Convention on Biological Diversity (CBD) and Forest

Kapchorwa conference
The Future of Forests

Mount Elgon National Park
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EU Sustainable Value Chains

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The value of biodiversity : Ecosystem services

- Food, fuel and fibre
- Shelter and building materials
- Purification of air and water
- Detoxification and decomposition of wastes
- Stabilization and moderation of the Earth's climate

The value of biodiversity : Ecosystem services

- Moderation of floods, droughts, temperature extremes and the forces of wind
- Generation and renewal of soil fertility, including nutrient cycling
- Pollination of plants
- Control of pests and diseases
- Maintenance of genetic resources as key inputs to crop varieties and livestock breeds, medicines, and other products
- Cultural and aesthetic benefits

Biodiversity under threat

There is ample evidence that, despite ongoing efforts, biodiversity is deteriorating worldwide at rates unprecedented in human history.

Species have been disappearing at 50-100 times the natural rate, and this is predicted to rise dramatically.

Global atmospheric changes, such as ozone depletion (ultraviolet-B radiation) and climate change (changing habitats and the distribution of species), add to the stress.

‘An average of around 25 % of species in animal and plant groups are threatened, suggesting that around 1 million species already face extinction, many within decades’. ‘The biosphere, upon which humanity as a whole depends, is being altered to an unparalleled degree across all spatial scales. Biodiversity …is declining faster than at any time in human history.’ (IPBES (2019)).

The loss of biodiversity

- reduces the **productivity of ecosystems**, thereby shrinking nature's basket of goods and services,
- weakens ecosystems' ability to deal with natural disasters (floods, droughts, and hurricanes), and with human-caused stresses, such as pollution and climate change.

And the law?

- Widespread failure to address the processes that generate environmental degradation
- Environmental values have not been integrated into the basic structure of the law

Convention on Biological Diversity

- CBD, umbrella convention
- Variability among living organisms from all sources (within species, between species, and of ecosystems) (Article 2)
- CDB recognizes for the first time- that the conservation of biological diversity is "a common concern of humankind" and is an integral part of the development process.

CBD Statement of objectives

Conservation of biodiversity

Sustainable Use of its components

Fair and equitable sharing the benefits of genetic resources

The CDB links traditional conservation efforts to the economic goal of using biological resources sustainably.

1. Conservation

No definition. Treated differently from sustainable use (defined)

Involves the twin elements of protection and maintenance.

- **"In-situ" conservation** is the primary means of conservation (maintenance and recovery of viable populations of species in their natural habitats, establishment of protected areas, rehabilitation of degraded ecosystems, and legislation to protect threatened species)
- **“Ex-situ" conservation** (zoos, gene banks, aquaria)

This obligation may be discharged through a range of techniques: EIAs, land-planning, restoration of habitats, reintroduction of species, etc.

2. Sustainable Use

Definition: “the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations » (A’rt. 2).

2004 Addis Ababa Principles, guidance for sustainable use within an ecosystem approach

14 interdependent practical principles, operational guidelines that govern the uses of components of biodiversity to ensure the sustainability of such uses.

Framework to assist Governments, resource managers, indigenous and local communities, the private sector and other stakeholders on how to ensure that their use of the components of biodiversity will not lead to the long-term decline of biological diversity.

Addis Ababa Principle 14

Adaptive management should be practiced, based on science and traditional and local knowledge;

Iterative, timely and transparent feedback derived from monitoring the use, environmental, socio-economic impacts, and the status of the resource being used; and

Adjusting management based on timely feedback from the monitoring procedures.

COP 10 Decision X/32. Sustainable use of biodiversity

*(f)*Recognize the value of human-influenced natural environments, such as farmlands and secondary forests

3. Sharing the benefits of genetic resources

- National sovereignty over all genetic resources (Article 15)
- Contractualisation. Access to valuable biological resources be carried out on "mutually agreed terms" and subject to the "prior informed consent" of the country of origin.
- Benefits can include cash, samples of what is collected, the participation or training of national researchers, the transfer of biotechnology equipment and know-how, and shares of any profits from the use of the resources.

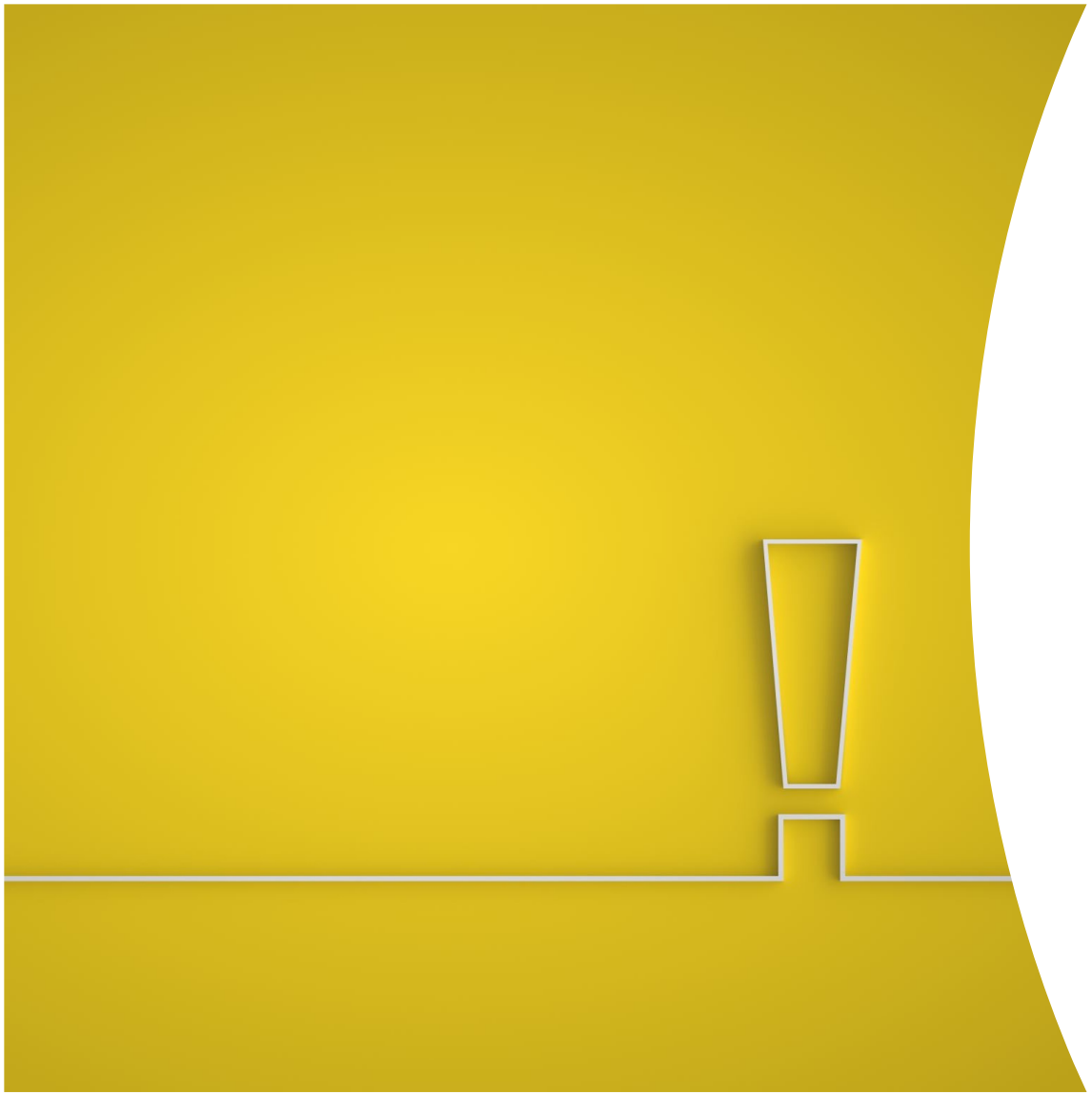
3. Sharing the benefits of genetic resources

Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity

Entered into force on 12 October 2014

4. Ecosystem Approach

- Interaction between species and processes within an ecosystem
- Legal status in international law remains marginal
- CBD: the "ecosystem approach to the conservation and sustainable use of biodiversity" is being used as a framework for action
- Decision V/6.
- => **Integration**
- It **conditions sustainable use** with respect to the ecosystem functioning



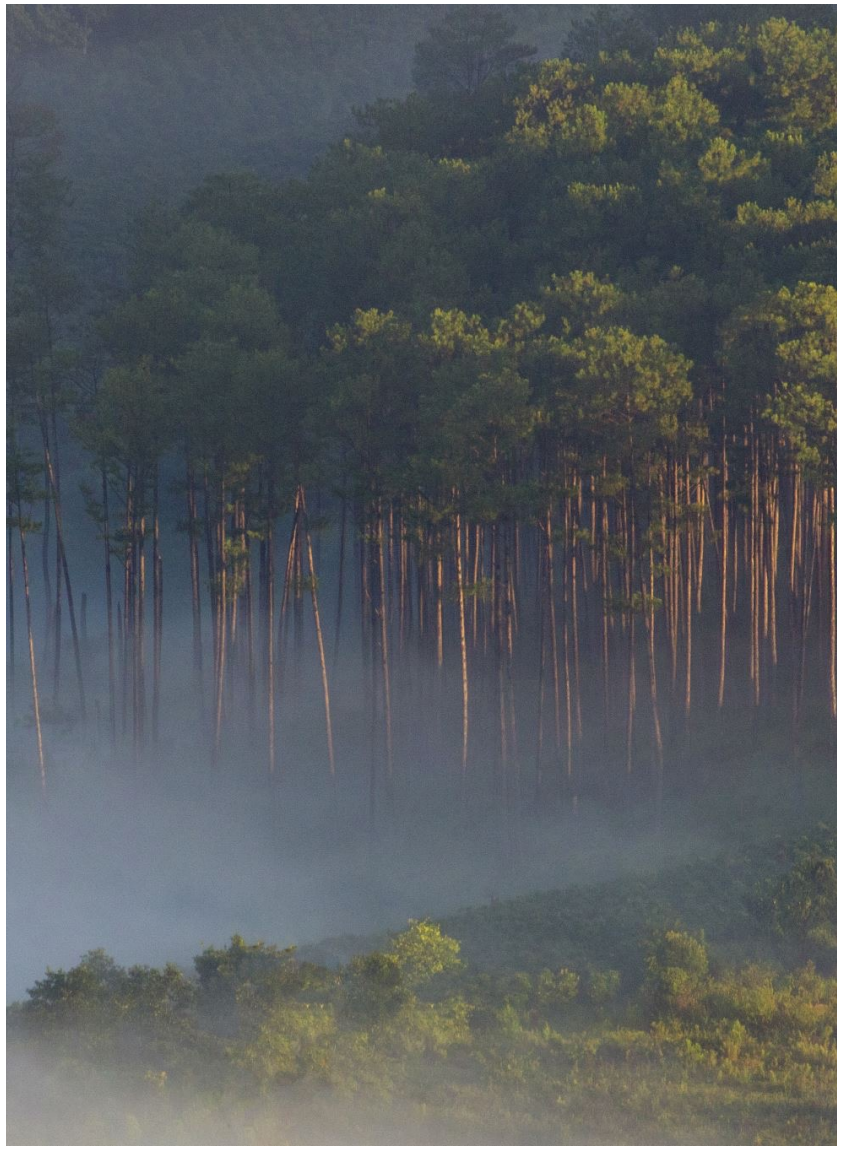
5. Precautionary Principle

‘lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat’.

Preamble of the CDB

Forests

- Among all kind of ecosystems, tropical forest ecosystems are the most species-rich (half of the Earth's biodiversity)
- Tropical forest hold 250 GT CO2



Forests

- Forests are being depleted relentlessly and at an alarming rate (92,000 km2/year)
- No global international agreement

Forests, the forgotten issue in international law

Savannah flooded forest, Matheniko game reserve, Uganda

Kunming-Montreal Global Biodiversity Framework (GBF) – 4 Goals for 2050

- **GOAL A.** Integrity, connectivity and resilience of all ecosystems, 'substantially increasing the area of natural ecosystems; halting human induced extinction of threatened species, reducing tenfold the extinction rate of all species; maintaining the genetic diversity within populations of wild and domesticated species.
- **GOAL C.** Ensuring that the benefits derived from the use of genetic resources are shared fairly and equitably
- **GOAL B**. Sustainable use and management of biodiversity
- **GOAL D.** Financial resources, capacity-building, technical and scientific cooperation, and access to and transfer of technology

Kunming-Montreal Global Biodiversity Framework (GBF) – 23 targets for 2030

Reducing threats to biodiversity

- bringing the loss of areas of high biodiversity importance, close to zero (T1),
- 30 % of areas of degraded terrestrial, inland water, and marine and coastal ecosystems are under **effective restoration** (T2),
- 30 % of **protected areas** and other effective area-based conservation measures (T3),
- halting human induced extinction of known **threatened species** (T4),

Kunming-Montreal Global Biodiversity Framework (GBF) – 23 targets for 2030

- **sustainable harvesting** and trade of wild species (T5),
- impacts of **invasive alien species** on biodiversity and ecosystem services (T6),
- reducing **pollution** from all sources to levels that are not harmful to biodiversity and ecosystem functions and services (T7),
- minimizing the impact of **climate change** (T8),

2001 International Treaty on Plant Genetic Resources for Food and Agriculture

- Conservation and sustainable use of Plant Genetic Resources for Food and Agriculture

- Fair and equitable sharing of the benefits arising from their use

Interlinkage with the CBD

CDB: A Success Story?

Universal membership with 193 parties

CDB is supplemented by several Protocols

- Cartagena Protocol on Biosafety, also called the Biosafety protocol, aims to ensure the safe handling and use of living modified organisms (LMOs)
- Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagenal Protocol
- Nagoya Protocol on Access and Benefit-sharing

No protocols on forest conservation or nature protection!

Success Story?

In five cases since 2006, the State has been invoking before the ICJ biodiversity obligations

- Pulp Mills
- Aerial herbicides spraying
- Whaling in the Antarctic
- Costa Rica v Nicaragua
- Nicaragua v Costa Rica

Articles 3 (principles), 5 (cooperation), 8 (in situ conservation), and 14 (EIA)

Conclusions

- About 300 million people depend on forests directly for their survival, including 60 million people of indigenous and tribal groups.
- Unsustainable use and overexploitation remain major threats to biodiversity in fisheries, agriculture, and forestry.
- Failed attempts to reduce the global trend in irreversible biodiversity loss

- As human population increases, the demand for natural resources is expected to grow, especially in developing countries.

- Our ecological footprint on the planet is unsustainable and will become unbearable unless we change our consumption patterns.

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EU Sustainable Value Chains

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