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THE ROLE OF PARLIAMENTS IN PRESERVING BIODIVERSITY

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I. Introduction

1. In the history of protecting species and the biotope, the first hundred years consisted of an uninterrupted series of emergency measures. For animal or plant species in danger of becoming extinct, biotopes in protected areas or the remains of what were originally forests, it was only through last-minute intervention that the worst case scenarios were avoided. Today, 24% of mammals and 12% of bird species are in danger of becoming extinct. The same is true for between 0.5 and 16% of plant species.

2. This state of affairs cannot continue. Indeed, it is no longer acceptable for biodiversity protection to be limited to a series of disjointed activities undertaken on a stopgap basis. Given the stakes involved, nowadays it is important to plan measures aimed at protecting biodiversity within the context of a global framework. This critical task cannot be accomplished without the involvement of key actors – the world's parliaments – for it is they who pass laws and budgets.

3. Yet the issue is rarely accorded priority at the political level. Governments must do their utmost to sensitise all sectors of society about the paramount importance of preserving biodiversity as a source of life, and the implications biodiversity has for other areas of public policy. Only when there is an appreciation of the need to act in concert on this issue will efforts leading to more sustainable development succeed.

4. Three key questions should guide parliamentarians' work on biodiversity:

- How can we protect biodiversity reservoirs in terms of quality and size?
- How can we make the most of these resources without destroying them?
- How can we ensure that benefits in using these resources extend to those countries and people maintaining the reservoirs (specifically in light of the developments in patent law, trade-related aspects of intellectual property rights (TRIPS) and in the protection against theft of genetic resources)?

II. Challenges for Biodiversity

5. Biodiversity and biological diversity are synonymous, and can therefore be used interchangeably. Biodiversity is the variety of all living organisms – animals, plants, fungi and micro organisms – inhabiting a specific area, and is generally measured using the number of species present in an ecosystem (Union of Concerned Scientists). As part of the broader natural environment (the atmosphere, oceans, deserts, and polar regions), biodiversity resources must be managed properly to provide for the future. Similarly, Wilson defines the concept of biological diversity as a systematic study of the full array of organic diversity, including the origin of that diversity, together with the methods by which it can be maintained and used for the benefit of humanity.

6. Scientists believe that the present state of the Earth's biodiversity is unclear, since only about 1.4 million species have been identified and described. Out of these, merely about 4,000 are mammals and 9,500 are birds, while the rest are insects. It is presumed that the number of unknown species is between two and twenty times greater than the number known to exist. Biodiversity is more often present is in the tropics, and specifically, in the tropical forests that take up only 7% of the Earth's land area.

Importance of biodiversity

7. Internationally, biodiversity is considered a national and local public asset, especially vital for the world's poorest communities, which are most reliant on local resources for food, shelter, fuel, medicines and protection against natural hazards. It is commonly agreed that only by keeping biodiversity intact will the balance of ecosystems be maintained, thereby directly or indirectly making it possible to:

- keep soils fertile;
- maintain a stable climate;
- mitigate the impact of natural disasters such as floods, drought and extreme temperatures, and reverse the process of desertification in entire regions;
- ensure, by conserving forests in watersheds or wetlands, the conservation of hydrological resources, and thus provide water to populations that need it;
- guarantee, through the protection of forest ecosystems, an effective carbon sink, thereby reducing the harmful effects of high CO_2 emissions resulting from the increasing and incessant use of fossil fuels, and averting a climatic catastrophe;
- discover, through the variety of animal and plant species, new medicines;
- discover, through the conservation of genetic resources in biodiversity reservoirs, higher quality crops (with safer and higher yields), which is itself a determining factor in the future of agriculture and global food security.

Biodiversity and the trend of extinction

8. More than half of the species in the world are threatened with extinction. The Global Environment Outlook 2000 reported that many of the planet's species have already been lost or condemned to extinction because of the slow response times of both the environment and policy-makers; it is too late to preserve all the biodiversity our planet once had (United Nations Environment Programme-UNEP, GEO 2000).

9. In North America 3%of the known species of fresh-water fish have become extinct due to the destruction of their physical habitat, displacement by introduced species, alteration of habitat by chemical pollutant, hybridisation with other species and over-harvesting.

10. In East Africa, Lake Victoria, the largest tropical lake in the world, supports Africa's most important inland fishery. Until recently, it was home to over 600 endemic haplochromine cichlids. The Lake has experienced massive changes in its ecology due to intensified fishing, increased human population and the introduction of five new species of fishes. In 1959, colonialists introduced the Nile perch, which grows to about two meters in length, as a sport fish in Lake Victoria, thus eliminating more than half of the Lake's native fish population.

11. As for birds, plants and fungi, it is reported that worldwide one-fifth of the species of birds have been eliminated in the past two millennia, in particular owing to human occupation of islands, leaving only some 9,040 species. In certain parts of Western Europe, between 40 and 50% of fungi species became extinct within six years (1993-1999), mainly due to air pollution. Similarly, between 213 and 228 plant species out of a total of about 20,000 are known to have become extinct in the United States of America. These figures notwithstanding, the extent of the on-going extinction of biodiversity remains difficult to assess because knowledge of declining species, including their exact distribution and favoured habitat, is scarce (Wilson, 1999, p.257).

Factors threatening biodiversity and their implications

12. The present expansion of human activity in the world is, to a great extent, a consequence of the higher levels of consumption in industrial countries. Today, it is estimated that the richest fifth of the world's population uses about four-fifths of the world's resources.

13. The industrialised nations, those with resources such as technology and information, share the smallest and least interesting biotas, while the developing and poorest nations, with exploding populations and little scientific knowledge, are home to the largest. Unlike the industrialised countries, poor nations often have no alternative but to turn to their few remaining biological resources. They hunt out the animals within walking distance, cut forests that cannot be regrown, and put their herds on any land from which they cannot be driven by force. They use domestic crops ill-suited to their environment, for too many years, because they know no alternative. Their governments, lacking an adequate tax base and saddled with huge foreign debts, collaborate in the devastation of the environment by registering the sale of forests and other irreplaceable natural resources as national income, without computing the permanent environmental losses as expenses (Wilson 1999, pp. 233-243).

14. However, as de Valk argues, biodiversity should not be evaluated in terms of associated expenses and revenue. More is at stake than economic costs. Arguments in favour of protecting biodiversity should not rest on cost efficiency alone.

15. In addition to the threat to biodiversity itself, there is the threat to the extensive knowledge of the properties, values and uses of that diversity, which exists in local societies and indigenous populations around the world. That knowledge is, of course, in the hands of both women and men. Women often have great responsibility for the storing and utilisation of plant genetic resources, in the form of seeds.

III. International Action: Commitment to Treaties

16. A number of steps preceded the adoption of the United Nations Convention on Biological Diversity (CBD). These included the:

- Convention on Wetlands of International Importance especially as Waterfowl Habitat (the Ramsar Convention on Wetlands), 1971;
- Declaration of the United Nations Conference on the Human Environment, 1972;
- Convention concerning the Protection of the World Cultural and Natural Heritage, 1972;
- Convention on the Conservation of Migratory Species of Wild Animals, 1979;
- United Nations Working Group on Indigenous Populations, 1982;
- World Charter for Nature, 1982;
- United Nations Convention on the Law of the Sea, 1982;
- International Undertaking on Plant Genetic Resources for Food and Agriculture, 1983;
- Report of the World Commission on the Environment and Development, *Our Common Future*, 1987.

17. The common thread in all these works was the idea that natural resources were finite, but that they must be put to maximum use, and can even be scientifically and technologically transformed for the benefit of humanity, while at the same time preserving them for future generations. This understanding culminated in the Earth Summit in Rio de Janeiro (Brazil), which adopted the Convention on Biological Diversity (CBD) in 1992.

18. By adopting the CBD in 1992, the international community finally ensured that it had at its disposal a legally binding instrument. The CBD entered into force in December 1993, and has to date been signed by almost 170 of the governments in the world. The key objectives of the Convention are conservation of biological diversity; sustainable use of components of biological diversity; and fair and equitable sharing of the benefits arising out of the use of genetic resources (Article 1). All contracting States are expected to implement these objectives. Their responsibilities vis-à-vis the CBD are set out in Annex.

19. The Convention recognises the sovereign rights of States over their natural resources, specifically including the authority of national governments to determine access to genetic resources. At the same time, access must be on mutually agreed terms, and subject to prior informed consent of the State providing such resources. Also, providing countries must endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses by consuming countries.

20. The Convention also requires equitable sharing of benefits from the use of genetic resources. Each State must take legislative, administrative and policy measures to support equitable sharing. States must also provide access to the benefits arising from biotechnologies based on the genetic resources provided, as well as access to and transfer of technologies that make use of those resources.

21. In addition to providing an international framework for access to genetic resources and associated benefit-sharing, the Biodiversity Convention emphasises the conservation and sustainable use of biodiversity.

Specific problems with the CBD

22. Researchers and practitioners have identified the following problems with the CBD:

(i) *Definition:* certain researchers have argued that the term biodiversity is vague and obscure, and that as such, the term is too global and impractical for use in any national or local conservation strategy. Redefining the term 'biodiversity' would ease the understanding and implementation of the Convention, especially at the national level.

(ii) *Root causes:* rather than stating the root or core causes of biodiversity decline, the Convention merely suggests that these are diverse, but due mainly to agriculture. More precise identification of these causes, however, could suggest more targeted, corrective measures. These may aim, inter alia, at ensuring a reduction in population growth, a reorientation in consumption patterns, an increase in resource-use efficiency, and structural changes in the economy.

(iii) *Sovereignty:* it has been argued that the sovereign right of Member States over biological resources undermines the effectiveness of the CBD. If every component of biodiversity can also be a biological resource, the question arises as to which authority will prevail in determining an appropriate course of action: the international body, such as UNEP, or the relevant State?

(iv) *Access and benefit sharing:* some States believe that more needs to be done to promote greater equity in the distribution of the benefits of biodiversity. The commercialisation of biodiversity, for example, can perpetuate historically inequitable relationships between developed and developing countries. Providers of genetic resources and traditional knowledge have been concerned that when their resources are used by multinational corporations, they are powerless to prevent misuse or the misappropriation of benefits. The promotion of an effective dialogue on the international regime will need to build on a stronger understanding of its goals, focus and purpose.

(v) *Prioritisation and funding:* world leaders have not given biodiversity priority as a political issue. International organisations such as UNEP ought to be accorded greater authority and adequate funding to coordinate the current scattered collection of environmental treaty bodies, including the Convention on Biodiversity. Of course, mobilising resources for biodiversity conservation is a major challenge in developing countries that have competing development demands for limited resources. To address this financing gap, stakeholders, including parliamentarians, need to look for innovative and promising solutions to the challenge of long-term sustainable financing of biodiversity conservation.

IV. What parliaments must do

Nationally, the description and functions of a parliament have been similar in most governments. Parliaments and their members are representatives of their peoples' will and conscience as well as legislators, scrutinisers and monitoring agents of their national governments' work and policies (Honourable Takis Hadjigeorgiou, during the 109th IPU Assembly, 2003).

23. According to former United Nations Secretary-General Boutros Boutros-Ghali, parliaments are relays or mediators between state authorities and the public. As directly elected representatives of their constituents, parliamentarians are, for international organisations, a virtual link to international public opinion. Without this link, recognition, understanding and support for international efforts become difficult. By expressing the views and concerns of their constituents to the international arena, parliamentarians provide a direct channel with which to increase the legitimacy, responsiveness and effectiveness of international cooperation. Action to honour the commitments of regional and international organisations presumes the involvement of parliaments, as many national issues have an international dimension.

Advocacy and information

24. Parliaments should:

1. Develop a network of protected areas and local networks;
2. Organise information campaigns to gain the support of decision-makers and the general public for local projects;
3. Organise national information campaigns stressing the significance of ecosystems and the urgent need to conserve the diversity of species;
4. Promote official recognition (and protection) of protected areas that contribute to biodiversity;
5. Become aware of the current state of affairs and associated problems, in order to be able to propose effective responses;
6. Advocate for projects aimed at the conservation and sustainable use of biological diversity, including at the grassroots level;
7. Lobby for Community Biodiversity Development Conservation programmes (CBDCs) to strengthen local plant breeding and to extend cooperation between plant breeders at the local, national and international levels;
8. Advocate for national initiatives for the dissemination of knowledge on the benefits of biological diversity in society;
9. Advocate for the participation of civil society in international policy development, to increase awareness on the part of the public and decision-makers, of the importance of biological diversity;
10. Encourage closer examination of the world's flora and fauna, and investigate how many species can be classified, and where they exist.

Public policy and legislation

25. Parliaments should:

1. Make biodiversity protection a priority as a political objective: governments must take appropriate action, with the support of the parliament;
2. Enact effective legislation that clearly defines the principles of sustainable development and protects animal and plant diversity;
3. Legislate to ensure that biologists regularly record the disappearing diversity;
4. Incorporate the notion of biodiversity protection in domestic legislation aimed at supporting and fostering agriculture;
5. Adapt territorial planning policy to the objective of biodiversity protection for coastal areas, forested areas, pasture lands and swamps;
6. Ensure compatibility between biodiversity protection and enhanced road infrastructure and tourism development;

7. Draw up and make public practical recommendations and directives;
8. Identify weaknesses in provisions governing the protection of the biosphere (through financial incentives) and redress them as soon as possible in order to avoid irreparable damage.

Ensure funding

26. Parliaments should bear in mind that:

1. National budgets should reflect the importance given to the conservation of biodiversity, in the form of financial pledges;
2. Requests for funding on specific projects in this area should be made to multinational organisations;
3. Development assistance loans granted by industrialised countries should be based on the criteria of fostering and conserving biodiversity;
4. The revenue from the sustainable use of the potential of biological reservoirs should be dedicated to developing those resources;
5. Governments should be lobbied to ensure the allocation of research and capacity-building resources for the conservation and sustainable use of biological diversity.

Follow-up measures

27. Parliaments should:

1. Screen allocated subsidies, particularly in the area of agriculture, to ensure that they no longer contain incentives that might lead to the destruction of biotopes and biodiversity;
2. As a major task, follow up on the implementation of national biodiversity strategy and action plans (NBSAPs) and the proper implementation of the Kyoto Protocol to the United Nations Framework Convention on Climate Change (UNFCCC) and other relevant international treaties;
3. Establish regular follow-up programmes to gauge, with a view to publication, results obtained in the area of biodiversity protection.

International Cooperation

28. Parliaments should:

1. Ratify international agreements on biodiversity, such as the CBD, the United Nations Convention to Combat Desertification (UNCCD) and the Convention on the Conservation of Migratory Species of Wild Animals (CMS);
2. Encourage the entry into force of the Cartagena Protocol on Biosafety;
3. Organise parliamentary conferences on biodiversity within the context of the IPU and regional inter-parliamentary organisations, so as to compare experiences and exchange information;
4. Foster cooperation and political support in order to guarantee the effective implementation of multilateral environment conventions (CBD, UNFCCC, UNCCD, the Ramsar Convention on Wetlands and CMS);
5. Cooperate at the political level in order to foster regional initiatives on the protection of biodiversity, particularly in cross-border sectors;
6. Instruct environmental agencies to take account of biodiversity in developing their strategies;

7. Coordinate efforts undertaken by several countries (especially within the same region). This is in fact the only way of ensuring the survival of migratory birds that stop at various islands and that need an intact biosphere as a necessary condition for such migratory movements;
8. Ensure that the following three principles are reflected in international treaties, even when they are controversial:

   (a) Protect the biosphere;
   (b) Apply reasonable regulations that can be monitored, and that allow for a biosphere that does not adversely affect its development (guarantee of sustainable use); and
   (c) Ensure that item (b) above benefits above all the people living in such areas whose actions help to conserve biodiversity.

Sources

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Responsibilities of Member States under the Convention on Biological Diversity (1992)

Member States undertake to:

- Produce national strategies for conservation, sustainable use, and fair and equitable sharing of the benefits arising from the utilisation of genetic resources;

- Integrate the conservation and sustainability of biological diversity into relevant sector and multi-sector plans;

- Hold firmly onto their national sovereignty over genetic resources which have their origin in a country which is party to the Convention. Access to a country's genetic resources is only permitted if the country gives its approval in advance through the Prior Informed Consent process or on mutually agreed terms;

- Put in place regimes for access, for the transfer of biotechnologies, scientific and technical exchange and cooperation, and financial support for the implementation of the CBD;

- Utilise the established financial mechanism (the Global Environmental Facility, GEF) to implement projects that have global importance;

- Participate in international discussions and negotiations on biodiversity, especially on:

  (a) Issues of sustainable use, access and protection of property linked to plant genetic resources through the Conference of the Parties of the Convention on Biological Diversity, within the framework of the International Undertaking on Genetic Resources of the United Nations Food and Agricultural Organization (FAO) within FAO's Genetic Resource Commission, in the Consultative Group for International Agricultural Research (CGIAR), in the Commission of the European Union, in the World Trade Organization's agreement on trade-related intellectual property rights (TRIPS) and the conservation and sustainable use of plant-genetic resources for food and agriculture under FAO.

  (b) Issues concerning the conservation and sustainable use of biological resources, through participation in such fora, as the Convention on Wetlands of International Importance (the Ramsar Convention), the Convention on International Trade in Endangered Species of Fauna and Flora and the Convention on the Conservation of Migratory Species of Wild Animals. In addition, there are clear links to the United Nation's Framework Convention on Climate Change and the United Nation's Convention to Combat Desertification as well as to the work done in the Intergovernmental Forum on Forests.

  (c) Issues of coordination and harmonisation of international action under the various Conventions and through the different parties, as initiated by the Conference of Signatories to the Convention on Biological Diversity.