

The Convention on Biological Diversity and related international agreements

The EC is a party to the Convention on Biological Diversity, the first convention to provide a comprehensive approach to the conservation and sustainable use of biodiversity. It is an ambitious international framework for reversing the losses of global biodiversity, upon which many development opportunities depend.

International context

The conservation and sustainable use of biological diversity was first identified as a priority at the United Nations Conference on Human Environment in Stockholm in 1972, and since then a number of international legal instruments have been adopted.

- **The Ramsar Convention on Wetlands (1971)** seeks to protect biologically-rich but under-valued wetland ecosystems. (<http://www.ramsar.org>)

What is biodiversity?

The Convention on Biological Diversity (CBD) defines biodiversity as *'the variability among living organisms from all sources including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems'*.

- **The Convention for the Protection of the World Cultural and Natural Heritage (abbreviated to World Heritage Convention, 1972)** identifies sites of outstanding universal value, and provides support for their protection and management. (<http://www.unesco.org/whc>)
- **The Convention on International Trade in Endangered Species (CITES, 1973)** is a legally-binding international treaty, regulating trade in plant and animal species threatened with extinction. (<http://www.cites.org>) (see BB20)
- **The Convention on Migratory Species (alias The Bonn Convention, 1979)** coordinates regional and global efforts to protect some 10,000 migratory species, including birds, dolphins, and marine turtles. (<http://www.wcmc.org.uk/cms>)
- **The UN Framework Convention on Climate Change (1992)** was negotiated in response to anticipated environmental damage, and aims to mitigate climate change impacts. (<http://www.unfccc.org>)
- **The UN Convention to Combat Desertification (1994)** is a comprehensive approach to reducing desertification and drought. (<http://www.unccd.int>)

A central element of biodiversity management for economic development is the sustainable use of wildland resources.

WWF-CANON/HARUT JUNGUIS



The EC is a signatory or contracting party to over 30 other environmental agreements, as well as a number of non legally-binding agreements, such as the Forestry Principles drawn up in Rio (1992). Equally important are influential conventions and agreements not primarily concerned with biodiversity, but with great impact upon it, such as World Trade Organization (WTO) agreements and the United Nations Convention on Law of the Sea (UNCLOS).

The Convention on Biological Diversity

This was adopted in Nairobi in 1992; as of January 2001 there were 180 Parties. It comprises 42 Articles and two Annexes, and has three overall objectives:

- conservation of biological diversity;
- sustainable use of the components of biological diversity;
- fair and equitable sharing of the benefits arising out of the utilisation of genetic resources.

Full details of the text, and the decisions of the Conference of the Parties (COP) can be found on the CBD web-site: <http://www.biodiv.org>.

Conservation involves the 'conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species...' (CBD Article 2), and includes the rehabilitation of degraded ecosystems.

Sustainable use is 'the use of components of biological diversity in a way, and at a rate, that does not lead to a long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations' (CBD Article 2).

What the Convention addresses

The CBD takes a comprehensive rather than a sectoral approach to the conservation and sustainable use of biodiversity, and covers:

- genetic diversity – variability within a species, and the genetic information contained in individual plants, animals, and micro-organisms;
- species diversity – the variety and distinctiveness among species;
- ecosystem diversity – the variety of habitats, biotic communities, and ecological processes in the biosphere.

The themes for action are addressed under separate articles for: *in situ* and *ex situ* conservation (Art. 8 & 9); sustainable use (Art. 10); incentive measures (Art. 11); research and education (Art. 12); public education and awareness (Art. 13); impact assessment and minimising adverse impacts (Art. 14). Other articles deal with international cooperation and exchange of technology and information.

In the context of development cooperation, the CBD promotes integration of biodiversity management into economic development, arguing that sustainable development is only possible if the earth's renewable resources are used sustainably. It also emphasises the need for equitable benefit-sharing.

The first Protocol to the Convention was adopted on 29 January 2000: the Cartagena Protocol on Biosafety. As of 1 December 2000 the Protocol had 80 signatories and two ratifications; it will enter into force 90 days after the 50th ratification. It deals with potential risks to human health and the environment posed by the introduction of living modified

organisms (LMOs), including genetically modified organisms (GMOs). It establishes a procedure for ensuring that adequate information is available to allow countries to make informed decisions before LMOs are imported. It is based on the Precautionary Principle (see text box).

Rights and obligations

The CBD recognises the 'sovereign right' of nations to 'exploit their own resources pursuant to their own environmental policies' (Art. 3). In line with this, each Party has responsibility for its own biological diversity and should develop national strategies and action plans as tools to integrate biodiversity issues into national decision-making (Art. 6). Legal instruments allow countries to conserve and sustainably use their biodiversity, as they:

- confer jurisdiction and powers on public bodies and communities;
- establish and enforce procedures (such as Environmental Impact Assessments);
- provide for public participation;
- establish a legal basis for environmental agreements;
- implement obligations under international agreements.

Parties are required to manage their own processes and activities which may threaten biological diversity, regardless of where their effects occur, and are expected to cooperate on matters of mutual interest (for example, shared ecosystems and areas beyond national jurisdiction, Art. 5).

The Convention also calls on the Parties to take into account the special needs of developing countries, with new and additional financial resources (Art. 20) and appropriate access to, and exchange of, genetic resources and relevant information and technologies (Arts. 15–19).

Institutional arrangements

The COP is the key decision-making body responsible for monitoring the implementation of the CBD, which meets every two years: COP6 is planned for 2002 in the Netherlands. Parties are required to submit reports on measures taken for the implementation of the Convention and how effectively they have met the objectives of the Convention.

The Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) provides the Conference of the Parties with advice relating to the implementation of the Convention, including the status of biological diversity and

the effectiveness of implementation measures. It also has a major role in identifying technologies for the conservation and sustainable use of biological diversity which are suitable for transfer to developing countries.

The Global Environment Facility (GEF) is the financing instrument for the CBD and provides grant and concessional funds to developing countries for projects and activities that aim to implement the CBD. These funds are intended to cover incremental costs (i.e. the difference between the cost of meeting a country's global environment obligations, and those of its national development programme). The GEF also meets the costs of developing countries to prepare national biodiversity strategies and action plans.

The Convention provides for the establishment of Clearing House Mechanisms (CHM), to allow the sharing of biodiversity-related information. The Cartagena Protocol also proposes the establishment of a Biosafety Clearing House, to facilitate the exchange of information on LMOs. Lists and contact details for national biodiversity focal points for the CBD and for national CHMs can be found on the CBD website.

Conservation and sustainable use

The conservation and sustainable use of biodiversity are central to development cooperation interventions.

The Precautionary Principle

This principle states that *'where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimise such a threat'*.



WWF-CANON/MARTIN HARVEY

This Cape Sugarbird, which is endemic to the Fynbos region of South Africa – an area of extremely high biodiversity – is a primary pollinator of *Protea* flowers, and therefore a crucial component in the maintenance of the ecosystem.

In situ conservation refers to conditions where genes and species are found in the surroundings where they evolved (including on-farm for domesticated species), and *ex situ* conservation where components of biodiversity are outside the habitats in which they evolved.

There is emphasis on the establishment and management of protected areas, which range from Strict Nature Reserves to Managed Resources Protected Areas. A network of interconnected protected areas of representative ecosystems is recognised as central to maintaining global biodiversity, but in tropical regions these account for less than 10% of the land area, so biodiversity also needs to be managed outside protected areas.

Sustainable use of biological diversity is fundamental to many development pathways: for instance the supply of food or medicine, and provision of ecosystem services such as soil formation, recycling of water and oxygen. Sustainable use therefore must look beyond biological issues, and include economic and socio-cultural needs. Conservation and sustainable use of biological resources should be integrated into national decision-making.

Equitable benefit sharing

There is a strong focus on the sharing of benefits from the use of genetic resources (Arts. 15–19), but development cooperation also needs to take into account of the sharing of costs, and consider species and ecosystem biodiversity. Article 8(j) recognises the links of indigenous peoples and local communities with biodiversity, and Article 10(c) encourages customary uses of biological resources in a way that is compatible with their sustainable use or conservation.

Equitable sharing must stem from this recognition, and respect for local communities' intellectual property rights, so that benefits of sustainable use and conservation flow to these groups. It relies on supportive policies for land ownership, resource access and co-management opportunities, and depends on favourable trade policies.

Impact assessment and minimising adverse impacts

Article 14 deals with the promotion of Environmental Impact Assessment (EIA), including Strategic Environmental Assessments (SEA) for policies, sector programmes, and long-term planning. It emphasises that these instruments are vital for identifying opportunities for ecologically appropriate measures to avoid adverse impacts of development activities.



Further information

- EC (2000) *Integrating environment and sustainable development into economic and development co-operation policy*. COMM (2000) 264 final, CEC, Brussels.
- EC/IUCN (1999) *Parks for Biodiversity*. EC, Brussels and IUCN, Gland.
- Fifth Annual World Bank Conference on Environmentally and Socially Sustainable Development fact sheets *International Agreements*
- Glowka, L, F. Burhenne-Guilmin & H. Synge (1994) *A Guide to the Convention on Biological Diversity*. IUCN: UK, Germany, Switzerland.
- reference to other Biodiversity Briefs is denoted as (see BB#).

Website

All Biodiversity Development Project (BDP) documents can be found on the website: <http://europa.eu.int/comm/development/sector/environment>