

Short communication

Enhancing implementation of the Convention on Biological Diversity: A novel peer-review mechanism aims to promote accountability and mutual learning

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ABSTRACT

The *Convention on Biological Diversity* (CBD) – the main *international environmental agreement* (IEA) for securing our planet's life-supporting systems – is far from delivering its commitments: the 2010 Biodiversity Target was not met, and states are already failing to achieve the Aichi Biodiversity Targets by the 2020 deadline. Whilst this is not an uncommon outcome in IEAs and other internationally adopted environmental goals, the important question is: how to transform this situation? Review processes on implementation of international norms are one important means for this, as resulting information has potential to mobilise criticism, praise and/or feedback from peers and civil society organisations. Criticism may in turn put pressure on and/or encourage states to justify their behaviour and to take actions. In this context, beyond normative considerations as a practice of good governance, accountability is conceptualised as an active practice of giving and demanding of reason of conduct with transformative potential. Our starting argument is that review processes that enable account-holding dynamics have potential to promote implementation of IEAs. In order to assess whether the CBD enables such dynamics, we characterise the CBD's review system, and analyse its review mechanisms from the relational perspective of accountability. In particular, we focus on a novel voluntary peer-review mechanism (VPR) that is to be applied in a pilot phase, as requested by the Conference of the Parties at its thirteenth meeting held in December 2016. We then discuss the potential of the VPR to enable transformative accountability dynamics and enhance national implementation in the CBD.

1. Introduction

The *Convention on Biological Diversity* (CBD) is the main biodiversity-related multilateral treaty. However, after more than two decades of concerted efforts biodiversity loss is not relenting (Pereira et al., 2010; Millennium Ecosystem Assessment, 2005), hence at least partly reflecting the failure of the CBD to achieve its objectives. The overarching target of the CBD's first *Strategic Plan for Biodiversity of achieving by 2010 a significant reduction of the rate of biodiversity loss* (UNEP/CBD/COP/DEC/VI/26, para. 11) was not met (Butchart et al., 2010; CBD, 2010). After adoption in 2010 of the *Strategic Plan for Biodiversity 2011–2020* (UNEP/CBD/COP/DEC/X/2), a 2014 mid-term evaluation of progress already suggested that the full achievement of the Aichi Biodiversity Targets – the core element of the Strategic Plan – would not be possible by 2020 without urgent action to scale up implementation

(Tittensor et al., 2014; CBD, 2014). Consequently, the CBD has been sharply criticised as an ineffective policy instrument, with little impact on state practice (Morgera and Tsioumani, 2011; Harrop and Pritchard, 2011).

Low implementation is common and well documented for *international environmental agreements* (IEAs) and other internationally adopted environmental goals (Mitchell, 2003). Particularly concerning the CBD, the submission of national reports – which provide information on the status of national implementation – has been consistently low (see Fig. 1). Reported data, although limited, clearly shows that the development, updating/revision and implementation of the National Biodiversity Strategies and Action Plans (NBSAPs) – the key tool to implement the CBD at the country-level – has been inconsistent (see Fig. 2).

Lack of implementation of international norms derives from unwillingness and/or incapacity of states (Raustiala, 2000). As reflected,

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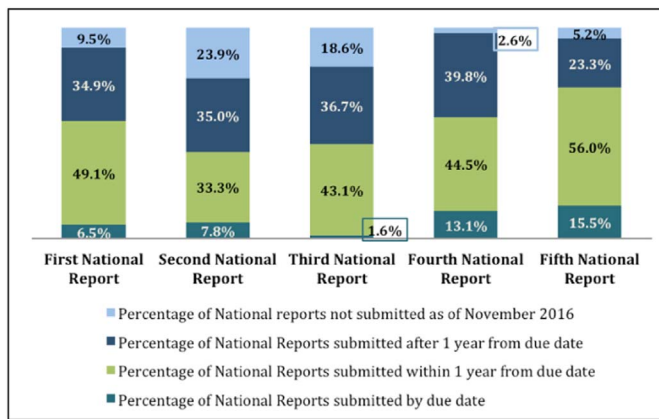


Fig. 1. Status of submission of national reports in the CBD. (Data collected from the official website of the CBD: <https://www.cbd.int/reports/search/>.)

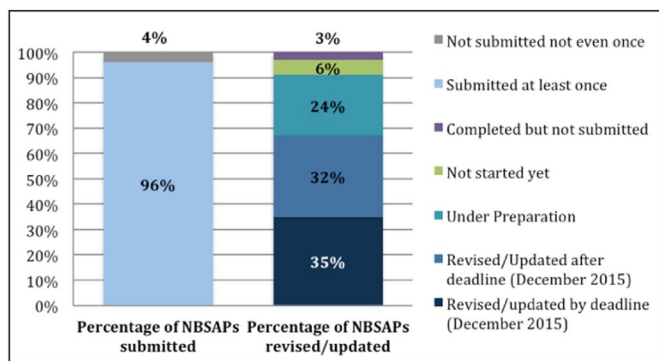


Fig. 2. Status of submission of NBSAPs in the CBD. (Data collected from the report of the Executive Secretary: UNEP/CBD/COP/13/8/Add.1/Rev.1).

for example, in decision X/2 of the *Conference of the Parties* (COP), formal efforts in the CBD have been directed towards addressing lack of capacity, and improving the profile of biodiversity conservation in the political agenda (i.e. by linking biodiversity to the provision of ecosystem services, to human wellbeing, and to the achievement of sustainable development). The fact that implementation of the CBD still remains low may suggest that implementation of the CBD is not a priority for governments. Furthermore, the CBD's poor performance has been associated, inter alia, with the lack of systematic review on national implementation (Morgera and Tsioumani, 2011). Nonetheless, as specified in the CBD text (i.e. Articles 7, 23, and 26) and in several decisions of the COP (e.g. in decision X/2), review processes are expected to disclose information on the status and trends of biodiversity both at the global and country levels, as well as on the measures taken by states and the impacts of those measures on addressing biodiversity issues. The latter includes states disclosing information on the development of NBSAPs and the adoption of policy and legislative measures to operationalise the CBD at the country level (in accordance with Article 6).

Because review processes on implementation of international norms are expected to disclose information on the progress made individually and/or collectively by states to achieve the goals, targets and objectives agreed in the international arena, they represent not only an opportunity to provide transparency on state behaviour but also a mechanism with potential to influence such behaviour. Specifically, information arising from review processes can trigger the mobilisation of *constructive criticism* (i.e. including condemnation as well as praise and more specific feedback) (Raustiala, 2000). Constructive criticism can put pressure on states to: justify their (lack of) actions; promote

openness and self-reflection; enable identification of and learning about (un-)successful policies; and ultimately encourage states to fulfil their responsibilities (Mashaw, 2006; Bovens, 2007; Steffek, 2010). On this basis, we argue that review processes represent valuable mechanisms to hold states accountable for the implementation of IEAs. From a normative perspective accountability is defined as a practice of good governance (i.e. by providing transparency on state behaviour and fostering legitimacy of states' actions). However, in order to evaluate the effectiveness of policy instruments (i.e. whether policy objectives are achieved or not), accountability is defined from a relational perspective (Lehtonen, 2005; Bovens, 2007). From this perspective, accountability is conceptualised as a dynamic between social actors based on the active practice of giving and demanding of reasons of conduct and with potential to influence such conduct (Mashaw, 2006; Bovens, 2007; Steffek, 2010). In this paper, using a relational perspective on accountability, we focus our analysis on whether the accountability framework of the CBD has transformative potential, namely to enable the mobilisation of constructive criticism and to encourage states to fulfil the commitments and obligations acquired under the CBD (i.e. promote national implementation).

2. Materials and methods

The overarching objective of our study is to identify whether the formal review framework of the CBD has potential to enable transformative accountability dynamics. Specifically, we aim to identify through what formal mechanisms accountability dynamics are enabled in the CBD, and whether those mechanisms comprise an arena to mobilise constructive criticism. For this purpose, we:

- 1) systematically review formal CBD documents issued between 1992 and 2016 (i.e. the Convention text, decisions adopted at the meetings of the COP, recommendations of the *Subsidiary Body on Implementation* [SBI], and the *Global Biodiversity Outlook* [GBO]) in order to identify and define the various formal review mechanisms of the CBD;
- 2) characterise the strengths and weaknesses of these review mechanisms from the relational perspective of accountability; and
- 3) discuss the implications of relevant institutional review arrangements on enhancing implementation of the CBD by states.

3. Results

The CBD's continuous institutional development is reflected, inter alia, in the adoption of two Strategic Plans to guide implementation (i.e. decisions VI/26 and X/2) – including the development and implementation of NBSAPs (in accordance with Article 6) –, and in the establishment of mechanisms to track progress. The former comprise flexible frameworks of goals, targets and indicators that can be tailored to reflect national circumstances. The latter, building upon provisions in the Convention's text (i.e. Articles 7, 23 and 26), includes monitoring, reporting and reviewing mechanisms. Whilst monitoring is aimed to providing information on biodiversity status and the changes of such baseline in response to, for instance, policy measures adopted, quadrennial national reporting involves individual states disclosing standardised information on the national implementation process (which includes but is not limited to information arising from monitoring procedures). Concerning the review process, progress towards global goals and targets is assessed at interim reviews (quadrennial until 2012 and thereafter biennial until 2020) held at the meetings of the COP. The COP has also set up subsidiary bodies – such as the SBI established in 2014 (UNEP/CBD/COP/DEC/XII/26) to replace the former *Ad Hoc Open-ended Working Group on Review of Implementation of the Convention* (WGRI) established in 2004 (UNEP/CBD/COP/DEC/VII/30) – to support its role in keeping implementation under review. We have summarised the development of the accountability framework of

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