

Visionary Biodiversity Laws & Policies

Opportunities for Implementation

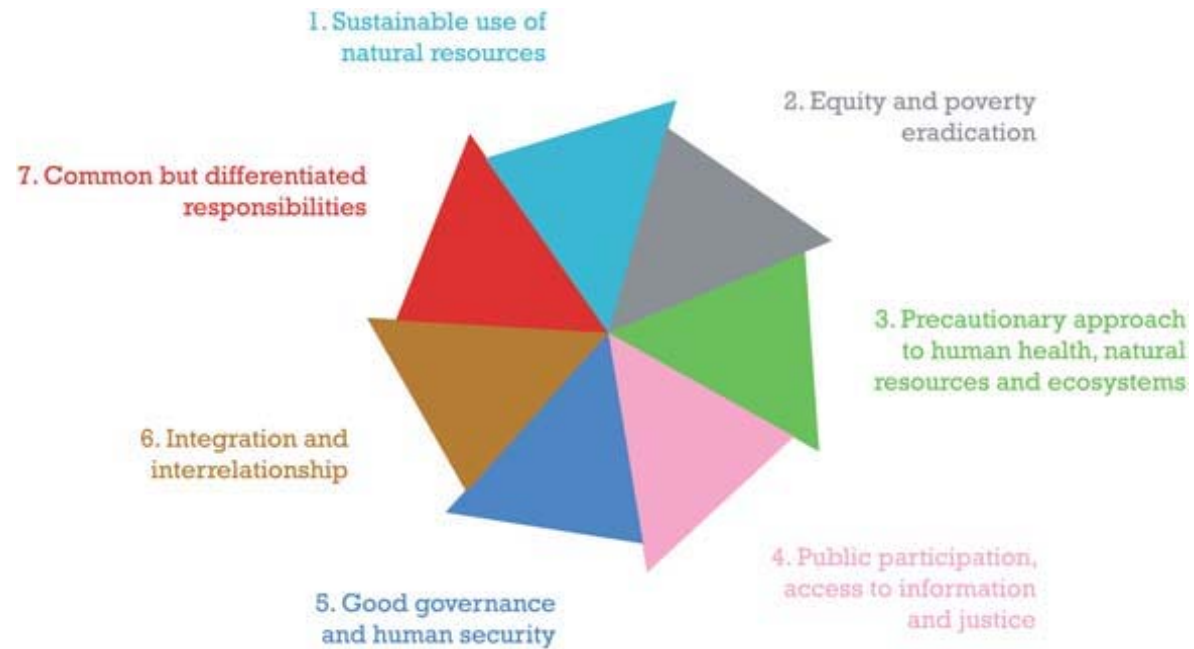
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Methodology

- The WFC and CISDL base our research on the 2002 ILA *New Delhi Declaration of Principles of International Law on Sustainable Development*, as modified by the Future Justice Commission in 2008.
- They were used to assess and evaluate how a range of biodiversity laws and policies might contribute to sustainable development in the interest of future generations

Principles



Methodology

- The countries chosen for analysis based on their innovative laws and policies were:
 - Bhutan
 - Costa Rica
 - Japan
 - Norway
 - South Africa

Outcomes

- As expected, each country's laws and policies reflected different national priorities
- These differing priorities led to distinct interpretations of the CBD and its Protocols
- As a result, each Country's implementation of biodiversity law and policy has its own particular strengths and weaknesses in contributing to sustainable development in the interest of future generations.

Key elements for drafting

- Assess biodiversity and biological resources and identify drivers of biodiversity loss.
- Establish clear goals to inform and inspire the provisions of laws and policies on biodiversity
- Ensure that a broad set of stakeholders participates in drafting biodiversity laws and policies.
- Identify existing international obligations and domestic laws and policies on biodiversity

Key substantive elements

- Establish strong governance over biodiversity at the national, regional and local levels
- Integrate biodiversity into all policies and actions
- Implement all the relevant biodiversity related obligations in a synergistic manner
- Establish *in-situ* and *ex-situ* biodiversity conservation measures
- Create schemes that enable, integrate and reward the sustainable use of biodiversity

Key substantive elements

- Develop an appropriate instruments to monitor compliance with the general objectives
- Protect, promote and ensure fair and equitable benefit sharing from the use of TK, innovations and practices.
- Recognize the role of ILC in biodiversity management and conservation.
- Include the following interpretive principles for statutory interpretation and implementation: Precautionary principle, Ecosystem approach, Preventive approach

Key substantive elements

- Create mechanisms for public participation and access to justice in the development and implementation of the law
- Develop mechanisms, including research measures, needed to ensure timely and up to date information on the state and trends of biodiversity, in co-ordination with international and regional bodies.

Key elements implementation, monitoring and revision

- Create an innovative and integrated financing mechanism to ensure the effective long term implementation of the law
- Establish strong legal measures and an institutional structure with the power to oversee implementation, including sanctions and penalties for non-compliance
- Create a review or update process and collect information on progress in implementation of the law and the status of biodiversity.

Analysis of Costa Rica

- The *Biodiversity Law* is one of the more comprehensive biodiversity laws as it seeks to address the full implementation of the CBD.
- Addresses most of the relevant provisions of the CBD, allowing for further regulations and instruments for the provisions of the Convention.
- Provides a link and balance between conservation, sustainable use and fair and equitable sharing of benefits arising from the utilization of genetic and biochemical resources.
- Ensures equity, the protection of rights of indigenous peoples and local communities, and requires their participation in the decision making process

Analysis of Costa Rica

- Expanded and progressive interpretation of several CBD provisions, such as the inclusion of biochemicals in ABS, and the inclusion of exotic/invasive species in the biosafety framework.
- Incentives and technology transfer provisions.
- Guiding principles and objectives for interpretation and implementation, including the precautionary approach, conservation, and sustainable use.
- Strong institutional development
- Awareness raising and education.

Further steps

- The paper is still in draft form and we would appreciate your feedback to improve it and make it more valuable to decision-makers
- Our next step is to develop training materials on developing 'good' biodiversity laws and policies for general use.

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