

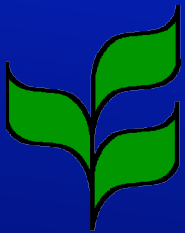
Current frameworks & commitments  
for biodiversity conservation:  
The costs and benefits for national  
governments

Biodiversity Monitoring and Conservation  
Symposium, June 19, 2009  
Linda Krueger, Wildlife Conservation Society



# 5 Global Biodiversity-Related Conventions

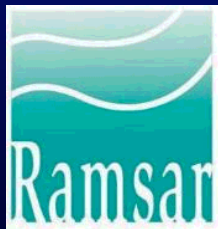
## Widespread Adoption



**Convention on  
Biological Diversity  
(CBD)**



**Convention on  
Migratory Species  
(CMS)**



**Ramsar Convention  
on Wetlands**



**Convention on  
International Trade in  
Endangered Species of  
Wild Fauna and Flora  
(CITES)**



**World Heritage  
Convention  
(WHC)**

# Focus on national scale

- Monitoring important at all levels, but in terms of implementing global biodiversity conventions, national governments key actor
  - Take commitments
  - Responsible for reporting/accountable
  - Authority and legitimacy to make policy changes.

# National reporting

‘Each Contracting Party shall ... present to the Conference of the Parties reports on *measures* which it has taken *for the implementation* of the provisions of this Convention and their *effectiveness* in meeting the objectives of the Convention.’

CBD article 26

# Implementation does not necessarily mean effectiveness

- Is treaty being implemented?
  - i.e., does it have political effects (in domestic law)?
- Is it being complied with?
  - Beyond implementation, does country adhere to agreement's obligations (procedural, like reporting; or substantive, like creating PAs)
- Is it effective?
  - When it solves the problem treaty seeks to address. (But how to determine causality?)
  - Hardest to measure!

# What makes regimes effective?

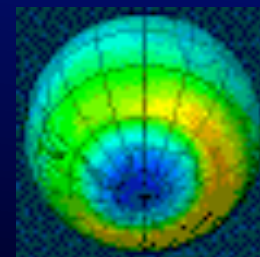
- Regime design
  - Monitoring, reporting, verification (core components)
- Level of implementation
  - Do countries change legislation
- Compliance
  - Degree to which countries observe regulations and their actions conform to the regime

# Factors that affect implementation, compliance, effectiveness

- Perceived equity of the obligations
- Precision of the obligations
- Provisions for scientific and technical advice
- Reporting requirement and other monitoring
- Secretariat
- Incentives
- sanctions

# Why isn't biodiversity a high priority for countries? (1)

- CBD is a framework convention, e.g.
  - UN Framework Convention on Climate Change
    - Kyoto Protocol
  - Vienna Convention (1985) on ODS
    - Montreal Protocol
    - Continuous ratcheting up of commitments – increasing depth of cooperation. (But enforcement needs have not increased)



# Problems with CBD as an incomplete convention

- Shallow cooperation; doesn't require change in behavior
- Lacks binding targets; reduces authority of state actors that would implement them
- Is "incomplete" without fully developed implementation review systems
- Indicators are part of an implementation mechanism but lack **legitimacy** of a binding protocol.

# Resistance to getting report cards

- “...assessment of the progress towards the 2010 target should not be used to evaluate the level of implementation of the Convention individual Parties or regions;”
  - Decision VIII/15 (2006)

# Other barriers to investing in biodiversity monitoring

- Interests are asymmetrical among countries (not all objectives are equal to all parties)
- Lack of clear commitments and enforcement mechanisms
- Uncertainty about costs/benefits of domestic implementation policies (costs usually more clear than benefits)
- Reputational concerns
- Lack of domestic constituencies (or weak domestic constituencies).
- Biodiversity is both complex and ambiguous: lacks **salience**
- What's in it for them?

Application of science-driven  
biodiversity indicators in absence of  
strong political commitments places  
huge burden on indicators

What can we do?

# Negotiate a binding protocol ?

- Would increase salience of biodiversity issue
- Doesn't address distributional problems
- Protected Area Programme of Work (?)

# Tools for increasing compliance within a “soft” biodiversity regime

1. Build domestic constituencies/epistemic communities (Indicators!)
2. Reduce cost of implementation & compliance
3. Increase financing
4. Address issue of benefits sharing head on
5. Acknowledge socio-economic trade-offs in indicator tools
6. Increase strength of secretariat
7. Improve science-policy interface for biodiversity

# 1. Build domestic constituencies/ epistemic communities

- Networks of Knowledge-based communities at national level
  - Channels to articulate ideas from societies to governments to international communities
  - Articulate cause & effect relationships for policy makers
  - Help states identify their interests
  - Help states become active participants in transnational processes
  - Can “infiltrate” government and exercise bureaucratic power

# 1. Build domestic constituencies/ epistemic communities (2)

- Changing norms & expectations
  - Strength & quality of norms influence changes in state interests, identity and behavior; drive legalization
  - States may follow a logic of appropriateness rather than interests/consequences
  - **Indicators** regime can create changes in the preferences of domestic actors that may lead to greater incentives for compliance

## 2. Reduce costs of implementation

- Improved compliance through management and capacity building.
  - Increase confidence (encourage compliance for reputational reasons alone)
- Increase self-sufficiency of a country to comply (e.g. train trainers)
- Diffusion of knowledge, tools, simplified monitoring protocols
  - purpose of the regime to facilitate cooperation by providing states with information or reducing information costs

## Reduce costs of implementation ex. of MP compliance committee

- 1989 Geneva meeting to address non-compliance
- Procedures non-confrontational
- Issues should be raised with the secretariat
- Bilateral and collective responses
- Issues resolved through administrative action or diplomatic contacts
- Decisions on noncompliance made only in full meeting of the parties

### 3. Financing: Allocation of Costs and Benefits

- Asymmetrical interests/concerns about environmental issues
- Lack of trust that donors will live up to commitments (contracts); problem of information and enforcement
- Need to get honest that conservation success requires additional resource transfers

# Financing: Pay for compliance?

- Hugely contentious
- GEF: Biodiversity, Climate, desertification, chemicals, international waters
- Global Mechanism under CCD
- Montreal Protocol Multilateral Fund: financial assistance linked to compliance.
- Climate Change: many funds, markets?

# Link Financial transfers with compliance ?

- Tends not to be highly effective.
- Incentives tend to be too weak unless they bring about change in recipient concern or capacity
- Don't cover enough of the required environmental expenditures (benefits not commensurate with costs)
- Aid viewed as temporary; costs tend to be recurrent, long-term. Defection as soon as aid ceases.
- Collective action/conflict of interest failures among donors

# Financing as carrot and stick: Ex. of the MP Fund

- Scientific assessment plays huge role in disbursement of fund
- Depended on a strong political coalition of industry and environmental actors to get off ground. Covered industries get benefits.
- Provides incentives for long-run economic and technological benefits for switching to non-ODS alternatives. Technology, capacity.
- Developed countries got greater participation in regime to avoid leakage.
- Also used as a stick: Early funder was GEF-- withheld funds to states until their compliance plans approved by MP

## 4. Address divergent norms on “benefits”

- Developing countries haven't had their priorities implemented
- Idea of biodiversity as a global public good was explicitly rejected by CBD negotiators as imposition on sovereignty (now resurfacing as ecosystem services)
- National interest in promoting global benefits can only come through a norm-building approach.

## 5. Address Economic Trade-offs

- Information about costs/benefits of various policy alternatives often the most egregious of information gaps
- Acknowledge that achieving some CBD targets for conservation will require trade-offs for development (affects multiple sectors, like UNFCCC)
- Governments want options, not formal recommendations

## 6. Strengthen Secretariat

- Usually not permitted any “prosecutorial” role.
- Non-state actors generally have no standing to bring suit on noncompliance
- Burden is on individual countries both to detect and deter noncompliance, enhance cooperation.
  - MP has strong secretariat that was able to enforce donor coordination

## 7. Science-Policy Interface: Ex. Climate Change

- Science was vital to the creation of both biodiversity and climate change regimes, but science-policy interface seems to work better for CC:
  - IPCC tells what's going to happen at different GHG concentrations
  - Economists model abatement costs
  - Politicians decide targets

# Is CBD necessary to monitor biodiversity?

- Increased legalization provides increased legitimacy, perception of need to comply, confers authority on relevant nat'l agencies
- For approaches (indicators, etc.) to diffuse broadly they must be institutionally sanctioned
- Multiple regimes may embed states in regularized webs of cooperation that are mutually reinforcing.

# Importance of 2010 Strategic Planning process as implementation tool

- Build “protocol” from ground up using indicators/targets embedded in strategic plan
- Focus on national scale
- help decision makers address trade-offs at the national level: what role can indicators play in helping national governments evaluate costs and benefits?
- Timebound targets (e.g. PoWPA model)
- Enhance participation (leading state coalitions)



Thank you!