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The Biodiversity Convention: How to Make It Work

Lee A. Kimball*

ABSTRACT

The Symposium convenors posed the following question: "Is a United Nations convention the most appropriate means to pursue the goal of biodiversity?" In response, the author notes that the Biodiversity Convention does not entail many binding obligations; rather, it provides a management framework from which further detailed action programs may develop. In the context of nonbinding international "soft law," the author advocates the adoption of a series of best practice "menus" for individual industries and sectors of activity, based on a review of existing technical criteria and guidelines. The author recognizes that specialized initiatives pursuant to the regional seas agreements and other biodiversity-related conventions may provide technical guidance for conservation of coastal and marine biodiversity. Ms. Kimball also highlights the importance of the 1982 United Nations Convention on the Law of the Sea as an instrument for reinforcing the Biodiversity Convention's marine biodiversity objectives. The Article divides the task of implementing the Biodiversity Convention between regional and global institutions and stresses the need to build upon existing programs. The author asserts that regional bodies are useful for specialized data collection, assessment, and policy-making, while global bodies are essential for integrating legal regimes in relation to conditions in the region. Finally, Ms. Kimball explains that global bodies set overall policy, synthesize information from the different regions, and identify solutions.

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This Article¹ concentrates on how to make the Convention on Biological Diversity (Biodiversity Convention or Convention)² an effective conservation instrument. Rather than provide legal analysis, this article approaches the subject from the perspective of management. It focuses on the conservation aspects of the Convention as opposed to its provisions on access to genetic resources and biotechnology. The following five points are considered: (1) the management framework provided by the Biodiversity Convention; (2) the role of nonbinding international "soft law" in implementation; (3) the appropriate legal vehicle to achieve defined objectives; (4) the possibilities for strengthening the Biodiversity Convention through other international conventions; and (5) institutional implications, such as how to assimilate the skills and resources of existing institutions to support implementation of the Biodiversity Convention, and the comparative advantages of regional and global organizations.

I. THE BIODIVERSITY CONVENTION AS A MANAGEMENT FRAMEWORK

In posing the question of whether a United Nations convention is the most appropriate means to pursue the goal of

1. The author's assessment is based on twenty years of experience in international treaty development and implementation, with an emphasis on marine issues. It is not based on close association with the Biodiversity Convention process.

2. *Opened for signature* June 5, 1992, 31 I.L.M. 818 (entered into force Dec. 29, 1993) [hereinafter Biodiversity Convention].

biodiversity, the Symposium convenors³ express doubt. Perhaps a more forward-looking approach—since the Biodiversity Convention has already become effective—would be to ask what the Convention does and does not accomplish, and how it can be used as a means to pursue biodiversity conservation goals.

The Biodiversity Convention falls short from the traditional perspective that international law establishes binding rules. Under the Convention, states have very few obligations, and most of these are watered down with the phrases “as far as possible and as appropriate,” or “in accordance with [one’s] capabilities.”⁴ For developing nations, implementing measures are further contingent on commitments from First World parties to provide technology and funding.⁵

The Biodiversity Convention, however, arguably falls into a new category of recent, comprehensive, global conventions on environmental matters⁶ that define objectives, if not legal obligations. These conventions recognize the possibility of more detailed legal instruments that may contain binding obligations. They provide incentives for states to act. And even in the absence of hard law, they provide a conceptual framework for national and international implementation and management actions. In this sense, the Biodiversity Convention offers a starting point. It may be some time before any legally binding measures are adopted at the global level, but the Convention provides a useful basis to develop more detailed national and international action programs.

The potential impact of the Convention on *international* action programs should be emphasized. There are many countries today in which the international assistance agencies—such as the development banks, and U.N. organs like the Food and Agriculture Organization (FAO),⁷ the International Fund for Agricultural Development (IFAD),⁸ or the U.N. Development

3. The author refers to the members of 1994-1995 Board of Editors of the *Vanderbilt Journal of Transnational Law* who served as student organizers of the Symposium.

4. *E.g.* Biodiversity Convention, *supra* note 2, arts. 5-11, 14(1), 20(1).

5. *Id.* art. 20(4).

6. *E.g.*, United Nations Convention on Climate Change, May 9, 1992, 31 I.L.M. 849 [hereinafter Climate Change Convention]; United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, *opened for signature* Oct. 14, 1994, 33 I.L.M. 1328 [hereinafter Desertification Convention].

7. FAO develops policies and programs to improve the production and distribution of food and agricultural products, which, in turn, improve living standards and economic conditions in many countries.

8. IFAD mobilizes and administers financial resources made available to developing nations for small-scale agricultural development.

Program (UNDP)⁹—as well as bilateral and private aid agencies, play a substantial role in national development. If a recipient country subscribes to agreed international norms, external agency activities in that country should be consistent with them. The actions taken by external agencies will be increasingly influenced as the Convention's objectives become more specific, the agreed international criteria and response measures become more detailed, and the requirements become more legally binding. Instead of unilateral conditionality, donors would have to utilize agreed international criteria and measures as reference points.

II. NONBINDING INTERNATIONAL "SOFT LAW"¹⁰

Many international legal obligations in the environmental field are fairly general, with few international means for enforcement. The *de minimus* obligations in the Biodiversity Convention further erode its "hard law" effects. In this context, nonbinding "soft law" takes on particular significance. At the same time, the causes of biodiversity loss are multiple, interactive, and situation-specific. A series of prescriptive global standards and rules are not likely to be very meaningful. Instead, a "menu" of best practices, which may be adapted to particular circumstances, is most likely to provide useful guidance to government officials and resource managers.

Under the Biodiversity Convention, an important next step is international agreement on technical criteria and guidelines to improve problem diagnosis, determine priorities, and design appropriate solutions. The solutions, or "best practices," would be targeted to particular industries, sectors, and activities, and would include guidance for urban, watershed, and coastal development. They would also incorporate a discussion or checklist of factors affecting the use of particular measures in defined circumstances. These "soft law" instruments may be further refined at regional and national levels, based on experience and "lessons learned." In some cases, they may be transformed into binding measures.

In relation to further work on technical criteria and guidelines, there exists an abundance of resources upon which

9. UNDP administers and coordinates much of the technical assistance that the U.N. system provides to developing nations.

10. While there is no agreed definition of the types of documents that constitute soft law, the term is generally used in reference to nonbinding international instruments between governments, such as declarations, resolutions, and guidelines.

the Biodiversity Convention may draw. Several existing international agreements regarding protected areas and species have their own technical criteria and guidelines.¹¹ Organizations like the World Conservation Union have developed useful technical approaches to these issues.¹² The international technical and development assistance agencies employ a wide range of technical guidelines for project planning and review.¹³ These documents should be reviewed in light of the Biodiversity Convention's objectives.

According to Dr. Solow, the Biodiversity Convention should focus on the *variety* of life on Earth.¹⁴ Its aim should be to conserve the variability of species and ecosystems, not species and ecosystems *per se*. The challenge is to review existing

11. The Convention on Wetlands of International Importance Especially as Waterfowl Habitat, Feb. 2, 1971, 996 U.N.T.S. 245, 11 I.L.M. 969 [hereinafter Ramsar Convention], has criteria and guidelines in Recommendation C.4.2, Annex 1, *Criteria for Identifying Wetlands of International Importance*, reprinted in RAMSAR CONVENTION MANUAL: A GUIDE TO THE CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT 150 (T.J. Davis ed., 1994) [hereinafter RAMSAR MANUAL]; Recommendation C.4.7, Annex 2A, *Information Sheet on Ramsar Wetlands*, reprinted in RAMSAR MANUAL, *supra*, at 153; and Recommendation C.4.10, Annex, *Implementation of the Wise Use Concept*, reprinted in RAMSAR CONVENTION, *supra*, at 163. The Convention on International Trade in Endangered Species of Wild Fauna and Flora, Mar. 3, 1973, 27 U.S.T. 1087, 993 U.N.T.S. 243 [hereinafter CITES], has its guidelines in Conference Resolution 9.24, *Criteria for Amendment of Appendices I and II* (1994) and Conference Resolution 9.11, Annex 1, *Guidelines for the Disposal of Confiscated Live Animals* (1994) (copies of these resolutions may be obtained from the Secretariat by writing to the Geneva Executive Center, 15 Chemin des Anemones, Ch 1219, Chatelaine, Geneva, Switzerland). The 1991 Guidelines for the Designation of Special Areas and the Identification of Particularly Sensitive Sea Areas, adopted by the International Maritime Organization, are primarily relevant pursuant to the International Convention for the Prevention of Pollution from Ships, Nov. 2, 1973, 12 I.L.M. 1319, as modified by the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, June 1, 1978, 17 I.L.M. 546, and the International Convention for the Safety of Life of Sea, Nov. 1, 1974, 32 U.S.T. 47.

12. See, e.g., INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES (IUCN), GUIDELINES FOR PROTECTED AREA MANAGEMENT CATEGORIES (1994); IUCN, OIL AND GAS EXPLORATION AND PRODUCTION IN MANGROVE AREAS: GUIDELINES FOR ENVIRONMENTAL PROTECTION (1993); IUCN ET AL, GUIDELINES FOR THE CONSERVATION OF MEDICINAL PLANTS (1993).

13. See, e.g., WORLD BANK ENVIRONMENT DEPARTMENT, ENVIRONMENTAL ASSESSMENT SOURCEBOOK (1991); UNITED NATIONS DEVELOPMENT PROGRAM, HANDBOOK AND GUIDELINES FOR ENVIRONMENTAL MANAGEMENT AND SUSTAINABLE DEVELOPMENT (1992); UNITED NATIONS ENVIRONMENT PROGRAMME, REGIONAL SEAS REPORTS AND STUDIES NO. 122: AN APPROACH TO ENVIRONMENTAL IMPACT ASSESSMENT FOR PROJECTS AFFECTING THE COASTAL AND MARINE ENVIRONMENT (1990).

14. Andrew R. Solow & James M. Broadus, *Issues on the Measurement of Biological Diversity*, 28 VAND. J. TRANSNAT'L L. 695 (1995).

technical guidance from the perspective of its usefulness in protecting *variability*, and to determine where it should be modified or elaborated for Biodiversity Convention purposes. This exercise may help sharpen the focus of the Convention vis-à-vis existing agreements and indicate where further refinement or reconciliation would be helpful. It would also help shape technical guidance used by the international development agencies. For example, a recent review of the regional agreements on marine-protected areas summarizes the values needing protection and the regulations that parties may apply to protect such areas.¹⁵ In comparing these with the indicative criteria under the Biodiversity Convention, it is possible to extract the *added* values and measures provided by the Biodiversity Convention. A more detailed examination of these and related agreements should help focus Biodiversity Convention implementation with respect to marine and coastal biodiversity.

III. THE APPROPRIATE LEGAL VEHICLE

Just as a review of other conventions and technical implementation criteria may sharpen the focus of the Biodiversity Convention, it can also help guide choices about the relevant legal instrument for achieving particular objectives. Some individuals suggest that the regional seas agreements on protected areas and species should be utilized as the vehicle for implementing the Biodiversity Convention with respect to coastal and marine biodiversity.¹⁶ The 1971 Convention on Wetlands of International Importance Especially as Waterfowl Habitat (The Ramsar Convention),¹⁷ offers another specialized vehicle. The Conference of Parties asked the Ramsar Convention's Scientific and Technical Review Panel to adapt criteria for selecting wetlands of international importance (especially waterfowl habitats) to take account of wetlands of importance as fish habitats.¹⁸ These objectives and criteria would clearly be relevant for conservation

15. Lee A. Kimball, *United Nations Convention on the Law of the Sea: A Framework for Marine Conservation*, in IUCN, *THE LAW OF THE SEA: PRIORITIES AND RESPONSIBILITIES IN IMPLEMENTING THE CONVENTION* 1, 90, 94-98 (1995).

16. This conclusion is based on several informal conversations with representatives of nongovernmental environmental organizations.

17. Ramsar Convention, *supra* note 11.

18. Recommendation C.5.9, *Establishment of Ramsar Guidelines on Wetlands of International Importance as Fish Habitat* (1993), reprinted in RAMSAR CONVENTION BUREAU, *PROCEEDINGS OF THE FIFTH MEETING OF THE CONFERENCE OF THE CONTRACTING PARTIES* 217 (1993).

of coastal and marine biodiversity. It would be useful to undertake a thorough review of the global and regional agreements on protected areas and species, and related technical guidance, to help determine choices in relation to conservation objectives.

IV. THE POSSIBILITIES FOR STRENGTHENING THE BIODIVERSITY CONVENTION THROUGH OTHER INTERNATIONAL AGREEMENTS

The 1982 U.N. Convention on the Law of the Sea (LOS)¹⁹ is one example of an international agreement that can lend strength to the Biodiversity Convention. The legally binding nature of its unqualified obligations to protect and preserve the marine environment and conserve marine living resources, arguably, can substantially reinforce conservation of coastal and marine biodiversity and promote an ecosystem approach to marine and coastal management, including watersheds. Although their scope is less extensive than that of the LOS Convention, other biodiversity-related Conventions such as the Ramsar Convention,²⁰ the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora,²¹ and the 1972 Convention for the Protection of the World Cultural and Natural Heritage²² may offer similar possibilities.

The LOS Convention, uniquely, incorporates by reference both binding international rules and standards, and soft law recommended practices and procedures that are generally accepted pursuant to other international conventions, be they regional marine agreements, regional fisheries agreements, or global agreements protecting particularly vulnerable areas from shipping.²³ This is an ongoing process, as new regional and global agreements are concluded and existing ones revised. In some cases, rules and standards adopted pursuant to the other agreements acquire the status of minimum standards for national

19. *Opened for signature* Dec. 10, 1982, 21 I.L.M. 1261 (1982) (entered into force Nov. 16, 1994) [hereinafter LOS Convention].

20. *Supra* note 11.

21. CITES, *supra* note 11.

22. Nov. 23, 1972, 27 U.S.T. 37, 1037 U.N.T.S. 151.

23. LAW OF THE SEA: PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT, REPORT OF THE SECRETARY-GENERAL, U.N. GAOR, 44th Sess., 461st plen. mtg. at 11-14, U.N. Doc. A/44/461 (1989); Bernard H. Oxman, *The Duty to Respect Generally Accepted International Standards*, 24 N.Y.U. J. INT'L L. & POL. 109 (1991); Jonathan I. Charney, *The Marine Environment and the 1982 UN Convention on the Law of the Sea*, 28 INT'L LAW. 879 (1994); Kimball, *supra* note 15, at 26-27, 71.

actions under the LOS Convention; in other cases, they need only be taken into account in national measures. In the case of pollution, if the international rules and standards constitute minimum standards, any disputes among parties to the LOS Convention must ultimately be settled by recourse to binding procedures.²⁴ The same is true with respect to conservation measures applicable to fishing beyond national jurisdiction. Compulsory, binding dispute settlement serves both as a deterrent to inappropriate actions and as a recourse for injured parties. It is not, however, a feature of the Biodiversity Convention or other species and area protection regimes.

The LOS Convention also reinforces protected areas and species designations under other international conventions, such as the Ramsar and the World Heritage Conventions. Each nation's pollution control measures must include standards to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened, or endangered species and other forms of marine life.²⁵ These measures must also curtail coastal and marine pollution, as well as pollution borne to the sea by fresh watercourses and airborne sources.²⁶ The LOS Convention's entry into force has already prompted regional action, including commitments to address diffuse land-based activities that contribute to marine pollution and to cooperate in shared watercourses to reduce riverborne pollution.²⁷

The U.N. Conference on Straddling Stocks and Highly Migratory Fish Stocks,²⁸ concluded in August 1995, elaborates on

24. There are no exceptions to the LOS Convention's provisions on compulsory dispute settlement procedures entailing binding decisions. LOS Convention, *supra* note 19, art. 15(2) and (3).

25. *Id.* art. 194(5).

26. *Id.* arts. 192, 194, 207, 212. See Kimball, *supra* note 15, at 57-60, 65-66, 98-101 (land-based pollution includes sediments from soil erosion due to land use practices and deforestation).

27. *Report of the Second Meeting of Experts on Land-Based Sources of Marine Pollution in the Wider Caribbean Region*, Annex IV, UNEP Doc. UNEP(OCA)/CAR WG.14/5 (1994); *Draft Report of the Seventh Intergovernmental Meeting on the Action Plan for the Caribbean Environment Programme and the Fourth Meeting of the Contracting Parties to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region*, Annex IV, UNEP Doc. UNEP(OCA)/CAR IG.12/CRP.1 (1994); *Draft Report of the Meeting of Government-Designated Experts to Review and Revise a Global Programme of Action to Protect the Marine Environment from Land-Based Activities*, UNEP Doc. UNEP/ICL/IG/1/L.1/Rev.1 (1995).

28. Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, U.N.GAOR Conference on Highly Migratory Fish Stocks, 5th Sess., U.N. Doc. A/CONF.164/33 (1995).

LOS Convention obligations and principles regarding marine living resources conservation. It serves explicitly as an "implementation agreement" for the LOS Convention. It defines a precautionary approach to the harvesting of marine living resources, relying on building blocks from the LOS Convention. The LOS Convention requires that conservation measures be qualified by environmental factors that may affect sustainable yields;²⁹ that the measures take into account the interdependence of stocks and apply throughout stock ranges;³⁰ and that the measures consider effects on associated or dependent species, which would include marine mammals and birds.³¹

Conservation measures may address fishing gear and practices, permitting regulation to avoid incidental catch and marine debris.³² Such measures are reinforced by LOS Convention requirements on preservation and protection of the marine environment, including: obligations to assess and monitor marine pollution and harm to the marine environment;³³ requirements to prevent, reduce, and control harmful changes to the marine environment due to the use of technologies or the introduction of alien or new species;³⁴ and the definition of marine pollution, which includes harm to marine life.³⁵

These relationships, between the LOS Convention's unqualified obligations and implementing measures taken pursuant to a number of associated conventions, give strong impetus to national actions that support the objectives of the Biodiversity Convention. In most cases, more detailed implementing measures under associated conventions will inform compulsory, binding dispute settlement proceedings pursuant to the LOS Convention.

V. INSTITUTIONAL SUPPORT FOR BIODIVERSITY CONSERVATION

Some useful analogies may be drawn between biodiversity and current international discussions concerning institutional

29. *Id.* arts. 61(3), 119(1)(a).

30. *Id.*

31. *Id.* arts. 61(4), 119(1)(b).

32. *Id.* art. 62(4).

33. *Id.* arts. 204-06.

34. *Id.* art. 196.

35. *Id.* art. 1.

support to address land-based activities that degrade coastal and marine environments.³⁶

As background, international institutions perform three primary functions: they facilitate policy-setting through intergovernmental bodies; they promote and carry out data collection and analysis; and they provide international technical and financial assistance, primarily to developing nations. Two things should be recalled about the United Nations and the Bretton Woods system.³⁷ First, these institutions were founded before most of today's nations were independent. That is, they originally served a limited number of countries, primarily in North America, Europe, and South America. Second, they were established to concentrate on policy-setting and data collection and analysis; however, more pressing technical and humanitarian assistance needs have long since come to predominate. These changes affecting international institutions, together with the need to make them more cost-effective, encourage a new look at their structure and functions.

Analogies between institutional support regarding marine issues and biodiversity are relevant because many of the causes and solutions of coastal and marine degradation overlap substantially with those of biodiversity loss. For instance, both are affected by several different sectors of human activity and involve socioeconomic as well as biological and ecological factors. These complex problems require substantial technocratic support in: (1) situation-specific assessment of multiple causes and their cumulative effects; (2) identifying solutions for each specific cause

36. Agenda 21, adopted by the U.N. Conference on Environment and Development in 1992, requested the U.N. Environment Programme (UNEP) to convene an intergovernmental meeting on protection of the marine environment from land-based activities. *Report of the UN Conference on Environment and Development*, U.N. GAOR, 47th Sess., Annex II, Agenda Item 21, ¶ 17.26, at 137, U.N. Doc. A/CONF.151/26 (Vol. II) (1992). The Governing Council of the U.N. Environment Programme did so in May of 1993. *UNEP Governing Council Decision 17/20: Protection of the Marine Environment from Land-Based Activities*, U.N. Environment Programme, 17th Sess., Annex I, at 73-75, U.N. Doc. UNEP/GC.17/32 (1993). Following a series of preparatory meetings, the participating governments are expected to adopt a Programme of Action at the final meeting, which takes place in Washington, D.C. from October 23 through November 3, 1995.

37. The U.N. system refers to the United Nations itself and its programs like the U.N. Environment Programme and the U.N. Development Program. It also includes over twenty specialized agencies like the World Health Organization, the Food and Agriculture Organization, and other autonomous bodies. The Bretton Woods institutions are the International Bank for Reconstruction and Development (IBRD or World Bank) and its associated organs, and the International Monetary Fund (IMF).

and the circumstances in which they are appropriate, as well as their cost and availability; and (3) regular progress reviews. These problems also require the capability to identify, mobilize, and coordinate specialized expertise and financial resources wherever available—from governments, intergovernmental organizations, and private sources. Perhaps most important, the ability to assess problems and identify solutions needs to be home-grown; capacity-building³⁸ is essential.

International institutions have a role to play in all cases. Many are already active at global and regional levels on both biodiversity, and marine and coastal issues.³⁹ In today's economic climate, the resources do not exist to erect completely new structures. Therefore, where issues and solutions overlap, institutional support structures should also overlap.

It is important to consider where existing skills and resources lie and how best to assimilate them to implementation of the relevant biodiversity-related conventions. It is also important to determine which functions may be more effectively carried out at the regional level and which at the global level.

Regional Fora. Specialized data collection, assessment, and policy-making functions should increasingly devolve to the regional level. This will permit more individuals from a region (both governmental and nongovernmental) to become involved, strengthening regional capabilities, and it will promote the adaptation of solutions to regional problems by concentrating activities on issues in each region.

From the perspective of the nature and scale of biodiversity and marine and coastal issues, regional solutions are also appropriate. While general policy objectives and technical guidance may be determined through global processes, their application will have to be tailored to the cumulative impacts of human activities on particular transboundary resources, ecosystems, and landscapes. This entails integrating the objectives and policies defined under the Biodiversity Convention, for example, with those under wetlands, regional seas, and river basin conventions. Regional fora represent a useful first filter to ensure that governments interpret and apply treaty obligations consistently, and that the different legal regimes bearing on biodiversity reinforce each other at the appropriate geographic scale.

38. Capacity-building refers to initiatives that aim to educate, train, support with technical equipment and financial resources, and otherwise strengthen human abilities, particularly in developing nations.

39. See Kimball, *supra* note 15, at 29-32.

In relation to international technical and financial support, well-integrated policies for transboundary problems and ecosystems provide a backdrop for coordinating assistance efforts and focusing on priorities. Moreover, by synthesizing needs and concerns, regional institutions can address common problems through joint programs, resulting in economies of scale. Such programs may include shared facilities for technical information or training as well as links to global databases, skills, and resources. Regional institutions can keep track of international agency programs and help verify that the results support each country's international legal obligations.

Global Bodies. Global bodies remain important as facilitators of global policy-setting. In addition, they are in a position to synthesize regional assessments for, and review progress on, global conditions and trends. They can promote information exchange and availability among regions and through global networks. Global bodies also play an important role in fostering comparability among nations in data collection and analytical methods, and in stimulating needed research, including that pertaining to analytical techniques and assessment methodologies.

When it comes to identifying solutions—whether analytical techniques, environmentally-sound technologies and best practices, policies, and laws, based on lessons learned—global institutions are in the best position to draw on a worldwide body of analysis and experience. While particular solutions may vary with the context, global databases and clearinghouses offer an important resource from which to begin exploring options. They can also refer those seeking technical solutions and specialized expertise to potential suppliers. The rudiments of such a system exist, but much work will be required if this information is to be documented, organized, and accessed to serve policy-makers and managers in both government and the private sector.

The challenge pursuant to the Biodiversity Convention is to link up, improve, and supplement *existing* information systems, to ensure that they address specific concerns related to the *variety* of life on Earth, and to confirm that they provide adequate quality control. The Biodiversity Conference of Parties, its subsidiary bodies, and the Secretariat would maintain a global overview of regional needs and performance, monitor conditions and trends based on the regional assessments, and respond to emerging issues and gaps of a scientific, technical, or legal and policy nature. These global institutions would play a major role in interregional exchange of information and the updating of general policy and specialized technical measures. Moreover, these bodies would complement regional institutions in mobilizing

financial and technical resources. Global databases and information systems would be updated and elaborated at the regional level with region-specific information and experience. This data would be reviewed regularly by experts from within and outside the region and integrated with global information systems as relevant.

Clearinghouse mechanisms and information systems and networks are being discussed in the contexts of the Biodiversity Convention and the 1995 U.N. Environmental Programme meeting on land-based activities, as well as other global conventions.⁴⁰ A more systematic approach to the conceptualization of these systems and how they may serve the different conventions is warranted.

VI. CONCLUSION

The Biodiversity Convention offers a useful means of mobilizing and organizing a comprehensive approach to species conservation. Implementation efforts should concentrate on producing more detailed practical and technical guidance adaptable to different environmental and socio-economic conditions. Uniform global rules and standards are not an appropriate priority. These measures should build on existing initiatives and target species variability. They will help inform and shape national practice, and they may be particularly influential in providing agreed guidance (as opposed to donor conditionality) for international technical and financial assistance programs. As more detailed measures are developed under different legal regimes, they will help determine when the Biodiversity Convention is the most appropriate vehicle for conservation efforts, and when others offer a better alternative. Those responsible for implementing the Biodiversity Convention should explore how related international conventions can reinforce their efforts and systematically evaluate the options and comparative advantages for institutional support.

40. These conventions include: Ramsar Convention, *supra* note 11; CITES, *supra* note 11; Climate Change Convention, *supra* note 6; Desertification Convention, *supra* note 6. See *UNEP and the Convention Secretariats: UNEP's Substantive, Programmatic Relationships with Conventions*, Annex I, at 20-23, U.N. Doc. UNEP/ELI/Coord. 2/6 (1995).

