

Relaunching the international ambition for biodiversity: a three-dimensional vision for the future of the Convention on Biological Diversity

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Biodiversity is an increasingly important issue on the political agenda. Many believe that the process initiated regarding the climate must now be undertaken for biodiversity. Everyone remembers the excitement triggered by the conclusion of COP 21 on climate and the adoption of the Paris Agreement. We now naturally turn our attention towards the Convention on Biological Diversity (CBD, adopted, like the Climate Convention, at the 1992 Rio Earth Summit), with the hope that within it can be found a similar international dynamic that will give a strong momentum to the actions of States and civil society, providing them with visibility and duration, which can mobilize opinions and above all allow biodiversity to resist political decisions that even today tend to relegate it to the level of a minor issue. Indeed, we are approaching a crucial event in Beijing at the end of 2020, during which the international community will see how the objectives it set itself in 2010 have not been achieved, and will have to find the terms for an agreement that is commensurate with the challenges.

This Issue Brief clarifies the challenges that must be faced at this event by focusing on three issues: the regime of objectives and targets; the mechanism of the convention; and other legal initiatives or instruments that can be envisaged and linked with the CBD. This analysis is complementary to another Issue Brief, which details the milestones and steps along the pathway towards the end of 2020.

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KEY MESSAGES

- To once again merely postpone these objectives, which were set 10 years ago, to the end of the next decade without achieving them, would be a sign that the Convention on Biological Diversity is powerless.
- Renewing the system of objectives implies the evaluation of what they have brought to biodiversity policy in the countries that have adopted them.
- Giving strength to the future objectives will only be possible through a more precise allocation of responsibilities for each country, and thus a form of individualization of targets.
- The ingredients for the success of the Paris Agreement are analysed here. To draw inspiration for biodiversity from these findings will particularly require the linking of global ambitions with the commitments of states and non-state actors.
- The Convention on Biological Diversity is not the only focus of international action for biodiversity. Other legal instruments could be initiated, for example regarding pesticides, and linked to the CBD that could serve as a “matrix” of international commitments.

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For political actors, the beginning and ends of decades are both dreaded and desired. They are times of major summits, and evaluations, which are often harsh. They are also times when promises are made and visions of the future are presented, and although previous objectives might not have been met, new and often more ambitious commitments are made for the end of the following decade. This has been the case for biodiversity. Following the 2002 Johannesburg Earth Summit, marked by Jacques Chirac's famous speech, "The house is on fire, but we're looking elsewhere," a global commitment was made to significantly slow down the loss of biodiversity before 2010 (Millennium Development Goal 7.B). By 2010 it had become clear that this loss had not been slowed, since any decline in deforestation in the Amazon had been largely offset, for example by the continuation of clearance elsewhere, exacerbated by unrestrained urbanization in emerging countries, along with emissions of pollutants that continued to grow in all regions of the world. Then, with widespread enthusiasm among participants, major resolutions were made and adopted in the Japanese Aichi Prefecture at the Tenth Conference of the Parties to the Convention on Biological Diversity (CBD) in the form of twenty Aichi Targets, connecting results and methods and to be met by the end of the next decade, i.e. 2020.

Given the successive global assessments that have been carried out in the meantime, it is no secret that the vast majority of these goals will not be met by 2020¹, and in fact for some objectives, the situation will have deteriorated.²

How then can we deal with this situation, prepare for the deadline, and try to make it an opportunity to strengthen action for biodiversity?

In our opinion, answering this question requires analysis and actions in three dimensions, which do not exclude each other but fit together. For this, we draw on the experience of the Climate Convention COP 21 and the Paris Agreement,

which have enabled a regime change in this field, and which offer a number of lessons that are potentially useful for those who wish to make international governance a tool for better biodiversity policies.

1. The main significant objective that should in fact be achieved is that of placing 17% of land and inland waters under protective status (regardless of the strength of this status). In addition, the procedural objectives of the implementation of the Nagoya Protocol and the production of reports have been generally achieved.

2. In particular, regarding the objective to substantially reduce habitat degradation and its fragmentation, to reduce pollution and pressure on coral reefs, the conservation status of threatened species, and the consideration of indigenous and local community needs, as well as those of poor women.

FIRST DIMENSION: REFORMULATION OF OBJECTIVES

Reformulating the Aichi objectives and renewing their content is, of course, the logical option. In the prevailing situation, it is more or less the only option available to negotiators and the CBD secretariat: firstly, because such a reform is within their natural scope; secondly, because it is their main current mandate.

At the technical level, the reformulation of the objectives should be based on an evaluation of what the current targets have delivered in terms of action for the world's biodiversity. Simply because the targets have not been reached, does not mean they have not had some kind of impact: we need to see who has been working towards these goals, and whether this work has achieved anything: would biodiversity be in a worse, better or equivalent state without the Aichi targets? Case studies in different contexts should be carried out.

However, the reformulation³ of the Aichi targets cannot be limited to purely technical dimensions. In particular, one of the weaknesses of the system relates to the collective nature of the commitments. Aichi targets and their regular evaluations³ do not resonate in public opinion, because they are made on a global scale, and therefore the scale of no one in particular. We know that when evaluations relate to well-specified and comparable actors and actions, we can understand the results and (1) study and transpose successful models and (2) apply a form of political pressure, domestic and international, to the measures implemented in each country. Past negotiations have resulted in a denial of such individualization, precisely to avoid the political pressure it would generate. The parties thus remained faithful to both the spirit and the letter of the 1992 convention, which provided for the total subsidiarity of each party with regard to its domestic choices, and a lack of specific commitments from signatory parties.

It will therefore require one or more bold initiatives, taken by countries that accept to be held accountable, and we will have to hope that these countries provide the lead for others to follow.

Otherwise we will have to rely on a two-tier system, in the form of a coalition of countries that accept comparable national commitments and assessments, and agree to be held accountable for them, while the remaining parties maintain a minimal level of international coordination.

3. <https://www.cbd.int/gbo/>

SECOND DIMENSION: A CHANGE OF MECHANISM

We can see that avoiding the mere postponement of ambitions to 2030 requires a change to the political dynamic that must go beyond the limitations of the CBD's current mechanism, as defined in 1992. If we want to avoid the simple repetition of the existing situation, against a backdrop of what has become general indifference, it is essential to work on its renewal.

To do this, the lessons of the Paris Climate Agreement are useful. Initially, the Climate Convention, like the one for biological diversity, did not involve individual commitment. Commitments were only made by developed (so-called "Annex 1") countries to stabilize "greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system" (Article 2). Then, just before the first Conference of the Parties to the Convention in 1995, the IPCC report mentioned for the first time that there was a need to reduce emissions, rather than simply to "stabilize" them. The negotiations that were then launched, leading to the Kyoto Protocol, consisted mainly in listing reduction commitments for the various Annex 1 countries. In other words, this was a first individualization of the announced efforts within developed countries. However, the protocol did not include the notion of a "global carbon budget" nor of the distribution of this global imperative between countries; it simply recorded the commitment of some countries to reduce their emissions.

The subsequent failure of the Copenhagen negotiations in 2009 probably came from the imposition of a top-down rationale. The negotiations endorsed scientific analyses that had calculated the global carbon emission "budget" to limit global warming, and which suggested how to distribute the effort between countries, which caused tension and blockages that contributed to the resounding failure of the 15th Conference of the Parties in 2009.

After that, a new dynamic was only made possible when the community involved managed to stop clinging to this type of principle, and to work on a renewed regime. This process was done through a compromise between the previous rationale, which sought to distribute a globally calculated effort between countries, and a bottom-up approach, involving voluntary commitments from each party, without collective pressure. The George W. Bush administration and its allies, for example, proposed purely voluntary commitments, leaving only the role of verification and measurement to the Convention and to the United Nations. This

new dynamic has resulted in the Paris Agreement, which needs to be confirmed and operationalized: (1) it includes a "bottom-up" dimension, based on voluntary commitments by countries, not only in terms of national level of ambition but also of the scope covered by the commitments: for example, the national commitment may or may not propose measures concerning land use (agricultural, forestry, urban, nature); (2) However, the agreement makes it possible to make a collective judgment on individual commitments: not on the basis of the distribution of efforts among countries or regions of the world, but on the consistency between, firstly, the pathways freely chosen by each country, and secondly a commitment to which everyone adheres, that ensures that these pathways will enable a "decarbonization" of the economy by 2050.

Can we build on this renewal of the regime to reinforce the CBD and provide it with more credibility, political visibility and influence on domestic debates and policies? We think this debate must be open, and that countries should give negotiators a mandate to explore the issue. It involves asking questions to establish what aspects of the current regime are capable of evolving towards such a mechanism. For example, parties to the CBD are producing National Biodiversity Strategies and Action Plans, which could serve as nationally-determined contributions, as in the Paris Agreement. Could this device become an instrument capable of renewing the CBD's momentum? Answering this question involves both technical investigations and high-level political initiatives in countries wishing to exercise leadership to try to reinforce the negotiation dynamic. We could look for "coalitions" of countries that propose these types of commitments, and these countries could "launch" their biodiversity NDC upstream of the COP 15 to generate a rallying dynamic.

This process could be associated with the search for a combination of commitments from state actors (e.g. national commitments to reduce pesticides by 50%) and non-state actors (e.g. "zero deforestation" commitments for companies).

THIRD DIMENSION: THE CONVENTION AS A MATRIX

As a framework convention, the CBD must not be seen as the regime of complete biodiversity governance, which includes all actions to enhance it, but rather as the institutional matrix capable of generating and then coordinating and linking specialized initiatives for specific sectors or economic activities, and hence more specific and firm commitments. This is the case for pesticides for example,

the determining role of which in the degradation of biodiversity is becoming increasingly well established, and which could, at least for some of them, be the subject of a targeted commitment, in a legal and institutional framework possibly separated from the CBD, but to which it would bring a reinforcement in terms of recognition or designation.

It must be recognized that this type of action is among the most difficult to implement. Again, COP 21 offers an inspiring lesson: despite various attempts, it was not possible to include objectives and sectoral instruments in the Paris Agreement. So the baton was passed outside of the multilateral framework in the strict sense of the term: it is ultimately groups of states and/or non-state actors (international institutions, companies, NGOs, local authorities, etc.) that have built coalitions, made collective commitments and defined assessment tools, such as those for coal, and automotive and maritime transport.

This may be a way to breathe new life into actions to enhance biodiversity, particularly those carried out by civil society. Examples include the agri-food sector and its many commitments to ensure that its supply chains involve zero deforestation. In the case of pesticides, such mobilization of a coalition of state and non-state actors to “eliminate (some) pesticides” could constitute a driving force related to the CBD’s deadlines, reinforcing the convention at the same time.

CONCLUSION

In any case, without a major shake-up such as some ambitious initiatives of a few highly determined countries and civil society actors, there is a big risk that the CBD, and therefore the international governance of biodiversity, will be considered as ineffective or only able to build a doctrine that others will have to seize if they want to act. This would strengthen a form of withdrawal. The nation-state framework would become the only one in which political decisions for biodiversity would be developed and discussed, without any global reference that would enable all inhabitants of the planet to have a sense of responsibility for the distant consequences of their choices, and to hold accountable governments and companies of all types and countries. Even the US withdrawal from the Paris Agreement does not represent such a negative for the climate, because the international framework has now imposed itself for climate policy.

Given the continued and accelerated expansion of crops, pollution, urbanization, ocean acidification and overfishing, such a governance downfall would constitute one less reason to hope for a policy that finally meets the challenges of biodiversity. ■