issues reviewed by the Commission on Sustainable Development, including the planning and management of land resources; sustainable tourism; combating deforestation; managing fragile ecosystems; promoting sustainable agriculture and rural development; and marine and coastal biological diversity.

8. Importantly, the Conference of the Parties concluded that, despite progress in implementing the objectives of the Convention, Parties were conscious that biological diversity was being destroyed by human activities at unprecedented rates. The Conference of the Parties noted that a significant amount of work remained to be undertaken, in collaboration with relevant conventions, institutions and processes, in order to fully implement the Convention.

9. In particular, the Conference of the Parties recognized that attention needed to be paid, *inter alia*, to:

- a. The further raising of public awareness and the understanding of the importance of biological diversity through educational programmes and information;
- b. The rapid development and implementation of national strategies, plans or programmes for the conservation and sustainable use of biological diversity;
- c. The consideration of appropriate arrangements for access to genetic resources, and for the fair and equitable sharing of benefits arising out of the utilization of such resources;
- d. The development of effective means to respect, preserve and maintain the knowledge, innovations and practices of indigenous and local communities and the equitable sharing of the benefits arising out of the utilization thereof;

² A/S-19/13. See also E/CN.17/1997/11 and decision III/19 of the Conference of the Parties.

- e. The transfer of and access to technologies relevant to the Convention;
- f. The provision of new and additional financial resources for the implementation of the Convention.

10. These challenges were acknowledged by the General Assembly in its Programme for the Further Implementation of Agenda 21 and in its Programme for the Further Implementation of Agenda 21 in which it called upon Governments and the international community to adopt measures that would support the work of the Convention in addressing these challenges. This commitment was recently reinforced by the General Assembly in the United Nations Millennium Declaration whereby the world leaders unanimously resolved to press for the full implementation of the Convention.

Achievements

11. Since 1997 progress has been achieved in many of these issues. In the view of the Executive Secretary, progress can be observed in the following areas:
- a. More than one hundred countries have fulfilled the obligation to develop a national biodiversity strategy and action plan. The significance of this cannot be overestimated. It is the first time that such a comprehensive and wide-ranging planning initiative for the management of natural resources has been undertaken. An important consequence is to have provided the basis, in terms of information and policy, for proper consideration of underlying trends of, and the identification of priorities for, biodiversity, at all levels of governance;
 - b. Convention has proven to be an effective vehicle for developing policy. Through the adoption of work programmes on thematic and cross-cutting issues the Conference of the Parties has established a framework for developing policies on most of the issues raised by the Convention;
 - c. The Convention has contributed to raising public awareness of the importance of biological diversity and of the goods and services it provides, as well as of the threats that human activities pose to its long-term maintenance, in particular the interlinkages between biodiversity loss and climate change, land degradation and natural disasters;
 - d. The Convention has promoted inter-agency cooperation. The wide range of organizations that participate in the development of policy within the Convention process and, most importantly, in the development of joint programmes of work with the Ramsar Convention³, the Convention to Combat Desertification⁴, the Global Plan of Action for Land-Based Sources of Marine Pollution, and various regional seas programmes are

³ Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar, 1971).

⁴ United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa.

manifestations of this cooperation. The various memoranda of understanding concluded, in the various institutions in support of the implementation of the Convention also attest to the importance of cooperation in the work of the Convention;

e. The Convention has worked closely with the Global Environment Facility, as the operator of the financial mechanism of the Convention, enabling the latter to mobilise substantial resources for the implementation of the Convention. The GEF is the single largest source of funding for biodiversity conservation in the world. Over the last nine years it has invested approximately \$1.2 billion and leveraged another 2 billion. Most of these resources have been provided to Parties to assist them in meeting their commitments under the Convention;

f. The adoption of the Cartagena Protocol on Biosafety represents a significant advance in international environmental law. Its procedures constitute one of the most advanced and detailed elaborations of the precautionary approach in international law. The Protocol also establishes a series of mechanisms that will make an important and concrete contribution to technology transfer, and provides an opportunity for many developing countries to gain access to information and technology that will enable them to participate in one of the most important industries for the coming century. It constitutes a significant contribution to the implementation of chapter 16 of Agenda 21;

g. The Convention is begun to operationalise its third objective of promoting the equitable distribution of the benefits arising from the use of genetic resources, with the development of the Bonn Guidelines on Access and Benefit Sharing and progress on issues related to trade matters and intellectual property rights; and

h. The Convention and its processes have provided an important international forum for local and indigenous communities.

12. Further progress in implementation of the Convention is expected at the sixth meeting of the Conference of the Parties in April 2002. The development of a strategic plan and of scientific assessments on forests, on the linkages between biological diversity and climate change, and on alien species is anticipated. Further progress can also be expected on the priority issues on the agenda of the sixth meeting – forest, alien species and benefit sharing – and of the seventh meeting (to be held in 2004) – protected areas, mountain ecosystems, and transfer of technology and technological cooperation.

Challenges

13. Despite these significant achievements, biological diversity is still being destroyed by human activities at unprecedented rates.

14. Although the Convention has raised public awareness of biological diversity, of the goods and services it provides, and of the threats that human activities pose to its long-term viability, it is widely recognised that more needs to be done if the aims of the Convention are to

be realised. A key need in this regard is increasing stakeholder involvement in implementation of the activities of the Convention at all international and national levels.

15. The world's poor, particularly the rural poor, are often expected to bear much of the cost of maintaining biodiversity, for example in the form of foregone benefits of land conversion when areas are set aside for the protection of unique or threatened ecosystems or species. Unless they are fully involved in decision-making and benefit sharing, it is unlikely that long-term solutions to the problem of biodiversity loss can be found. In developing mechanisms to ensure such involvement, it is vital that issues of gender and social structure are properly addressed.

16. Another important challenge in raising public awareness is to convey to the public the urgency and consequences of the increasing rate of biodiversity loss. Unfortunately, it is often the case that natural disasters provide the impetus for action. The development of regimes to address global warming, ozone depletion and many types of pollution are cases in point. The scale and frequency of crop failures, forest fires, floods and impacts of alien species are all predicted to increase. Such events highlight the significance and consequences of the loss of biodiversity in an immediate and tangible manner for all sectors of society. They demonstrate that the biosphere is not impervious and limitless. Often loss of biodiversity is a significant causal factor in these events and this also serves to hamper efforts to recover from them. However, such events are often explained solely in terms of climate change. Correcting this will be important for creating the momentum for change and advancing implementation of the Convention.

17. Biotechnology is a rapidly evolving technology that provides both challenges and opportunities for developing countries. As a knowledge-intensive, rather than a capital-intensive industry, biotechnology provides promising opportunities for developing countries to establish internationally competitive industries and gain market share. The application of this technology and the types of regulatory measures put in place are major policy issues that will receive increasing attention in the coming decade. Chapter 16 sets out a basic framework for the sustainable management of this technology. The Cartagena Protocol on Biosafety is the most important legal instrument for implementing this framework and provides an important opportunity for many developing countries to gain access to information and technology. In order for this opportunity to materialize speedy ratification is required to enable the Protocol to enter into force and its institutions and procedures to be effectively established.

18. Implementing the third objective of the Convention – that the benefits arising out of the utilization of genetic resources be shared in a fair and equitable manner, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies – has proved challenging. Related to this is the implementation of the provisions of the Convention concerning traditional biodiversity-related knowledge. The Conference of the Parties has established ad hoc open-ended working groups on traditional knowledge (Article 8(j) and related provisions of the Convention) and on access to genetic resources and benefit-sharing with a view to advancing this work. A wide range of stakeholders is engaged in this work, including Parties, intergovernmental organizations, indigenous and non-governmental organizations, and private sector bodies. It is hoped that the coming period will see the emergence of agreed principles and procedures in these

complex areas which constitute new challenges to the international community, but challenges central to the success of the Convention.

19. As was previously noted, the relationship between the Convention and the Global Environment facility constitutes an important example of effective cooperation at the international level. The Convention provides for periodic reviews of the effectiveness of the financial mechanism. The Conference of the Parties will undertake the second such review in 2002. Nevertheless, challenges remain. Mobilising resources from other sources is one such challenge. Discussions are taking place with the Development Assistance Committee of the Organization for Economic Cooperation and Development on ways to monitor the provision of financial assistance for implementation of the Convention through its reporting system. A second important area for the mobilisation of resources for implementation, that has not yet been thoroughly explored, is the private sector.

20. Addressing the major threats to biodiversity such as habitat loss, alien invasive species, over harvesting or overuse, and the impacts of poverty, climate change and pollution, will require fundamental changes in the way resources are used and the benefits are distributed. Achieving this adjustment will require broad based action among a wide range of actors well beyond the immediate scope of the Convention process. A key strategy for achieving the aims of the Convention and Chapter 15 of Agenda 21 relies upon integrating the issues and concerns raised by the Convention into the plans and activities of a wide range of sectors and mainstreaming biodiversity issues into existing trade, financial and technical agreements and official development assistance (ODA).

21. The Convention is explicit that its objectives will be impossible to meet until consideration of biodiversity is fully integrated into other sectors. While many countries have made some start in this, notably in those sectors most immediately associated with biodiversity such as forestry, fisheries and agriculture, much more needs to be done, particularly in areas that traditionally are economically and politically dominant such as industry, trade and transport.

22. Leadership will be called for in the resolution of conflicts over uses, while the adoption of economically and socially sound incentive measures, and the removal of perverse incentives, will help reduce such conflicts. Even in those sectors where a start has been made in incorporating consideration of biodiversity into decision-making, more cross-sectoral integration is needed, for example consideration of the impacts of forestry, agriculture or aquaculture on sustainable use of inland water biodiversity, of fishing on marine and coastal biodiversity, or of land-use change on forest or dryland biodiversity.

23. At the global level, what is needed above all, is for other international regimes to take on board the concerns of this Convention. Over the past decade the experience has been mixed. On some issues there have been encouraging advances, albeit slower than desired. In others no headway has been made.

24. The Convention has also faced difficulties in conveying the message of the economic importance of biodiversity. Although a dialogue with relevant private sector organizations is

emerging in the areas of biosafety and access to genetic resources, it is fair to say that the Convention has yet to identify mechanisms for engaging the private sector at the national and global levels in the implementation of the Convention.

25. The experience of the operations of the Convention may provide lessons for the discussion of ways to improve international governance. In this respect, significant decisions and developments under the Convention include those relating to streamlining of national obligations towards multiple instruments, especially reporting mechanisms; streamlining administrative procedures and expenses; and improving cooperation and coherence in decision-making at international and national levels, especially with respect to topics being considered in multiple forums (such as forests).

26. The experience and lessons learnt from the work of the Convention since 1992 indicate several key areas where implementation of the Convention and of Agenda 21 can be mutually reinforcing. Such areas include:

<i>Agenda 21</i>	<i>Convention on Biological Diversity</i>
Promoting education, public awareness and training (chapter 36)	Public education and awareness (Article 13)
Environmentally sound management of biotechnology (chapter 16)	Cartagena Protocol on Biosafety
Recognizing and strengthening the role of indigenous people and their communities (chapter 26)	Traditional biodiversity knowledge (Article 8(j) and related provisions)
Financial resources and mechanisms (chapter 33)	Financial resources and mechanisms (Articles 20 and 21)
Integrating environment and development in decisions making (chapter 8)	National biodiversity planning and integration into plans, programmes and policies (Article 6)
Combating deforestation (chapter 11)	Work Programme on Forest Biological Diversity
Promoting sustainable agriculture and rural development (chapter 14)	Work Programme on Agricultural Biological Diversity
Protection of Oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources (chapter 17)	Work Programme on Marine and Coastal Biological Diversity

27. If there is a simple message to be heard from the experience of the first ten years of the Convention it has two components – two sides of the same coin. First, the nature and scope of the measures needed for implementing the Convention, which are themselves a reflection of the nature and scope of the underlying causes of biodiversity loss, require making complex and integrated policy choices that call for coordination, strong political will and active leadership at the national level. Second, the Convention will only succeed if its importance is recognised in the wider context of economic development and global change, in particular by the international regimes on key issues such as trade, agriculture, climate change and ODA. Unless these processes acknowledge the concerns of this Convention and its programmes for implementation, and actively take account of these in their own decision-making and measures for implementation, the Convention is unlikely to succeed. In this case biodiversity, with all the social benefits and ecological services that derive from it, will continue to be lost.

III. Ideas and proposals for the way forward for the further implementation of Agenda 21

27. In light of the above, the Commission on Sustainable Development acting as the preparatory committee for the World Summit on Sustainable Development may wish to include in its draft document to be transmitted to the third session of the Preparatory Committee elements to assist the further implementation of the Convention on Biological Diversity and of Agenda 21. Such elements could include:

- a. Reaffirming that the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources are essential to achieving sustainable human development in the twenty-first century and that implementing the objectives of the Convention will require policy coherence between all relevant instruments and processes, renewed political will on the part of Governments, and a renewed commitment to cooperation and to providing the resources and technology required.
- b. Acknowledging the need for new national and international arrangements and policy reforms to develop credible policy settings and coherence in decision-making with regard to biological diversity.
- c. Acknowledging that the Convention on Biological Diversity is the principal global instrument for setting the international agenda and priorities of biological diversity and for achieving the goals of chapter 15 of Agenda 21 – ‘Conservation of biological diversity’ and that its Cartagena Protocol on Biosafety is one of the principal global instruments for achieving the goals of chapter 16 of Agenda 21 – ‘Environmentally sound management of biotechnology’;
- d. Acknowledging the need to foster partnerships and linkages with other biodiversity related conventions urges biodiversity related conventions, agreements and

programmes to conclude legally binding arrangements with the Convention on Biological Diversity for fostering such partnerships;

e. Urging Member States who have not yet done so to ratify the Convention on Biological Diversity and its Cartagena Protocol on Biosafety;

f. Urging Member States and all relevant stakeholders to make further efforts to incorporate and mainstream the objectives of the Convention into relevant national sectoral or cross-sectoral plans, programmes and policies;

g. Urging Member States, international organizations and processes to actively seek ways to ensure harmonisation of the provisions of multilateral environmental agreements, and in particular of the Convention on Biological Diversity, with the provisions of international agreements in other areas of the global sustainable development agenda, particularly trade, climate change, forests and agriculture;

h. Urging Member States to actively promote policy coherence in national positions under different international instruments and processes;

i. Stressing the importance of investing in programmes of public education and awareness as the principle way of engendering support for the changes in behaviour necessary at all levels of society in all countries if sustainable development is to be achieved, and the inclusion of promotion of the aims of the Convention in such programmes;

j. Stressing the importance of increasing the active participation by all stakeholders in the implementation of Agenda 21 and of the Convention, in particular, in the elaboration, implementation and evaluation of national biodiversity strategies and action plans;

k. Urging the United Nations, its Programmes, Related Organizations and Specialized Agencies to take the opportunities offered by the proposed enhanced role of the UN resident coordinator contained in the reform plan of the Secretary-General and by the process of decentralization within the Organization, to provide harmonised and synergistic support at the national level to implementation of the Convention, including through national U.N. Development Assistance Frameworks;

l. Inviting Member States and international organizations to renew their commitments to cooperation and to providing the resources and technology required for implementation of the Convention.
