

## COMMENT

### **The Convention on Biological Diversity: a solid foundation for effective action**

Having been deeply involved with the Convention on Biological Diversity (CBD) since it was first conceived at the World Parks Congress in Bali in 1982 (de Klemm 1984), I wish to respond to Guruswamy's (1999) critique of it.

First of all, I fully agree with Guruswamy (1999) that the CBD falls short of expectations, and that it could be far more effective (see, for example, McNeely 1999). He is quite right that the Convention leaves responsibility for implementation in the hands of the Parties, and that the developing countries consider economic and social development and poverty eradication as their overriding priorities. I share his exasperation at the lack of progress, having sat through as much of four meetings of the Conference of Parties as I could stand. And of course the CBD is weakened by the diluting caveat, 'as far as possible and as appropriate', applied to the substantive Articles.

But I draw very different conclusions from these points of agreement. Guruswamy (1999) complains that the CBD 'empowers developing countries subjectively to determine what constitutes development', but this is precisely the power of the CBD. Developing countries have insisted – frequently, clearly, and correctly – that they must determine for themselves how they will develop. The CBD provides an agreed framework within which they may do so, guided by the caveat that any use of biological resources must be sustainable. Far from rejecting the concept of sustainable development, the CBD is helping to put that elusive concept into practice at the national level.

The CBD also establishes a common language so that all countries are singing from the same page in the conservation hymnal, often using the CBD to carry out cooperative activities. For example, ASEAN (the Association of South East Asian Nations) has recently established a regional biodiversity centre in the Philippines.

Its objectives (Article 1) explicitly recognize the responsibility of Parties to conserve biological diversity, use biological resources sustainably, and equitably distribute the benefits arising from such use. This is hardly the 'diminishing of biodiversity', and the Convention includes a reasonably detailed prescription on how to protect biodiversity, especially in its Articles 6, 7, and 8.

And while I suppose it might be conceivable in theory for Parties to use the Global Environment Facility (GEF) in ways that are contrary to the interests of biodiversity, the reality is very different. The Parties have agreed broad priorities for investment by the GEF, and the procedures for project approval are rigorous; all major projects must be approved by the GEF Council, which includes equal representation of developed and developing country governments (including one non-Party to the CBD, namely the USA).

Guruswamy (1999) claims that the CBD is 'diminishing environmental protection' and 'very nearly interdicts the obligation to protect biodiversity'. In fact, the CBD is doing precisely the opposite. Leaving it up to individual countries to decide how they will implement the broad objectives agreed under the CBD is a basic principle of the new wave of environmental conventions, and has led to great creativity on the part of developing countries. I am writing this commentary in India, where a new Biodiversity Board has recently been established by the state of Madhya Pradesh, designed to support implementation of the CBD at the state level. India has used a broad consultative process to develop its national biodiversity strategy and action plan (as called for under Article 6 of the CBD), is developing new national legislation, has started new research programmes, and is building the CBD obligations into its national development plans. Many other countries are doing likewise.

Working with governments in all parts of the world to implement the CBD, I have been impressed by the significant steps they have taken to improve national policymaking toward the achievement of the Convention objectives. As just one indication, my bookcase supports about two metres of national reports and national action plans on biodiversity. Certainly they are not yet

being fully implemented, but countries are clarifying their own priorities and changing their own investments.

Under Article 6, dozens of governments are preparing their own national biodiversity strategies and action plans, which lay out clear indications of the kinds of activities required at the national level to implement the CBD. New legislation is being designed and implemented, and while some might consider the legislation far from perfect, it is still resulting from national processes that are deemed appropriate by the countries involved, and enacted by democratically-elected governing bodies.

The CBD recognizes that biodiversity is the 'common concern of humankind', which is hardly rejecting the principle that 'biodiversity is the natural heritage of humankind'. And far from rejecting national responsibility, Article 3 specifically recognizes that States have 'the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction' (in other words, the Global Commons).

The CBD established a legal commitment between the developing countries to conserve biodiversity and the industrialized countries to provide the necessary funds to help enable them to do so.

But while many developing countries certainly welcome international support for their efforts to implement the CBD, none of those of which I am aware depend entirely on such funding for the core implementation of the CBD. On the contrary, developing countries in all parts of the world are making significant investments of their own in implementing the CBD. A major, and familiar, problem is that the relatively wealthy industrialized countries are hardly driven to pay even their fair share of the bill, far less than the very considerable funds that would be required if all countries sought to implement the CBD to a level that might be appropriate in, for example, Canada or the UK. The CBD has certainly failed to force the wealthy to pay their fair share of the bill, but of course they would not have ratified if the CBD had the power to force them to do so.

Guruswamy (1999) supports the claim that the Parties 'have failed to address forest issues'. While I certainly am not satisfied that the CBD has dealt with forest issues adequately, Decision IV.7 of the most recent Conference of the Parties agreed a 56-paragraph work programme for forest biodiversity, covering research, access and benefit-sharing, addressing underlying causes of forest biodiversity loss, and supporting the work of other agencies dealing with forest biodiversity. The framework provided by the CBD opens the door for other institutions, such as the WWF, to implement the forest elements of the Convention as they see fit. The catalytic effect of the CBD is enormous, as judged by the hundreds, if not thousands, of biodiversity projects being implemented in forested areas around the world, with funds from a great diversity of sources.

So while the CBD is far from perfect, it is a unified agreement by over 170 nations that conserving biodiversity, using biological resources sustainably, and equitably sharing benefits arising from such use is a set of objectives worthy of considerable international and national attention. The CBD gives substance to the obligation to protect biodiversity, institutionalizes the principle of differentiated responsibility, and gives practical meaning to sustainable development. It thus is forging a useful ring between the global need to conserve biodiversity and the sovereign right of states to develop their own resources as they see fit.

## References

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