

Both ENDS Information Pack Nr.17

The Rio Conventions

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- a general overview of the theme
- details of relevant international treaties, guidelines and conventions
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We welcome any suggestions or comments which help improve this information pack.

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1. Introduction

Implementation of the Rio Conventions

In 1992 Rio Conference adopted the UN Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity (CBD). In 1996, the third global environmental convention, the UN Convention to Combat Desertification (UNCCD) was agreed on.

Ten years later, the 2002 WSSD Plan of Implementation stresses that, although progress has been made, serious efforts to further the implementation of the Conventions are urgently required. One of the main challenges to the Conventions is to translate global agreements into national policies and implementation in the field.

At the same time, local initiatives related to sustainable land use and water management exist that contribute significantly to the implementation of these Conventions. However, such local expertise has not been sufficiently recognised by policy makers on national and international levels. As a direct consequence, these initiatives are seldom used as valuable inputs into national and international policy discussions. Furthermore, local initiatives are hardly ever supported by these policies, and sometimes even hindered by them. Invaluable opportunities for effective implementation, replication or upscaling of these initiatives are therefore missed.

Local communities depend on their environment for their livelihoods and wellbeing, and interact directly with that environment. They therefore tend to address problems related to climate change, biodiversity loss and desertification simultaneously in the context of ensuring the sustainability of their livelihoods. Their practical experience thus provides valuable lessons for the enhancement of

synergy and coordination between the Rio Conventions.

Although the WSSD Plan of Implementation explicitly recognises that the Rio Conventions are interrelated, effective mechanisms to increase synergy and coordination between the Conventions are limited. Local experiences can thus contribute to an understanding of the complexities and practical implications of biodiversity conservation, land degradation and climate change. They are valuable elements in the evaluation of the effectiveness and sustainability of national and international policies.

Contribution of civil society organisations to the Rio Conventions

Civil society organisations (CSOs) initiate and support field projects. They tend to have a broad understanding of local realities, have ample knowledge of the root causes of land degradation and biodiversity loss, and have insight into the practical implications of climate change and increases in climate variability. Through their work with local communities, they also have relevant knowledge of social relations, cultural backgrounds, traditional practices and local needs and capacities.

Because of their broader networks and communication skills, CSOs can bring communities' experiences and needs to relevant policy fora. Simultaneously, they can contribute to the development of the capacities of local actors in the areas of the Conventions, and stimulate activity at the local level.

Local experiences can thus contribute to an understanding of the complexities and practical implications of biodiversity conservation, land degradation and climate change. They are valuable elements in the evaluation of the effectiveness and sustainability of national and international policies.

2. The Rio Conventions

2.1 The United Nations Framework Convention on Climate Change

Content

The United Nations Framework Convention on Climate Change (UNFCCC) was agreed upon in 1992. This legal body recognizes the serious threat of global warming. From the start, the UNFCCC process has concentrated mainly on mitigation, i.e. activities that will reduce the release of greenhouse gases (GHGs) into the atmosphere.

Three categories of countries are distinguished in the UNFCCC:¹

- *Annex-1 countries*: industrialised countries and those countries making a transition into a market economy;
- *Annex-2 countries*: industrialised countries only: the biggest historical polluters²; and
- *Non-Annex-1 countries*: developing countries.

The UNFCCC recognises as a principle that industrialised countries and, to a lesser extent, those with economies in transition (Annex 1) are historically responsible for the highest GHG emission rates, and consequently hold most of the responsibility for climate change. Thus, they should take the first steps to combat this threat through the reduction of greenhouse gas emissions. More specific requirements regulating the activities of Annex 1 countries can be found under article 4.2 of the UNFCCC. Despite the commitments and historical recognitions, the UNFCCC did not include in its text specific reduction targets for Annex 1 countries. This was later corrected with the agreement of the Protocol to the UNFCCC.

Non-Annex 1 countries also have the obligation under article 4 of the UNFCCC to prepare a list of anthropogenic emissions and establish mitigation programs in order to reduce these emissions.

Among the common responsibilities for all signatory countries, national implementation plans must include adaptation measures to the impacts of climate change (article 4.1.e. of the UNFCCC). Adaptation measures are adjustments made in the face of inevitable, irreversible climatic changes. These adjustments are especially needed in developing countries, which are most vulnerable to climate change.

The **Kyoto Protocol** (KP) was adopted in 1997 to realize the obligations established under the UNFCCC. The KP focuses mainly on mitigation efforts, and its primary goal is to establish binding reduction commitments (targets) for Annex 1 countries. In the Protocol, Annex 1 countries commit themselves to reduce their overall emissions of six greenhouse gases³ (Annex A of the KP) by at least 5% below 1990 levels, over a period between 2008 and 2012. Specific targets vary from country to country, and they can be found in Annex B of the KP. Ultimately, the mitigation efforts should be reflected in national policies and legislation.

The Protocol does include references to the importance of adaptation to adverse climatic events. Under article 10b of the Protocol, all countries are called on to create National Adaptation Plans of Action (NAPAs). These initiatives should address energy, transport, industry, agriculture, forestry, waste management and spatial planning activities necessary to adapt to climate change.

¹ For a detailed list of countries please refer to UNFCCC (1992), Annex 1 and Annex 2.

² Annex 2 countries are also listed in Annex 1

³ The GHG included in Annex A of the Kyoto Protocol are: Carbon dioxide (CO₂); Methane (CH₄); Nitrous oxide (NO₂); Hydrofluorocarbons (HFCs); Perfluorocarbons (PFCs); Sulphur hexafluoride (SF₆).

In practice however, adaptation concerns are still at a distant second place in the negotiations and policy-making processes under the UNFCCC and its Protocol. There is a strong need for better understanding of the meaning of adaptation, and for identification of concrete adaptation activities and measures.

Financial mechanisms

➤ *Special Fund for Technology Transfer*

The UNFCCC in its article 11 creates a Special Fund for Technology Transfer. The fund functions under the guidance of the Conference of the Parties (COP). Since the COP has established its program criteria and eligibility, the Global Environmental Facility (GEF) manages the fund. The fund is also involved in financing public information and education activities.⁴

➤ *Special Fund for Climate Change*

During COP 7 in 2001, Parties to the UNFCCC agreed on a document known as the Marrakech Agreement,⁵ which regulates different aspects of the Kyoto Protocol. As part of the agreement, some developed countries⁶ expressed their commitment to collectively contribute €450 million annually by 2005. The funding cooperation is to be reviewed in 2008 by the donor countries. This particular fund is known as the Special Fund for Climate Change, and will be managed by the GEF.⁷ The objective of this fund is to finance programs and activities complementary to those already financed by either the GEF - under their climate change umbrella - or bilateral or multilateral finance

⁴ UNFCCC, Document [FCCC/CP/2002/4](#), p.14.

⁵ UNFCCC, Document [FCCC/CP/2001/13/Add. 1](#), 2001.

⁶ The agreement was included in the Decision 7/CP.7, and the donor countries to this special fund are: the European Community and its member States, Canada, Iceland, New Zealand, Norway and Switzerland.

⁷ UNFCCC, Document [FCCC/CP/2002/4](#); 2002, p.12.

agreements. Types of activities that can be financed under this framework include:⁸

- a) Adaptation, in accordance with paragraph 8 of decision 5/CP.7;
- b) Transfer of technologies, in accordance with decision 4/CP.7;
- c) Energy, transport, industry, agriculture, forestry and waste management;
- d) Activities to assist developing country Parties referred to under Article 4, paragraph 8(h), in diversifying their economies, in accordance with decision 5/CP.7.

➤ *Least Developed Countries Fund*

The Least Developed Countries Fund operates under a voluntary contribution scheme. It is managed by the GEF, under guidance of the COP. The Fund is meant to support a work programme for the least developed countries that include national adaptation programmes of action in accordance with the Decision 5/CP.7.⁹

➤ *Adaptation Fund (under the Kyoto Protocol)*

The Adaptation Fund was established in 2001 and will be financed with 2% of the proceeds of the Certified Emission Reductions (CERs) produced by future Clean Development Mechanism (CDM) projects. These CDM projects are GHG emission reduction activities/projects that can be implemented in developing countries. The avoided GHG emissions obtained by a project are accounted for as certificates, known as CERs. The CER's can be purchased by countries with emission reduction targets and used to comply with their obligations under the Protocol.

The Adaptation Fund scheme is thus totally dependent on the success on the CDM and its projects. An

⁸ UNFCCC, [FCCC/CP/2001/13/Add. 1](#), 2001, p. 44.

⁹ [Ibid.](#), p. 44.

additional challenge to the success of this fund is the allocation of the economic resources, since adaptation projects from all around the world compete for a share of adaptation funding.

➤ *World Bank Funds (under the Kyoto Protocol)*

In support of the Protocol's implementation, the World Bank (WB) has established special funds to support countries to develop emission reduction projects. The first of these initiatives is the Prototype Carbon Fund (PCF),¹⁰ which has a 'learning by doing' objective. Its aim is to develop an emission reduction project portfolio.

The most interesting opportunities for local communities and NGOs may arise from other WB funds, such as the Community Development Carbon Fund (CDCF)¹¹ and the Bio Carbon Fund (BCF)¹². The CDCF is designed to link small-scale projects in developing countries with potential interested parties (companies, governments, NGOs, etc.) that want to produce CERs while improving the livelihood of local communities. The World Bank expects to finance under the CDCF projects such as: mini- and micro-hydro, wind energy, small municipal and agricultural waste projects, energy efficiency, clean transport, and agro-forestry projects. The fund is set to work with local intermediaries and small and medium-enterprises (SMEs), project developers, micro-credit organizations, and NGOs in order to develop these small-scale projects. The target size of the fund is US\$100 million, and operations will begin upon achieving funding for approximately US\$50 million. There is no data on when the starting capital target would be achieved. The

implementation of the CDCF could bring interesting opportunities for communities, in order to link their own concept of development with additional environmental protection to their region.

The objective of the BCF is to invest and learn from GHG removal through forest, agricultural or other ecosystems. It links private investment to biodiversity and soil conservation, and to sustainable community development. The BCF started operations in May 2004, with an initial capital of US\$15 million to invest in land use and land use change projects.¹³ The World Bank hopes to ultimately achieve a total volume of a US\$100 million for the BCF.

2.2 The Convention on Biological Diversity

Content

The Convention on Biological Diversity (CBD), agreed on 1992, has three main goals:

- The conservation of biodiversity,
- Sustainable use of the components of biodiversity, and
- Sharing the benefits arising from the commercial and other utilization of genetic resources in a fair and equitable way.

The agreement covers ecosystems, species, and genetic resources. It explicitly sets out to link traditional conservation efforts to the economic goal of using biological resources sustainably.

Under the CBD, Parties are obliged to put forward national strategies, as well as plans and programs for the conservation and sustainable use of biodiversity. Parties are also called on

¹⁰ For more information see <http://prototypecarbonfund.org/splash.html>

¹¹ For more information see <http://carbonfinance.org/cdcf/home.cfm>

¹² For more information see <http://carbonfinance.org/biocarbon/home.cfm>

¹³ Land use, Land Use Change and Forestry projects are called LULUCF projects under the climate change negotiations.

to adapt already existing programs and plans to such concerns.¹⁴ These strategies must be developed under a participatory framework, in order to involve different sectors of society in their design. This presents an opportunity for communities and social organizations to participate in the development of the national strategies on biodiversity.

In 2000, the COP to the CBD adopted a supplementary agreement to the Convention known as the Cartagena Protocol on Biosafety, or the **Biosafety Protocol**. The Protocol seeks to protect biological diversity from the potential risks resulting from modern biotechnology. It establishes an Advance Informed Agreement (AIA) procedure to ensure that countries are provided with the information necessary to make informed decisions before agreeing to the import of such organisms into their territory.¹⁵

Financial mechanisms

Article 20 of the CBD recognizes the need for financing in order to achieve the objectives of the Convention. Each country is called to act according to its individual capacities. Developed countries are called to cooperate with funding to ensure developing countries can comply with their commitments and activities. However, the wording in this respect is not particularly strict. Perhaps as a result of such a general call for Parties to contribute with funding to biodiversity conservation, special reporting mechanisms were agreed upon in 2001. In an agreed format countries now have to specify how and how much direct and indirect financial

support is provided to biodiversity conservation.¹⁶

The GEF operates the financial mechanism of the Convention on Biological Diversity under guidance of the COP. Up to 2002, the GEF had allocated approximately US\$1.4 billion in grants for a total of 470 projects dealing with biodiversity conservation and sustainable use. The projects deal with in-situ and ex-situ biodiversity conservation and sustainable use in four types of critical eco-systems:

- Arid and semi-arid ecosystems, suffering from desertification and persistent land degradation;
- Coastal, marine, and freshwater ecosystems;
- Threatened forests, especially in the humid and sub-humid tropics; and
- Mountain ecosystems throughout the world.

2.3 The United Nations Convention on Combat to Desertification

Content

The United Nations Convention to Combat to Desertification (UNCCD) was agreed upon in 1996. The main objectives of the UNCCD are:¹⁷

1. To combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas.

¹⁴ Convention on Biological Diversity (1992), article 6.

¹⁵ For more information on (the opportunities and limitations of) the Biosafety Protocol, as well as general information on gene-technology, see for example: <http://www.biodiv.org/biosafety/default.aspx> (Cartagena Protocol home page), http://www.twinside.org.sg/bio_1.htm (Third World Network), or <http://www.bothends.org/service/ip-gen.htm> (Both ENDS information package).

¹⁶ CBD Document *CBD-GEF/WS-Financing/INF/1*, 2001, see:

<http://www.biodiv.org/doc/meetings/fin/wsfin-01/information/wsfin-01-inf-01-en.pdf>

¹⁷ United Nations Convention on Combat to Desertification (1996) article 2.

2. Achieving this objective will involve long-term integrated strategies that focus simultaneously, in affected areas, on improved productivity of land, and the rehabilitation, conservation and sustainable management of land and water resources, leading to improved living conditions, in particular at the community level.

The Convention integrates environmental concerns on the loss of ecosystems and biodiversity with social elements such as the recognition of poverty, poor health, malnutrition, and food security.

An important element of the UNCCD is the focus on a bottom-up approach. Countries that have ratified the UNCCD are obliged to include NGOs and representatives of local communities in the decision-making and actual implementation of the Convention.¹⁸ Thus the Convention may act as a tool for local communities to influence decision-making processes, prioritisation of actions and design of local, regional, and national projects and plans.

Signatory party countries affected by desertification must propose National Action Programs (NAPs) to the Secretariat. These must identify and combat the factors contributing to desertification, as well as mitigate the effects of droughts.¹⁹ The NAP process must assure an effective participation of different local stakeholders during project planning, decision-making and implementation.

The UNCCD identifies a series of activities to mitigate the effects of droughts, including: the establishment of early warning systems, the creation of drought contingency plans, the establishment of food security systems, the development of sustainable irrigation programs for crops and livestock, and

the establishment of alternative livelihood projects if relevant. These activities should be incorporated in the individual NAPs.

Financial mechanisms

The UNCCD establishes the obligation for developed countries to cooperate and financially aid developing countries that are faced with desertification within their borders. Article 21.1 establishes the financial mechanisms required for implementation of the UNCCD. These funding obligations can be materialized as grants, concessional loans, or through a special fund managed by the GEF to deal specifically with desertification programs.

➤ *Global Mechanism*

The Global Mechanism²⁰ is a broker between the resources needed and those available. It sets out to build partnerships capable of using funding to combat desertification and drought. The GM is concerned with the development process: it deals with rural and agricultural development, and poverty eradication. The GM promotes cooperation between governments, CSOs and donors towards the implementation of the UNCCD. Of particular interest to the Global Mechanism is the integration of desertification and land degradation into ongoing programs, and to foster linkages between these programs to generate more efficient actions against desertification.

➤ *Sustainable Land Management Operational Program (OP-15)*

A new window was opened by the GEF in 2002, when its assembly approved land degradation as a new focal area for its financial activities.²¹ As a result, the Sustainable Land Management Operational Program

¹⁸ Ibid, article 14.

¹⁹ Ibid, article 10.

²⁰ For more information see <http://www.gm-unccd.org>

²¹ See http://www.undp.org/gef/undp-gef_focal_areas_of_action/sub_land_degradation.html

was established. The objective of this financial program is to address the root causes and negative impacts of land degradation to ecosystem stability, functions and services, as well as on livelihoods and well-being, by financing sustainable land management practices.²² The financial assistance concentrates on funding incremental²³ costs of country-driven actions to preserve, conserve and restore the structure and functional integrity of ecosystems; reduce carbon dioxide emissions and improve carbon sequestration; or stabilize sediment storage and release in water bodies.

2.4 Main institutions and stakeholders

Although Multilateral Environmental Agreements (MEAs), such as the Rio Conventions, regulate relations and activities among state governments, there are other stakeholders involved. These stakeholders represent different social sectors and scientific perspectives, as well as intergovernmental agencies or donor institutions. The following main clusters of internal institutions and external stakeholders can be distinguished:

➤ Parties to the Conventions

According to the Law of Treaties, a Party to a Convention is "... a State which has consented to be bound by the treaty and for which the treaty is in force."²⁴ The reason is that States are the primary subjects of international law. The international scenario has changed since the signing of the Law of Treaties, and some States have organised themselves into regional economic integration organisations (REIO).²⁵ As

²² GEF (2003) Operational Program on Sustainable Land Management, p. 1.

²³ The "incremental" costs are the additional costs associated with transforming a project with national benefits into one with global environmental benefits.

²⁴ Vienna Convention on the Law of Treaties (1969), article 2.

²⁵ "Regional economic integration organization" means an organization constituted by sovereign States of a given region which has competence in respect of

a result, some MEAs –including the Rio Conventions- have given these types of multi-states associations the possibility of participating either as a block or as individual States, for as long as they comply with the voting and representation rules laid out by the MEAs.

➤ Conference of the Parties

The Conference of the Parties (COP) is the highest authority within the Conventions. The COP is the meeting of all Parties, and the forum in which the main political decisions and commitments are made.

➤ Secretariat of the Conventions

Each Convention has a central administrative body or Secretariat.²⁶ The main function of this body is to organize the day-to-day activities such as: organizing venues, keeping track of meetings, preparing reports, acting as an information centre, and coordinating efforts with relevant Conventions or institutions.

➤ Subsidiary Bodies of the Conventions

Each of the Conventions has a Subsidiary Body of Implementation (SBI) and a Subsidiary Body for Scientific and Technological Advice (SBSTA). The SBI is the organism in charge of reviewing the national reports on governments' activities towards the achievement of the Convention's objectives. The SBSTA has the mandate to provide current and updated information on scientific and technological advances relevant to the Convention's goals. Under the UNCCD these bodies have different denominations: The Committee to Review Implementation (CRIC) is the

matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned." Such is the definition included in article 1 of the UNFCCC. See also article 2 of the CBD and article 1 of the UNCCD.

²⁶ For more information on the UNFCCC Secretariat, please see:

<http://unfccc.int/secretariat/items/1629.php>; for more information on the CBD Secretariat, please see:

<http://www.biodiv.org/secretariat/>; for more information on the UNCCD Secretariat, please see: <http://www.unccd.int/secretariat/secretariat.php>

equivalent of the SBI, and the Commission on Science and Technology (CST) resembles the SBSTA.

➤ **National Focal Points**

A National Focal Point is the governmental institution (i.e. ministry, secretariat, department, or other) responsible for the implementation of a Convention at the national level, which is designated by each State.

➤ **Donor Organizations and Intergovernmental agencies**

This group of actors comprises the different international financial institutions, as well as UN organizations. In order to identify environmental priorities, these agencies tend to utilize international Conventions as guidelines, since these are a reflection of the concerns and dialogues expressed in the international policy arena. They usually divide available financial resources over different specific programs to facilitate the identification of possible beneficiaries, the allocation of funds, and the monitoring of project results.

➤ **Private sector**

Increasing attention is being paid to the participation of the private sector in environmental discussions. Their role seems to be changing, and some companies are engaging in partnerships with governments, or civil society organizations to propose solutions to environmental stresses. These types of activities are called public-private initiatives and received much attention at the World Summit on Sustainable Development (WSSD) in 2002. Currently they are also referred to as Type 2 Agreements.

➤ **NGOs and CBOs**

Non-governmental organizations (NGOs) and Community Based Organizations (CBOs) possess broad knowledge on the different environmental stresses influencing their communities. In order to increase their knowledge and

lobbying capacity, different NGOs and/or CBOs often work together in alliances or networks. This is particularly beneficial when trying to participate at the global level. Examples of such networks are the international Climate Action Network (CAN), the International NGO Network on Desertification (RIOD), the European Networking Initiative on Desertification (eniD), and the Biodiversity Action Network (BIONET).²⁷ These networks are described in more detail in paragraph 5.2.

➤ **Scientific community**

Scientific data and input enjoy a special status among international negotiators and within the different Conventions. Academics have produced an important number of reports and/or documents in which issues relevant for the respective Conventions are scientifically analysed. They also provided valuable input on the synergies among different Conventions. An example of the latter is a special report put together by the Intergovernmental Panel on Climate Change (IPCC) in collaboration with the CBD, about the impacts of climate change on biodiversity.²⁸

3. Current state of affairs of the Conventions

3.1 Ratification

The **Convention on Biodiversity** was adopted in 1992 and entered into force in December 1993. There are currently 188 Parties to the Convention. The Cartagena Protocol on Biosafety, which established a regulatory framework to control the harm arising from Genetically Modified Organisms (GMO) on biodiversity and human health, was

²⁷ See for more information respectively: <http://www.eni-d.net/index.html>, <http://www.igc.org/bionet/>.

²⁸ The report is called Climate Change and Biodiversity (2002), and it can be obtained in English, French and Spanish at the IPCC's website: <http://www.ipcc.ch/pub/techrep.htm>

adopted in 2000. The protocol has 101 Parties to the Convention and has entered into force in September 2003. COP 7 of the CBD took place in February 2004 in Malaysia. Their next meeting will be held in Brazil in May 2006.

The **Framework Convention on Climate Change** was adopted in 1992 and entered into force in March 1994. There are currently 189 Parties to the Convention. The Kyoto Protocol was adopted in 1997. The rules for entry into force of the KP required 55 Parties to the Convention to ratify (or approve, accept, or accede to) the Protocol, including Annex I Parties accounting for at least 55% of the total carbon dioxide emissions by Annex I countries' in 1990. This last requirement of 55% was problematic due to the rejection of the Kyoto Protocol by the USA. However, another important country, Russia, has recently ratified the Convention. This means that the Protocol will enter into force in 2005. COP 9 was held in December 2003 in Milan, and the 10th sessions of the COP took place in Buenos Aires, Argentina in December 2004.

The **Convention to Combat Desertification** was adopted in 1994 and entered into force in December 1996. Currently, there are 191 Parties to the Convention. The sixth session of the COP of the UNCCD was held in Havana, Cuba, August- September 2003. The third CRIC (Committee for the Review of the Implementation of the Convention) will be held in Bonn, Germany, from May 2 - 11, 2005. As of 2001, COP sessions will be held on a biennial basis. The venue and date of the next COP are still unknown.

3.2 Implementation

Once ratified, governments must create appropriate legislation and policies to fulfil the objectives of the Conventions. They are obliged to develop national action plans and strategies. The Conventions leave it up to the different parties to

determine the policy and institutional framework for implementation. No particular institution is required to be established at the national level.

Efforts to implement the Conventions have so far mainly focused on the development of National Action Programmes (NAPs). Although progress has definitely been made since Rio²⁹, NAPs generally have had limited impact and progress on the ground has been slow. Focus on progress on the implementation level is thus essential, since, while national governments need to provide an enabling environment, real, physical implementation of each of the Conventions is the one and only way to meet concrete objectives.

Some of the general problems for implementation of the three Conventions are the:

- Low priority of environmental concerns in national planning.
- Steady decline of funding levels from donor countries and organizations.
- Sectoral division of responsibility of implementation of environmental and sustainable development programmes, leading to a lack of integration with national development planning. Economic development priorities and activities tend to undermine environmental priorities.
- Division of responsibility for the implementation of the

²⁹ The means to identify and assess progress at the national level is through the required **national reports**.

See for the **CBD**:

<http://www.biodiv.org/world/reports.aspx> (parties are currently preparing their responses to the third national report, deadline 15 May 2005). For an analysis of the contents of the second national reports refer to: <http://www.biodiv.org/meetings/cop-07/docs.aspx?tab=1>.

See for the **UNFCCC**:

http://unfccc.int/national_reports/items/1408txt.php.

The UNFCCC synthesis report FCCC/SBI/2003/7/Add.1 provides a good overview on the progress on A1 commitments:

http://unfccc.int/national_reports/annex_i_natcom/com-pilation_and_synthesis_reports/items/2736txt.php

See for the **UNCCD**:

<http://www.unccd.int/cop/reports/menu.php>

Conventions over different governmental departments or institutions, causing discrepancies in agendas, and leading to a lack of coordination and cooperation.

- Lack of human and institutional capacities, which are crucial to enable countries to translate the Conventions into actions.
- Lack of information systems and effective information management in implementing countries.
- Insufficient support and involvement of local people, communities and NGOs in the development of national policies in most countries. This means a lack of integration with local development needs, knowledge, and activities.

Two of the major challenges for successful implementation are mainstreaming and securing financial resources, particularly to support developing countries.

➤ Mainstreaming

Of key importance for successful implementation of the Conventions is the integration of implementation plans in national development policies and programmes. This is often difficult due to the sectoral division of responsibilities and the dominance of development plans over environmental plans.

Mainstreaming is recognized as a major challenge by the Parties and others engaged in implementation of the UNCCD. Policy tools of the Conventions such as the NAPAs, National Strategies, NAPS, Sub-regional Action Programs (SRAPS) and Regional Action Programs (RAPS) are called to be systematically mainstreamed in overall sustainable development programmes, such as poverty reduction strategy papers (PRSP).

Within the CBD the need to integrate biodiversity into mainstream (economic) policies has been stressed from the start. But the reverse seems

to be occurring; with the promotion of markets for ecological services, mainstream economics have been integrated into biodiversity policy. The problem is that without integration of biodiversity policies in development processes, processes that reduce biodiversity are increasing much more rapidly than positive biodiversity policies.³⁰ Real integration of the objectives of the Conventions is therefore crucial.

➤ Securing substantial and long-term financial resources

Another major challenge is to secure sufficient financial resources needed to achieve the implementation of the Conventions. The North has been financing the implementation of the Conventions in the developing countries, providing support through the GEF and through bilateral aid programmes. The “polluter pays” principle is the ethic backbone of this kind of economic support. However, overall levels of development assistance have declined since 1992, and EU’s Rio pledge to provide additional financing of \$3 billion has not materialised (IIED, 2002). Especially in the case of the UNFCCC, it is important (and fair) for the Annex I countries to comply with the polluter pays principle, and provide support to developing countries that suffer the adverse impacts of climate change.

For the particular case of the UNCCD, the adoption of GEF’s Sustainable Land Management Operational Program (OP-15) is viewed as a positive development as it ensures more regular financial resources. However, the operational guidelines need to be better defined and take fully into account the needs of the parties to the Convention.

³⁰ For example, in countries like the Netherlands and Brazil many biodiversity projects are implemented, but the expansion of infrastructure and monocultures destroy more biodiversity than the one being saved by positive policy.

The effective use of synergies (for example by focusing on projects with multiple benefits and longer-term effects) presents a way of using existing funds more efficiently. However, this should never be used as a disguised excuse to reduce funding. Perhaps it would be better to reconsider existing financial mechanisms and look for innovative and alternative financing methods that ensure that the funds reach local level initiatives and support projects and policies that promote synergies. Or to explore opportunities for common lending criteria, reporting and policies between multilateral and bilateral donor agencies.

3.3 International political context

Apart from the implementation challenges described above, there are challenges posed by the international political environment of the Rio Conventions. Free trade agreements, policies and practices of International Financing Institutions (IFIs), and different international development initiatives are all part of this context. These elements may be conflicting with, or diverting the attention from, the objectives or practices promoted by the Rio Conventions, and Multilateral Environmental Agreements (MEAs) in general. However, they might as well provide opportunities for synergy and integration.

➤ *Free trade agreements*

Some of the MEAs ban trade in certain products or allow countries to restrict imports in certain circumstances (actions known as trade related environmental measures, or TREMs). These measures could be in conflict with the general rules of the World Trade Organisation (WTO). As a consequence, free trade agreements may undermine MEAs. Although potential conflicts in this regard may hamper the implementation of MEAs, so far it seems that only the WTO has

taken a “hands on” approach to the issue while the Conventions’ bodies (Secretariats, COPs, etc.) do not seem to be pushing for this discussion to prompt into their fora.

In 1995, the WTO created the Committee on Trade and Environment (CTE), which regularly discusses and analyses the links between the WTO rules and the texts of the MEAs.³¹ According to the CTE, it is unlikely that many conflicts between MEAs and the trade rules will arise, since from the 200 existing MEAs, only 20 include trade provisions. The MEAs, which are most likely to be conflicting with the WTO rules, are the Convention on Biological Diversity, the Protocol on Biosafety, and the Kyoto Protocol. An explanation of these potential conflicts can be found in Table 1.

The Secretariats of the MEAs act more as passive actors in the discussions within the CTE than as active instigators of these discussions. According to the WTO General Council decision of 18 July 1996, on “Guidelines for arrangements on relations with NGOs”, Secretariats of MEAs and NGOs can apply to the status of “observers” to the CTE. However, the process for admission of new observers is not moving forward, and important actors, such as the CBD Secretariat, have applied for this status without success.³²

Several environmental groups have suggested that it is not appropriate for the WTO to decide on conflicts between its own rules and the

³¹ For more information see: http://www.wto.org/english/tratop_e/envir_e/cte00_e.htm

³² “At the WTO, the CBD has struggled to gain observer status, and OECD countries have resisted calls from developing countries for IPR (intellectual property rights) regimes to incorporate the CBD’s objectives. Indeed the structure of the WTO is skewed towards the interests of powerful economies, which have the greatest influence over the agenda and negotiations. This imbalance also affects the implementation of the CCD and other MEAs, and poverty reduction in general, since it is difficult for poor countries to gain more favourable trade terms.”
Menotti, V. (2002)

objectives pursued by MEAs. They have suggested that the UN system is a more appropriate forum to deal with these conflicts. It is their claim that the principles of international law do not give sufficient guidance on how to deal with conflicts between international rule systems that promote different goals of public policy (in this case: trade and environmental protection);³³ and that such discussions should be dealt with in a higher and independent forum.

	required fuel efficiency of automobiles in some nations has been threatened with WTO challenges on the grounds that such measures would "discriminate" against imports.
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Table 1. Main conflicting issues between WTO rules and the CBD, its Protocol and the Kyoto Protocol.³⁴

➤ *International Financing Institutions*

The International Monetary Fund (IMF), the World Bank (WB) and the regional developing banks often have their own sector strategies and policies, which can be incoherent or contradicting with other frameworks such as those laid down in the Conventions. This is somewhat risky as the WB, along with UNDP and UNEP, is one of the implementing agencies of the GEF, which coordinates the financial mechanisms of the Conventions. It is thus important to explore and analyse these relations in an on-going way. For example, the WB intends to promote sustainable land management in Sub-Saharan Africa through a new joint initiative with the UNCCD and GEF called *TerrAfrica*. At the same time, it is stimulating privatisation and liberalization in the agricultural export sector in Africa, which might produce contradictions in the field.³⁵

Although initiatives such as *TerrAfrica* or the Sustainable Land Management Operation Program (GEF), try to obtain a better coordination of environmental issues, there is still ample room for improvement of the IFI's internal policies. NGO representatives still call for a stronger inclusion of environmental thinking into IFI policies, especially regarding biodiversity conservation and the impacts of climate change.

Convention on Biological Diversity	The most important conflicting aspect of the CBD with WTO rules relates to intellectual property and CBD's objectives on access to genetic resources and benefit sharing. The WTO Agreement on Trade Related Intellectual Property Rights (TRIPs) was designed to grant monopoly rights over 'inventions', and allows the appropriation of genetic resources and traditional knowledge from the South without benefit sharing with the countries and local communities of origin, whilst at the same time limiting access to technology for Southern countries.
Biosafety Protocol	The Biosafety Protocol contradicts with WTO rules on what governments can do to regulate GMOs. The Protocol provides that governments have the right to ban imports of GMOs if they suspect damaging impacts, while the WTO Agreement on Sanitary and Phyto-Sanitary Measures restricts governments from taking such precautionary measures without conclusive scientific evidence of harm.
Kyoto Protocol	Parties of the UNFCCC with emission reduction targets may implement policy related measures affecting trade in order to curb down GHG emissions. Some of these measures could be perceived as affecting the prices and competitiveness of some products, particularly those manufactured through energy intensive processes. For example, increasing the

³³ For detail information on the proposal see Friends of the Earth Europe, Greenpeace & German NGO Forum on Environment & Development Working Group on Trade (2004).

³⁴ Information for this table has been gathered from the following sources: Menotti, V. (2002) "From Doha to Johannesburg"; and Brack, D. and Gray, K (2003) "Multilateral Environmental Agreements and the WTO".

³⁵ EniD/GTD (2004), p.2.

➤ *Rio Conventions versus international development initiatives*

Since Rio, international attention has diverted to new initiatives such as the Millennium Development Goals and the Poverty Reduction Strategy Papers. Linking up with these initiatives can be beneficial, although it should be kept in mind that initiatives as the PRSP are relatively temporary in nature while the Conventions are permanent international treaties with long term objectives. It is important to link long-term environmental issues to immediate concerns.

4. Synergy between the Rio Conventions

As mentioned in the introduction, the 2002 WSSD Plan of Implementation explicitly recognises that the Rio Conventions are interrelated. However, effective mechanisms to increase synergy and coordination between the Conventions are still limited.

What is synergy? The Oxford Dictionary defines synergy as: “the interaction or cooperation of two or more organisations, substances or other agents to produce a combined effect greater than the sum of their separate effects”.

Opportunities for integration and synergy of the Conventions’ objectives are most evident at the local level, since the nature of livelihoods is inherently cross-sectoral, i.e. the ecosystems on which people’s livelihoods depend are complex and naturally synergistic. At www.bothends.org (project: Local Contributions to the UNFCCC, CBD, and UNCCD) five cases of local initiatives can be found which clearly show how effective synergies can be created at the local level.

This chapter briefly explores the reason to look for synergies between the Conventions as well as the opportunities for, and existing initiatives on, the creation of synergy

at the Conventions level, the international, regional and national level.

4.1 Why synergy?

The CBD, UNFCCC and the UNCCD share a concern for many environmental issues. They all operate within collective ecosystems, and all work towards sustainable development. The Conventions also contain various overlaps in terms of the obligations required from their Parties, such as obligations for research, information gathering and exchange, national and regional action plans, national inventories, reporting, training and public education.

Although each Convention has its own defined objectives and commitments, there is growing recognition of the inherent relationship and dependency between them. Combating desertification and the conservation of biodiversity are important measures for the control of climate change. At the same time, control of climate change is essential to achieve the objectives of the CBD and the UNCCD. A good illustration of the relationship can be found in article 2 of the UNFCCC, which states that the ultimate objective is the stabilization of greenhouse gas concentrations “within a time frame sufficient to allow ecosystems to adapt naturally to climate change”. Its objective thus contributes to the biodiversity conservation objective of the CBD. See for other examples on the relationship between climate change, desertification and biodiversity also Box 1 below.

In order to acknowledge and use this relationship and to ensure that participating countries are not burdened by conflicting or overlapping obligations or different timing in reporting requirements. It can be beneficial for the Conventions to increase synergy and coordination among them. These efforts to increase synergy and coordination should take

place from the international to the local level.

It should be noted that increasing synergy and coordination at the Convention and national level can involve the risk of complicating matters in such a way that it makes decision-making on key issues more difficult, providing an easy excuse for countries hesitant or unwilling to make any real commitments. It is therefore important that the Conventions also continue acting separately to ensure the implementation of their own specific objectives. Also to be avoided is the risk that dominant sectors or models take over others, e.g. carbon trade models taking over biodiversity and desertification policies.

Only where real overlaps exist, specifically in implementation, will synergy be possible, for example when dealing with specific issues (such as forest protection) or within a specific geographical area.

The *Ecosystem Approach* can offer a useful framework for realizing synergy among the three Conventions. Comprehensive ecosystem management interventions integrate ecological, economic and social goals to achieve multiple and cross-cutting local, national, regional, and global benefits. The ecosystem approach acknowledges the inevitability of change and the framework can thus accommodate consideration of climate change and the need for adaptive responses for example. Its application requires analysis at several spatial and temporal scales as well as interactions among drivers of change at the various scales.³⁶

4.2 Synergy at the Convention Level

Certain steps have already been taken to enhance cooperation and synergy at the Convention level. The UNCCD for example specifically mandates

coordination with the UNFCCC and the CBD including conducting joint programmes (Article 8).

Another concrete example is the current initiative on report harmonization involving the Rio and other Conventions. Examples of institutional linkages and joint programmes are the Joint Liaison Group and CBD's Ad Hoc Technical Expert Group.

➤ Joint Liaison Group

The Joint Liaison Group (JLG) between the UNFCCC and the CBD was created in 2001. Representatives of the UNCCD joined months later. The objective of their joint work is to obtain improved cooperation and coordination between the three Conventions, through the exchange of relevant information and the development of joint work plans and/or workshops to explore further cooperation between the Conventions (FCCC/SBSTA2001/2, p. 11). Under this mandate, the JLG identifies several areas of interest where cooperation may be possible and desirable. These areas include: capacity building, information and awareness, technology transfer, and research. The first attempt on joint work and research between the three Conventions has started under forest ecosystem issues.

In April 2004, a "Joint Workshop on Strengthening Synergy among the Rio Conventions through Forest and Forest Ecosystems" took place in Italy. The workshop was attended by 39 Parties to the 3 Rio Conventions, UN organs, intergovernmental organizations and NGOs. It was concluded that countries could achieve synergistic effects in afforestation/reforestation by formulating projects according to basic principles contained in the objectives of the three Rio Conventions. This would ensure appropriate attention is paid to conservation and sustainable use of biodiversity, combating desertification, carbon sequestration

³⁶ From summary of the fourth meeting of the Joint Liaison Group (2003).

Examples of linkages between the Conventions found in Conventions texts

CBD and climate change

Climate change is not addressed directly as a threat to biodiversity within the Convention's text. However, the CBD contains specific reference to the need of coordinating actions when necessary with other international organizations and Conventions. Lately, the COP to the CBD has established a climate change working group, in order to analyze the impacts climatic events may have over biodiversity.

Additionally, some provisions within the Convention can be used in order to link the CBD and the UNFCCC. In its article 6, the CBD calls for an integration of conservation and sustainable use of biological diversity into relevant sector or cross-sector plans, programs and policies by each contracting Party. The language used in the convention leaves room for interpretations on what these plans or programs could be. Therefore, the challenge lies in the capacity to influence the definition process of those plans, and incorporate the adaptation requirements as water management plans, agricultural plans, etc.

Parties are also called to "... identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques". Therefore, it could be argued that Parties are called to monitor and act upon any climatic disruption that may impact in-situ conservation. Perhaps the clearest link between the CBD and climate change is given by article 14.e, which states that each Party shall:

"Promote national arrangements for emergency responses to activities or events, whether caused naturally or otherwise, which present a grave and imminent danger to biological diversity and encourage international cooperation to supplement such national efforts and, where appropriate and agreed by the States or regional economic integration organizations concerned, to establish joint contingency plans".

The article makes no direct mention of climate related events, however it does include events caused naturally. As a result, it could be argued that governments are obliged to respond to climatic events (events naturally caused), such as the increase in droughts or flood periods, in order to reduce the vulnerability of ecosystems and ensure the protection of biodiversity.

UNCCD and UNFCCC

Under National Action Plans special attention should be given to climatological, meteorological and hydrological capabilities and the means to provide for drought early warning. In this respect it may be recalled that under the UNFCCC, countries experiencing serious drought and desertification have been considered as highly vulnerable under climate change. Therefore, it should be on the UNCCD's interest to actively collaborate with the UNFCCC, in order to encourage activities that prevent desertification, and therefore reduce the existing vulnerability in drylands. In an attempt to facilitate collaboration, the Secretariats of both Conventions are based in the same building in Bonn (Germany).

UNCCD AND CBD

Due to its recent existence, the UNCCD clearly states an obligation for Party States to link the Convention's objectives and work with the UNFCCC and the CBD. The Parties to the Conventions are called to jointly conduct research, training, systematic information collection and exchange programs. In the case of linkages with the CBD, the text of the UNCCD includes specific concerns regarding the loss of ecosystems and biodiversity, as this situation increases the desertification process.

An example of conflicting objectives and activities under the Conventions

The Kyoto Protocol promotes so-called forest "sinks" to stabilize atmospheric carbon levels. Some proponents support the use of timber plantations since they can significantly contribute to an increase in carbon sequestration, while also having short-term economic benefits. However, large-scale planting of fast growing exotic species may result in the destruction of old forest ecosystems and severe biodiversity loss, with possible consequences that increase desertification.

During COP 9 of the UNFCCC it was decided to promote reforestation by using GMO-trees to sequester carbon emissions. This decision was taken despite the universal recognition that natural, bio-diverse forests play a crucial role in safeguarding biodiversity. The decision is not in line with the objectives of the CBD and UNCCD, which aim for healthy forests and soils in balance with the natural ecosystems.

Box 1. Linkages between the UNFCCC, the CBD and the UNCCD.

and other environmental and socio-economic goals. A learning-by-doing process was proposed, as well as increased efforts to raise awareness at national level and to search for much needed investments.³⁷

The JLG also met with the GEF to exchange views and discuss issues of common concern. Adaptation, capacity building and technology transfer are priority issues.

➤ **CBD's Ad Hoc Technical Expert Group (AHTEG) on Biodiversity and Climate Change.**

In 2001, the CBD's Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) established an Ad Hoc Technical Expert Group (AHTEG) to carry out an assessment of the interlinkages between biodiversity and climate change. It produced in 2003 a Technical Report based on the best available scientific knowledge, including that provided by the IPCC. The report concludes that there are significant opportunities for mitigating climate change, and for adapting to climate change through the conservation of biodiversity.

At its seventh meeting in 2004, the COP of the CBD also requested SBSTTA to develop advice for promoting synergy among activities to address climate change at the national, regional and international level, including activities to combat desertification and land degradation, and activities for the conservation of and sustainable use of biodiversity. It invited the Conference of the Parties to the UNFCCC and the UNCCD to collaborate with the CBD to this end.³⁸

4.3 Synergy at international level

Creating synergies at the international level is important. All too often national authorities are more open to synergy than international institutions, such as funding organizations and other international institutions, although they can play a crucial role in attaining synergy. This has been recognized and some efforts have been made to create synergy at the international level. For example, the UNDP and the World Bank have held meetings to discuss possibilities for synergy. In 1999, The United Nations University held an "International Conference on Inter-linkages: Synergies and Coordination between Multilateral Environmental Agreements", followed by a three year programme called the UNU Inter-Linkages Initiative.

As mentioned before, the sectoral and sometimes conflicting approach of most IFIs and other donors is especially problematic to reach synergy. IMF and the World Bank have enormous and specialized staffs that are well divided over various themes but often lack joint programmes or approaches. In general, funding is strictly divided over separated thematic budget lines, and few donors are addressing the linkages between the Conventions and other international policies and programmes.

A positive initiative was taken by the GEF, which has devised new funding strategies to promote coherence between the Conventions. It also increasingly adopted an ecosystem approach to the work by its financing programmes. For example, GEF Operational Program on Integrated Ecosystem Management facilitates inter-sectoral and participatory approaches to natural resources management planning and implementation on an ecosystem scale. It creates synergy between the four GEF focal areas (i.e. biodiversity,

³⁷ See for the final report on this workshop: <http://www.unccd.int/workshop/docs/finalagenda-eng.pdf>

³⁸ Taken from <http://www.biodiv.org/programmes/cross-cutting/climate/>

climate change and international water and land degradation) to optimise multiple benefits.

4.4 Synergy at regional level

It is argued by some that possible synergies can be best attained at this level. This is because they feel predominant eco-systems tend to be regional by nature. Systems such as river basins, seas/coastal marines systems, island chains, mountain ranges and other geographical landforms are where the impacts of environmental degradation are felt most severely and where the potential exists for learning and developing holistic and comprehensive solutions (*UNU/GEIC, 2002*)

An example of synergy at the regional level is the “Central Asian Programme on Synergy” run through the Regional Environmental Centre in Central Asia, located in Kazakhstan.

4.5 Synergy at national level

The overlapping and sometimes duplicate commitments under the Rio Conventions can pose tremendous challenges for signatory countries. Often human, institutional and financial resources are limited and coordination is lacking. To establish linkages and reduce overlaps between the Conventions can provide opportunities to reduce costs and efforts, for example by carrying out similar obligations in an integrated way.

So far coordination at the national level in most countries is still limited. Barriers to achieve synergy are often political, institutional or cultural. For example, different departments within ministries may be responsible for implementing each Convention, or may be in competition for limited resources. Also coordination mechanisms may not be in place or are inefficient or impeded according to different priorities and power struggles.

As stated before, the key task of national governments is to mainstream Conventions’ implementation plans into national development priorities and policies. On country level, there may be no cohesive planning framework, which makes the integration into sectoral policies essential. (*UNDP, 2002*). To develop and make use of linkages with existing policies and planning structures helps to both attain commitment and increase to effectiveness.

Other examples of possibilities to enhance synergy at the national level are institutionalised information sharing or joint information systems, coordination and cooperation of Convention focal points and GEF focal points, joint reporting, joint public outreach and capacity building activities (for common capability needs, such as data and information management, communication, financial management, policy analysis), promoting synergy in curricula of academic education, increasing scientific linkages, and supporting exchange programmes of professionals, nationally and internationally.

5. CSO participation in Conventions

5.1 Relevance of Conventions for CSOs

Lobby tool

When national governments become Party to one of the Rio Conventions they commit themselves to specific obligations. The Conventions are legally binding instruments and the decisions of the COP have a direct impact on the signatory countries. Hence, it is important for CSOs to know about these obligations, to be able to pressure their government when discrepancies exist between the international commitments and national legislation and policies. The Rio Conventions thus provide an

important tool for CSOs to demand the implementation of long-term environmental commitments and not to have them overshadowed by short-term economic needs.

CSOs influence governments in many different ways. They can frequently remind governments about the commitments they made and what these commitments are, and mobilise the public to put additional pressure on the governments. They can promote the integration of environmental objectives in national planning, push for participatory approaches, raise awareness within society, build or become a member of existing alliances with other CSOs and other sectors, or use 'shame mobilization' at the international level. Shame mobilisation involves showing casing policies or activities, which are contradicting the objectives of the Conventions during international meetings – i.e. COPs, SBSTA/SBI meetings.

It is difficult to take juridical steps to contest the non-compliance of the government to their obligations under a Convention. This is only possible indirectly. For example, in Costa Rica, the right to a clean and healthy environment has been recognized as a human right in its Political Constitution, and therefore procedures before the Constitutional Court can ensure access to this right. In other countries, NGOs are bringing actions in relation to tort-based litigation cases to acquire compensation or actions towards the enhancement of environmental protection.³⁹ Access to international tribunals – such as the International Court of Justice, the Inter-American Court of Human Rights, or the International Tribunal of the Law of the Sea⁴⁰ - may be possible when the State's non-compliance can be proved

³⁹ For example, in the United States of America NGO's are bringing climate change related actions before their national courts; for more information see Gupta, J. (2003), p. 468.

⁴⁰ See article 187 (c) of the United Nations Convention on the Law of the Sea (1982).

as a "significant" or "substantial" environmental damage.⁴¹ However, CSOs usually lack the capacity to commit to a legal process (whether at national or international level), which will require years of debate, substantial financial resources, and the input of experts in the field of law and environmental sciences.

Participation and input in negotiations and implementation processes

CSOs should be able to participate directly in the negotiations and the implementation process of the Conventions and National Action Programmes. Participation in the international negotiations is important because this is where the framework for national policies is being shaped. Still, national implementation is perhaps even more important, since it is here where policies and plans are made which can enable real changes on the ground. It is crucial for organizations to present their own views on national policies and strategies, and lobby for inclusion of local interests and problems to ensure these are properly dealt with within the national and international context. When participating in national or international policy fora and negotiations, CSOs can access relevant information and gain a better understanding of the issues and possible solutions, as well as meet policy makers and experts. Participation also provides opportunities to share information and experiences with people working on similar issues or in similar circumstances.

Perhaps the most effective tool that CSOs have to influence policies is to

⁴¹ State practice, decisions of international tribunals and the writings of jurists call for the need of environmental damages to be "significant" or "substantial" for liability to be called upon a State. International instruments such as environmental standards –i.e. quality, emission, etc.- or may provide guidance as to the level of environmental damage considered tolerable or acceptable by the international community. Sands, P. (1995), p. 635.

present case studies of projects or community initiatives which either exemplify the environmental problems people suffer or the success of local projects or strategies. Case studies bring to light the needs of communities and link them to national policies and international commitments. This is important in order to bridge the often large gap between local needs and national and international policies.

Indirectly, presenting local cases of the impacts of desertification, biodiversity loss and climate change on peoples' lives has a strong media value and therefore the potential to provoke a national policy response.

(Financial) support

CSOs may be able to find support through the Conventions financial mechanisms for local projects or initiatives, which contribute to the implementation of the objectives of the Conventions. However, the funds created for the Conventions mostly aim at increasing the capacity of signatory States to comply with the objectives of the Convention and these funds can often only be accessed by governments.

Funding schemes created for implementation by large donor agencies, such as the GEF or the European Union, also present a problem for CSOs. In general, they require elaborate and complicated applications, and the approval process can last from several months up to a year.

Moreover, the GEF was established to fund global environmental priorities. However, as many of the activities focusing on these global priorities have implications for local livelihoods, this exclusive focus does not seem appropriate. For example, national biological strategies have mainly focused on conserving rare species of global value, while much less attention has been paid to biodiversity of local value, which sustains the livelihoods of the poor.

For CSOs it is important to assess and potentially revise how their activities represent solutions to environmental stresses and see if this can be used to access the funding mechanisms established under the schemes of the Rio Conventions. Promising mechanisms could be for example the Global Mechanism under the UNCCD, the Special Adaptation Fund under the Marrakech Accord to the UNFCCC, or the climate change funds, CDCF (Community Development Carbon Fund) and BCF (Bio Carbon Fund), which are still under development.

CSOs should also closely follow and if possible influence the development of new funding mechanisms. They can lobby for government and donor organizations to establish smaller or more appropriate funds that can easily be accessed by CSOs.

5.2 Involvement of CSOs in Conventions' policy discussions and implementation

Each of the Rio Conventions notes and encourages the important role of non-governmental actors in effective development, planning, implementation and monitoring of national environmental policies, and in finding solutions for environmental problems. The UNCCD explicitly recognises that desertification occurs, and can be combated, only at the local level. The instruments of the Conventions call for measures to increase public understanding, create an informed constituency for environmental change, and assure adequate private and non-governmental (NGO) participation in achieving the goals of the agreements. Specific reference is made to use the knowledge base of local communities and/or indigenous people.⁴² In practice however, CSO involvement is not always given enough priority and CSOs are not always taken serious as participants

⁴² UNDP, Sustainable Energy and Environment Division (2002).

and contributors to the processes of negotiation, policy-making and implementation.

Nevertheless, many CSOs have been involved in Conventions' activities. In a number of countries, the development of NAPs for Desertification for example has seen quite active involvement of CSOs and resource users. Civil society has also played a fairly active role in some other policy processes, such as the development of National Biodiversity Policy Plans and NAPAs. In many countries, CSOs have also initiated their own independent activities to implement the Conventions.⁴³ Below the opportunities for, and experiences so far with, CSO participation in the three Conventions will be elaborated further.

CSO participation in UNCCD

The UNCCD explicitly predicates a participatory process of planning, implementing and evaluating actions to promote sustainable land use, described as a "bottom-up" approach.

At the national level, the National Action Programmes (NAPs) offer platforms for CSOs to express their concerns and put forward their point of view on how to ensure sustainability in dryland areas. CSOs activities related to the implementation of the UNCCD are often done in close cooperation with the people living in the areas affected by desertification. On the basis of their experience at the local level, they can contribute significantly to the development and implementation of the NAPs.

CSOs also organise and participate in campaigns to raise awareness, and try to liaise between the local population and policy makers. For financial resources CSOs have been dependent on their own resources, or on funding from the national government in the context of the NAPs, or from international

donors. Now, as a result of the adoption of the Operational Programme 15 of the GEF on Land degradation, it is expected that CSOs will also be able to directly access financial resources through the Small Grants Programme and the Medium Size Projects.

CSOs also participate at the international level. Since the first Conference of the Parties, CSOs have been able to put their own priorities on the official agenda:⁴⁴ i.e. two half-day sessions on the agenda, the Open Dialogue Sessions, are organised by CSOs. In these sessions, CSOs can discuss critical issues with the country delegates, such as the issue of participation itself, which has been addressed several times to develop consensus about at least the basic quality and quantity of participation in the NAPs. Gender is another issue that has been addressed in several Open Dialogue Sessions, and practical approaches of CSOs towards combating desertification are also often on the agenda.

To facilitate the participation of organizations from affected countries in the international UNCCD meetings, a special fund has been created by the COP. It is the only Convention covered by this study that ensures at least a minimum of CSO participation through such means. Unfortunately, this fund is limited as is the capacity of the UNCCD Secretariat, which is managing this fund. The selection process of the Secretariat has been lacking in full transparency, and has proven to favour organisations that enjoy collegial relations with the Secretariat. This has discouraged sponsored NGOs from taking positions that are openly critical of the Secretariat. Also, the continuity in participation, with some exceptions, is rather low.

Two examples of international CSO networks working on the UNCCD are RIOD and eniD. RIOD, an

⁴³ Menotti, V. (2002)

⁴⁴ See also Both ENDS information package on Desertification: <http://www.bothends.org/service/ip-des.htm>

international network on desertification, was formally established by CSOs in November 1994. The mission of RIOD is to promote and enhance the participation of civil society in the implementation of the UNCCD at all levels, especially in the National Action Programmes (NAPs). RIOD promotes the active participation of women and encourages gender-balanced representation at all levels.

EniD, the European Networking Initiative on Desertification, was created by European CSOs involved in the implementation of the UNCCD in June 2001. At the moment, this working group counts six organisations and networks, which are operational in the field of sustainable development and livelihoods in drylands. EniD is dedicated to the UNCCD process in general and to the participatory approach of the Convention in particular – considering both to be essential steps on the way to sustainable development. The initiative seeks to improve the co-operation between CSOs at the European level in order to enhance support to civil society partners in affected countries, particularly in view of their active involvement in the decision making, implementation and assessment processes of the UNCCD.

CSO participation in UNFCCC

In the UNFCCC, CSOs participate amongst others actively through the Climate Action Network (CAN)⁴⁵, an umbrella group with over 340 members and several branches around the world. CAN has been a very effective CSO lobbying group at UNFCCC meetings.

The membership of CAN is heavily weighted in favour of groups from the North and large international NGOs. The limited Southern participation is the result of economic, technical and

logistical constraints. Many Southern organisations do not have the capacity to employ full time experts to closely follow the climate change negotiations, nor to be present at the key discussions or negotiation forums. As a consequence, Southern CSO involvement is not as strong as desired. This is unfortunate, especially when dealing with adaptation, which is mainly important in developing countries.

Furthermore, participation by CSOs in the international negotiations has so far been mostly from environmental NGOs (as part of CAN). However, it is important that more mainstream development CSOs also become involved as issues being discussed and raised are relevant for their work as well (e.g. adaptation, CDM, etc).

Financial support for CSO participation in negotiation processes is scarce. Some funding is available from governments, international organisations and foundations. However, it is difficult to find a donor who will be interested in financing a long-term negotiation process for CSOs. As a way to deal with this situation, CAN seeks different funding possibilities every year in order to ensure that some Southern organizations can at least be present at COPs and SBSTA/SBI meetings.

As to the funds available under the UNFCCC umbrella, the GEF has a funding window for CSOs projects. Recently created funds such as the LDCF and the Special Climate Change Fund (SCCF) have not yet clarified their funding guidelines.

CSO participation in CBD

CSOs participating in the CBD processes encounter a similar situation as those engaged in the UNFCCC discussions. The Convention itself has no financial resources to support CSO participation. Organizations interested in participating must therefore look for

⁴⁵ For more information see <http://www.climatenetwork.org/>

funding with governmental agencies or foundations.

Within this scenario, large international organizations have proven able to raise enough funding to ensure their active involvement in the discussions. They have a relatively high rate of success when lobbying for their objectives. However, it seems that smaller Southern organizations struggle to be heard or even to participate.

This is especially the case for Indigenous People Organizations (IPOs), which have strong participation rights under the CBD but have great difficulties to impact negotiations and ensure that their concerns are properly dealt with. In contrast, there is a perception that business and industry lobbyist are heavily involved in the CBD process, and wield considerable influence.

Despite these constrains and contrasts, the CBD seem to embody wide and open participation by CSOs and other actors. This may be one of the reasons why this Convention is among the favourite forums for CSOs to convey their message and try to influence national delegates.

5.3 Main obstacles for CSOs to participate in international negotiations

The main obstacles for CSOs to participate in international negotiations include:

Lack of awareness and access to information

Generally there is still a lack of awareness among many CSOs about the contents, implications and opportunities provided by the Rio Conventions. This is for a large part due to the lack of access to information. Regarding climate change for example, most discussions are held among academic sectors and are not well translated and communicated to the public. The gap between the scientific community and

the local level is large and information exchange is minimal. Many local communities are not aware that climate variability will increase in the future, outside the scope of natural variability. Others may be aware of climate change, but lack information on future scenarios or methodologies to develop a comprehensive approach to deal with it.

At the same time, information exchange should work both ways. The highly useful knowledge of CSOs is hardly communicated to policy makers and the academic sector. Experts/scientists have a tendency to disregard local knowledge as it results from empirical processes. Consequently, important data on traditional practices or in-field experiences may not be accounted for, and recommendations from the academic level may be de-linked from reality.

Lack of time and capacity for participation

For many CSOs, attending international forums is expensive and time consuming. Taking into account that the Conventions' meetings take place in different countries around the world several times throughout the year, organizations need to invest time, effort and money in order to be heard. For many CSOs this is impossible, for travelling and lodging expenses may well over-run their budgets. Moreover, it is difficult to obtain funds for participation by donors.

At the same time, when NGOs are sponsored by their governments to take part in negotiations, difficulties may arise. This situation may undermine the independence of the NGO representatives, as it may prove impossible to take a stance contrary to that of the sponsor.

Since for many small CSOs, the active involvement in relevant national and international fora is expensive, labour intensive and time consuming, they choose to join forces or support CSOs experienced in lobbying or existing networks (e.g. CAN, RIOD, BIONET). Such networks can send only a few

representatives to critically monitor and influence the negotiations. Some of those organizations have accumulated years of experience at international negotiations.

Language barriers

Language presents another barrier to participation. English is mostly used as the official language within international negotiation processes. Although the general sessions of the meetings are translated into the six official languages of the UN, working sessions –and their respective documents- are often in English only. Community based representatives from developing countries do not necessarily speak this language, or the other official languages of the UN. In addition, negotiations are held in a technical language. Therefore, specific knowledge and understanding of the legal implications of the terms involved, and of the scientific background of the discussions, is required for real participation.

Imbalance of negotiation capacities

Related to the technical language barrier is the imbalance in negotiation capacities. Northern countries often dominate international negotiation processes, since many southern countries lack the resources, information and skills for effective negotiation. For example, it is important to identify the key negotiators within the process. Not all government representatives have the same weight at the negotiation processes, and identifying “who is who” requires an expert eye for negotiations as well as political knowledge on power struggles and negotiation clusters within each Convention and the UN system. This know-how is extremely important and takes time to develop, which in turn restricts participation, especially for those with limited budgets.

6. Essential contact information

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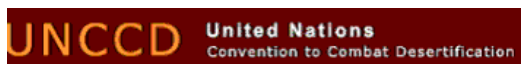
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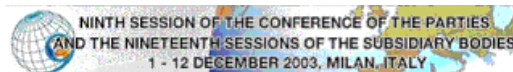
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Website:
<http://unfccc.int/cop9/index.html>

7. References

Case studies and reports

Case study: Reducing Vulnerability to Climate Change in the Southwest Region of Bangladesh
http://www.bothends.org/strategic/localcontributions_bangladesh.pdf

Case study: Integrated water management and upscaling of successful dialogues in the Cotahuasi sub-basin, Peru
http://www.bothends.org/strategic/localcontributions_Peru_en.pdf

Case study: Analog Forestry in Nuevo Mundo, a community in Northwest Pichichinga, Ecuador
http://www.bothends.org/strategic/localcontributions_Ecuador_en.pdf

Case study: Empowering pastoralists communities in Somali Regional State
http://www.bothends.org/strategic/localcontributions_Horn.pdf

Case study: Enhancing sustainable livelihoods in the Suid Bokkeveld, South Africa
http://www.bothends.org/strategic/localcontributions_SouthAfrica.pdf

Local contributions to the UNFCCC, UNCCD and CBD, Both ENDS, Amsterdam, February 2005
Summary and Policy Recommendations:
http://www.bothends.org/strategic/Local_contributions_summary

Both ENDS information package on Desertification, No. 1, see:

<http://www.bothends.org/service/ip-des.htm>

Both ENDS Information Package on Gene-Technology, No. 14, see:
<http://www.bothends.org/service/ip-gen.htm>

Project descriptions

Local Contributions to the UNFCCC, UNCCD and CBD
http://www.bothends.org/project/project_info.php?id=26&scr=st

Enhancing NGO involvement in the CCD process
http://www.bothends.org/project/project_info.php?id=8&scr=st

International agreements

Cartagena Protocol on Biosafety, January, 2000, at:
<http://www.biodiv.org/doc/publications/bs-brochure-03-en.pdf>

Convention on Biological Diversity (CBD), June, 1992, at:
<http://www.biodiv.org/convention/articles.asp>

Protocol to the United Nations Framework Convention on Climate Change, December 11th, 1997, at:
<http://unfccc.int/resource/docs/convkp/kpeng.pdf>

United Nations Convention to Combat Desertification (UNCCD), June 17th, 1994, at:
<http://www.unccd.int/convention/text/convention.php>

United Nations Framework Convention on Climate Change (UNFCCC), May 9th, 1992, at:
<http://unfccc.int/resource/docs/convkp/conveng.pdf>

Documents of International Agreements and Institutions

GEF. Operational Program on Sustainable Land Management (2003), see:
<http://www.undp.org/gef/undp->

[gef focal areas of action/sub land degradation.html](http://www.undp.org/gef/focal_areas_of_action/sub_land_degradation.html)

Joint Liaison Group, Summary of the fourth meeting of the Joint Liaison Group in Bonn, 2003, see:
<http://www.unccd.int/workshop/docs/finalagenda-eng.pdf>

Internet sites

BioCarbon Fund, see:
<http://carbonfinance.org/biocarbon/home.cfm>

Biodiversity Action Network (BIONET), see:
<http://www.igc.org/bionet/>

Climate Action Network (CAN), see:
<http://www.climatenetwork.org/>

Community Development Carbon Fund, see:
<http://carbonfinance.org/cdcf/home.cfm>

European Networking Initiative on Desertification (ENID), see:
<http://www.enid.net/index.html>

Global Mechanism, see:
<http://www.gm-unccd.org>

International NGO Network on Desertification (RIOD), see:
www.riodccd.org

Prototype Carbon Fund, see:
<http://prototypecarbonfund.org/splash.html>

Sustainable Land Management Operational Program (OP-15), see :
http://www.undp.org/gef/undp-gef_focal_areas_of_action/sub_land_degradation.html

LIST OF ABBREVIATIONS

AHTEG	Ad-hoc Technical Expert Group
AIA	Advance Informed Agreement
BCF	Bio-Carbon Fund
BIONET	Biodiversity Action Network
CAN	Climate Action Network
CBD	Convention on Biological Diversity
CBO	Community Based Organization
CDCF	Community Development Carbon Fund
CDM	Clean Development Mechanism
CER	Certified Emission Reduction
COP	Conference of the Parties
CRIC	Committee to Review Implementation
CST	Commission on Science and Technology
CTE	Committee on Trade and Environment
ENID	European Networking Initiative on Desertification
EU	European Union
GEF	Global Environmental Facility
GHG	Greenhouse gases
GM	Global Mechanism
GMO	Genetically Modified Organism
IFI	International Financing Institution
IIED	International Institute for Environment and Development
IMF	International Monetary Fund
IPCC	Intergovernmental Panel on Climate Change
IPO	Indigenous People Organization
IPR	Intellectual Property Rights
JLG	Joint-Liaison Group
KP	Kyoto Protocol
LDCF	Least Developed Countries Fund
MEA	Multilateral Environmental Agreement
NAP	National Action Program
NAPA	National Adaptation Plans of Action
NCC	National Coordinating Committees
NGO	Non-governmental Organization
OECD	Organization for Economic Cooperation and Development
OP	Operational Program
PCF	Prototype Carbon Fund
PRSP	Poverty Reduction Strategy Papers
RAP	Regional Action Program
REIO	Regional Economic Integration Organization
RIOD	International NGO Network on Desertification
SBI	Subsidiary Body of Implementation
SBSTA	Subsidiary Body for Scientific and Technological Advice
SCCF	Special Climate Change Fund
SME	Small and Medium Enterprises
SRAP	Sub-regional Action Program
TREM	Trade Related Environmental Measures
TRIPs	Trade Related Intellectual Property Rights
UN	United Nations Organization
UNCCD	United Nations Convention to Combat Desertification
UNDP	United Nations Development Program
UNEP	United Nations Environmental Program
UNFCCC	United Nations Framework Convention on Climate Change
UNU	United Nations University
WB	World Bank
WSSD	World Summit on Sustainable Development
WTO	World Trade Organization