

TABLE OF CONTENTS

Acronyms 3

1. Introduction 4

2. Biodiversity mainstreaming in current global agendas..... 6
Mainstreaming under the Convention on Biological Diversity (CBD) 6

3. Methodology – NBSAPs and legal preparedness 8
Why focus on NBSAPs and legal preparedness? 8

4. Committing to mainstreaming and legal approaches..... 10
4.1 Extent of commitment to biodiversity mainstreaming..... 10
4.2 Extent of commitment to legal preparedness in general..... 11
4.3 Extent of commitment to legal preparedness for biodiversity mainstreaming..... 13

5. Commitment to specific legal approaches 14
5.1 Impact assessment..... 14
5.2 Spatial planning 14
5.3 Use of economic instruments and valuation of biodiversity 15
5.5 Management of biodiversity by indigenous peoples and local communities 16
5.6 Sub-national biodiversity strategies and action plan 17

6. Actions to build buy-in and political will 19
6.1 Engagement of stakeholders in NBSAP preparation 19
6.2 NBSAPs as policy instruments 19
6.3 Resource mobilization 21
6.4 Capacity building..... 21

7. Discussion and conclusion 22

8. Recommendations and directions forward 24



Acknowledgements

Funding for this project was provided by SwedBio. IDLO would like to acknowledge the contribution of Mr Christian Pripp, Senior Policy Analyst at the Fridtjof Nansen Institute for his contribution and collaboration as a technical author for this report.

Acronyms

ABS	Access and Benefit Sharing
EIA	Environmental Impact Assessment
IDLO	International Development Law Organization
LDC	Least Developed Countries
NBSAPs	National Biodiversity Strategies and Action Plans
SCBD	Secretariat of the Convention on Biological Diversity
SEA	Strategic Environmental Assessment
SDGs	Sustainable Development Goals

1. Introduction

Biodiversity mainstreaming has emerged across development agendas as a key action needed to support human well-being, resilience, innovation and environmental sustainability that will last for generations to come. Recognition of its importance is growing across recent development agendas, including the 2030 Agenda for Development and Strategic Plan for Biodiversity 2011-2020. The term “mainstreaming” refers to the integration of biodiversity values into cross-sectoral and sectoral plans, policies and activities. Mainstreaming is about addressing the underlying causes (or indirect drivers) of biodiversity loss and recognizing the core importance of healthy ecosystems to simultaneously contribute to development challenges from health, climate resilience, rural poverty, food security, conflict prevention, amongst others. In effect, it calls for a transformative shift in the way we address “environmental threats”, *promoting prevention rather than treatment of symptoms*, for more cost effective actions that achieve outcomes with co-benefits across the development agenda.

A mix of tools and approaches are needed to mainstream biodiversity, including building better biodiversity information, undertaking ecosystem valuations, and creating financial and economic incentives for biodiversity action. The establishment of an enabling framework of laws and policies can act as an important piece of the national mix needed to achieve biodiversity mainstreaming. However, understanding is limited on how to address the policy incoherence that can exist in national frameworks related to biodiversity issues, and ways to build tailored legal and policy responses to move forward efforts to mainstream biodiversity.

This IDLO project aims to build up evidence on the role of law and policy to achieve goals related to biodiversity mainstreaming, and other inter-related development goals. In this initial phase, scoping studies have been commissioned to review various sources that can provide indications of the approaches and progress being made by countries.

This report summarizes the key findings from a **desk assessment of revised NBSAPs**. Due to the scoping nature of this study, a subset of countries were examined - 10 low income and least developed countries and 10 other countries.¹ To some extent national reports of these countries were also examined for a better understanding of their biodiversity performance.

Box 1: List of Countries of Focus for NBSAP Review	
Low-income and least developed countries	Other countries
Afghanistan	Denmark
Nepal	Georgia
Timor Leste	Kyrgyzstan
Myanmar	Jordan
Tuvalu	India
Togo	Japan
Uganda	Peru
Sudan	Guyana
Mauritania	El Salvador
United Republic of Tanzania	Dominica

¹ Least developed and low income countries: Afghanistan, Nepal, Timor Leste, Myanmar, Tuvalu, Togo, Uganda, Sudan, Mauritania, United Republic of Tanzania. Other countries: Denmark, Georgia, Kyrgyzstan, Jordan, India, Japan, Peru, Guyana, El Salvador, Dominica.

The assessment aimed to examine:

- a) If and the degree to which the NBSAPs acknowledge biodiversity mainstreaming as an essential tool for safeguarding biodiversity;
- b) If and the degree to which the NBSAPs provide for legal and policy frameworks to operationalize mainstreaming;
- c) Emerging challenges, trends and promising country experiences with using laws and policies to support biodiversity mainstreaming efforts;
- d) Special conditions, if any, for least developed and low income countries in the context of biodiversity mainstreaming and making policies and laws for its realization.
- e)

Understanding that successful biodiversity mainstreaming requires both the right technical tools and the political will to implement them, the report aims to look at the biodiversity mainstreaming efforts by Parties from both these perspectives.

The report opens with a **background primer on the concept of biodiversity mainstreaming** as defined in key international instruments including the Convention on Biological Diversity (CBD) and 2030 Agenda for Development. It then **introduces NBSAPs and discusses its potential as a national policy tool** that can focus national efforts on mainstreaming.

This is followed by a discussion of the findings from the review of the selected NBSAPs, starting with a **general analysis of the approaches taken and commitments made** in NBSAPs to address **mainstreaming and legal approaches**. It then takes a **closer look at a few of the emerging approaches to mainstreaming**, namely impact assessment, spatial planning and landscape approaches, use of economic instruments and valuation of biodiversity, management of biodiversity by indigenous peoples and local communities, and sub-national biodiversity strategies and action plans.

Next, the focus shifts to an **overview of the national processes of NBSAP preparation** and specifically, the level of political endorsements, breadth of stakeholder consultation and range of mechanisms for NBSAP coordination and implementation across ministries. This reflection **aims to measure how “deeply” sectors, sectoral authorities and other relevant stakeholders have committed themselves to biodiversity mainstreaming**. Overall, this analysis provides insight into the extent to which NBSAPs can be considered cross-cutting policy instruments with the requisite political will to effect change on the ground.

The report ends with a **summary of lessons learned and recommendations for policy-makers** to consider to improve their NBSAP revision processes to achieve outcomes on biodiversity mainstreaming.

2. Biodiversity mainstreaming in current global agendas

Global awareness is growing that the conservation and sustainable use of biodiversity is considered an essential part of achieving sustainable development and alleviating poverty. Conservation and development are increasingly less seen as conflicting and more as mutually supportive. One example is the attention being paid to the conservation of bees and other pollinators as essential for agricultural production. Another example is the push to restore fish stocks to maintain food resources to meet the continued rapid increase in human population.

A milestone in the recognition of the interlinkages between biodiversity and development was achieved with the 2015 adoption by the UN General Assembly of the Sustainable Development Goals under the *2030 Agenda for Development*. Goals and targets related to biodiversity and ecosystems lie across the 17 SDGs, including two SDGs specifically on terrestrial and marine biodiversity and recognition of biodiversity values as key to achieve several other SDGs and SDG 15.9 in particular that calls for integration of biodiversity values in national plans.

The fundamental role of biodiversity and ecosystems is being noted in other global development agendas. Another example is the Paris Agreement on Climate Change which recognizes the integrity of ecosystems, and thereby creates a renewed basis for coherent action to combat climate change and biodiversity loss. Further opportunities for interlinkages exist and examination of these opportunities can expand understanding of the range of options to build more integrated development responses at the national level.

The Convention on Biological Diversity (CBD) offers a rich source of information to better understand the concept of integration and mainstreaming of biodiversity, and the tools and approaches available to achieve this goal. A review of this information can inform the design of new integrated approaches at the national level to achieve biodiversity and the many related development goals outlined in the SDGs.

Mainstreaming under the Convention on Biological Diversity (CBD)

Mainstreaming across sectors lies at the heart of implementing the Convention on Biological Diversity (CBD). According to Article 6(b) of the Convention countries have an obligation to “integrate, as far as possible and as appropriate the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies”.

- Cross-sectoral plans and policies could include those for sustainable development, trade, poverty reduction, climate change mitigation and adaptation.
- Sector-specific plans and policies include those for agriculture, fisheries, forestry, mining, energy, tourism and infrastructure.

Other relevant articles of the Convention include article 10(a)² calling for integration into national decision-making in general. Other articles contain requirements to use impact assessment (art 14), to adopt incentive measures (art 11) and to regulate or manage processes and activities that have significant adverse impacts on biodiversity (art 7(c), 8(l)).³

² Article 10(a) states, “Whereby parties shall, as far as possible and as appropriate, integrate consideration of the conservation and sustainable use of biological resources into national decision-making.”

³ CBD, Note by the Executive Secretary: Mainstreaming and the Integration of Biodiversity within and across Sectors (10 November 2015).

Limited progress has been made over the years on achieving Article 6(b) at the national level since the 1992 adoption of the Convention. A push for greater focus on mainstreaming and integration came with the adoption of the Aichi Targets adopted at CBD COP 10 in 2010 as part of the Strategic Plan for Biodiversity 2011 - 2020⁴. Mainstreaming is directly and indirectly a strong component of the Aichi Targets⁵ especially Targets 2, 3 and 4 under Strategic Goal A, “Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society”, as well as Target 15.

The upcoming COP 13 of the CBD in December 2016 is mandated to address “Strategic actions to enhance national implementation, in particular through mainstreaming and the integration of biodiversity across relevant sectors, including agriculture, forests and fisheries”.⁶ The High-Level Segment at COP 13 plans to highlight the importance of biodiversity mainstreaming to achieve not only the Aichi Targets but also the UN Sustainable Development Goals outlined in the 2030 Agenda for Development. The current momentum is an opportunity to move biodiversity mainstreaming from an isolated aspiration under the CBD for over 20 years to reality on the ground offering beneficial outcomes across development agendas.

A reflection on a series of decisions adopted by the Conference of Parties to the CBD can provide insight on the guidance that has been developed over the years to inform national efforts to achieve biodiversity mainstreaming in different sectors, including:

- The Ecosystem Approach, as the primary framework for action under the Convention providing for integrated management of land, water and living resources. (Decisions V/6 and VII/11).
- Voluntary guidelines on biodiversity-inclusive impact assessment (Decision VIII/28).
- Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments Regarding Developments Proposed to Take Place on, or which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities (Decision VII/16).
- Voluntary guidelines on safeguards in biodiversity financing mechanisms, which identify the need to take both opportunities and risks for different elements on biodiversity and the livelihoods of indigenous peoples and local communities into account in selecting, designing and implementing mechanisms for financing biodiversity (Decision XII/3). Chennai Guidance for the integration of biodiversity and poverty eradication (Decision XII/5), which includes, of particular relevance from a legal perspective, a reference to the implementation of the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security to promote secure tenure rights and equitable access to land, fisheries and forests as a means of eradicating hunger and poverty, supporting sustainable development and enhancing the environment.

⁴ COP 10 Decision X/2.

⁵ COP 10 Decision X/2.

⁶ UNEP/CBD/COP/12/26

3. Methodology – NBSAPs and legal preparedness

Mainstreaming calls for recognizing the value of biodiversity and ecosystem services and to maximize the positive and minimize the negative impacts of human activities. It implies shifting responsibility and ownership for biodiversity concerns from solely the hands of the environment ministry to ministries responsible for the economic sectors. It can result in **more efficient resource mobilization** by freeing resources traditionally allocated to ministries of environment to counter the effects of other sectors' unsustainable use of natural resources and pool resources of multiple ministries to achieve integrated development goals.

Experience shows that to build buy-in from the economic sectors to protect biodiversity, and recognize this as a contribution to development rather than an obstacle is not an easy task. The challenge of building political will across ministries not traditionally engaged in “environmental issues” requires its own planning and strategic actions. Also, buy-in will not come at once from all relevant sectors, and various approaches will be needed.

The NBSAP preparation process offers one opportunity for responsible ministries (often the environment) to raise awareness amongst other ministries of biodiversity values within their respective portfolios. Since mainstreaming is very much a political matter of give and take, it requires significant effort to place NBSAP preparation at the highest political level – however the rewards of such efforts can be better NBSAP implementation and outcomes.

Why focus on NBSAPs and legal preparedness?

Article 6(a) requires countries to develop National Biodiversity Strategies and Action Plans (NBSAPs). Notably, this obligation is placed alongside the Article 6(b) requirement to integrate biodiversity values across sectors. Placing these two obligations in the same article within the CBD text is an indication that NBSAPs developed in isolation from the activities of the sectors that affects biodiversity would be ineffective in protecting biodiversity and the integrity of critical ecosystems.

This notion of “laws and policies” in the field of biodiversity is often used in a narrow sense of “traditional” command and control regulation which has an important role for biodiversity governance, not least in relation to protected areas. However, instruments for mainstreaming also require legal approaches to set a clear framework for their use. Its importance lies in the fact that mainstreaming implies building a coherence of policies and actions across economic sectors and sectoral ministries that in many countries, are currently too incoherent to respond effectively to biodiversity and broader sustainable development challenges.

In other words, transformative changes need to take place in values, decision-making and practices that can only be realized through political buy-in from those involved and legal frameworks to hold them accountable. Coherent legal frameworks can set principles and safeguards, clear roles and responsibilities and accountable processes for the collaborative efforts needed to achieve this transformative goal. Law can act as an empowering tool as well, by creating incentives and recognizing rights and responsibilities to engage local governments, individuals, indigenous peoples, local communities, entrepreneurs, businesses and others to take action for biodiversity. The national processes of making policies and laws coherent across sectors provides good opportunities for raising awareness on the value of biodiversity for governments, parliaments and the wider public. Finally, legal approaches provide for enforcement by administrative and judiciary

bodies which is critical to building trust and buy-in, ensuring implementation and holding governments accountable for results.

The revision of NBSAPs is meant to be a framework for such processes. Aichi Target 17 reinforces the role of NBSAPs as key mechanisms for national implementation and calls on CBD Parties to review and revise their NBSAPs as policy instruments by 2015.⁷ By March 2016, 84 NBSAPs had been submitted since 2010 when the Aichi Targets were adopted.

A full assessment of NBSAPs in 2010⁸ revealed that there was generally a poor correlation between NBSAPs and sectoral and cross-sectoral policies and that NBSAPs therefore had not seriously affected the main drivers of biodiversity loss. Also for NBSAPs developed after 2010 with guidance from the Strategic Plan and the Aichi Targets, an assessment in 2014 of 25 NBSAPs concluded that issues of a cross-cutting nature beyond the direct drivers of biodiversity loss have received limited attention.⁹

Since then, biodiversity mainstreaming has gained renewed impetus as described above and a wider acknowledgement that it requires strong legal and policy frameworks at the national level. To better understand the progress made, IDLO has conducted a review of a number of the most recent completed NBSAPs to examine if and the extent to which they reflect commitment to strengthening biodiversity laws and policies, and what ways and means are envisaged to do so.

⁷ CBD decision X/2 Para. 3 (c) and Aichi target 17.

⁸ Prip, C; Gross, T; Johnston, S; Vierros, M (2010). *Biodiversity Planning: an assessment of national biodiversity strategies and action plans*. United Nations University Institute of Advanced Studies, Yokohama, Japan.

⁹ Pisupati, B. & Prip, C. (2015) *Interim Assessment of Revised National Biodiversity Strategies and Action Plans (NBSAPs)* UNEP WCMC, Cambridge, UK and Fridtjof Nansen institute, Lysaker, Norway

4. Committing to mainstreaming and legal approaches

Nearly all of the reviewed NBSAPs place biodiversity mainstreaming as an overall objective and refer to it as essential for safeguarding biodiversity. However, the level of clarification into concrete objectives, targets and actions varies as discussed further below.

4.1 Extent of commitment to biodiversity mainstreaming

Evidence of increased commitment to biodiversity mainstreaming can be seen across the reviewed NBSAPs, with many containing prioritizing the concept in NBSAP missions and vision statements. (Box 2)

Box 2. Biodiversity mainstreaming as part of NBSAP missions and visions

Myanmar mission:

By 2020, biodiversity is valued, effectively conserved, sustainably used, and appropriately mainstreamed to ensure the continuous flow of ecosystem goods and services for the economic, environmental and social wellbeing of the present and future generations.

Tanzania mission:

“Take effective action to reduce biodiversity loss and ecosystem degradation, and long-term ecosystems functioning is ensured in order that by 2020 Tanzania’s rich biodiversity is secured and contribution of biodiversity and other ecosystem services to the well-being and economic prosperity of the people is guaranteed, through capacity building, knowledge management, funding and mainstreaming biodiversity across government and society, and involvement of all stakeholders

Guyana vision:

By 2030, biodiversity is sustainably utilized, managed and mainstreamed into all sectors contributing to the advancement of Guyana’s bio-security, and socio-economic and low carbon development

Sources: The Republic of the Union of Myanmar: National Biodiversity Strategy and Action Plan. The United Republic of Tanzania National Biodiversity Strategy and Action Plan (NBSAP) 2015–2020. Guyana’s National Biodiversity Strategy and Action Plan (2012 – 2020).

Unlike 1st generation NBSAPs, a notably large number of the revised NBSAPs - and LDC NBSAPs in particular - refer to and align themselves with broader cross-sectoral plans and policies on development and poverty alleviation. (See box 3 on Afghanistan).

Box 3. A national development strategy framing the NBSAP

Afghanistan’s National Development Strategy (2008–2013) currently serves as its National Poverty Reduction Paper. Its cross-cutting environmental issues section contains a section on biodiversity, and action plans for biodiversity and other issues. The cross cutting paper is a critical document to illustrate how Afghanistan will link up its development, security, and environmental issues, combining with sectoral policies and plans.

Source: Islamic Republic of Afghanistan. National Biodiversity Strategy & Action Plan

In terms of mainstreaming with concrete sectoral plans and policies relevant to biodiversity, the forestry, agriculture and fisheries sectors are included with objectives, targets and actions of some kind by nearly all NBSAPs. Mention of the tourism sector is less common, with only a few NBSAPs making the linkage. Even less focus is seen on other related areas, with just few mentions of the extractive industries (like **Myanmar** and **Guyana**) and energy sector (like **Uganda** and **Tanzania**). One NBSAP (**Georgia**) covers infrastructure development.

While mainstreaming concerns are generally more visible in the reviewed NBSAPs, they also leave an impression of many countries starting more from scratch or at a very early stage. Of a relatively large number of NBSAPs that include evaluations of implementation progress of 1st generation NBSAPs, many report of little progress on mainstreaming. Some countries include targets to review policies and legislation relevant to biodiversity across sectors to build baseline data for mainstreaming. This commitment also indicates that they are at a very early stage in the process towards mainstreaming. (see Box 4)

Box 4. Need for review of fragmented policy and legislative framework

Uganda's NBSAP states that *"There is a need to review the current scattered sectoral policies and develop an integrated biodiversity management policy with key sectoral action plans/ strategies so that all the respective sectors contribute to the implementation of the main policy as compared to the current isolated, segmented and disintegrated sector-based policies (and the corresponding legislation) that are characterized by duplications, role conflicts and resource constraints"*.

Source: Republic of Uganda: National Biodiversity Strategy and Action Plan (2015 - 2025)

Low income and least developed countries (LDC) to a larger extent than other countries seem "Aichi consistent" with national targets and actions referring to the Aichi Biodiversity Targets and with NBSAP designs that follow the guidance provided by the CBD Secretariat in its NBSAP Capacity Building Modules.¹⁰ Since the Aichi Targets so prominently acknowledge mainstreaming, this concept also emerges up-front in these NBSAPs. However, many of these technically-ambitious NBSAPs by LDCs do not contain indications of high level of political endorsement. Non LDC countries generally appear more unbound with respect to target setting and CBD guidance and some offer very little reflection on mainstreaming beyond general statements.

4.2 Extent of commitment to legal preparedness in general

The advancement of the Rule of Law has been recognized as essential for the realization of sustainable development and related global goals by the United Nations General Assembly. Legal approaches can establish ownership and accountability at the highest political level, enable a collaborative environment among ministries and stakeholders, establish legal certainty and provide tools for enforcement, and empower people to partner in conservation.

All in all, in comparison to the 1st generation NBSAPs, the revised NBSAPs incorporate to a greater degree law and various legal approaches for biodiversity. Legal approaches are considered an integral part of Good Governance in some NBSAPs. For example, the NBSAPs of **Mauritania** and **Jordan** highlight Good Governance as a prerequisite for biodiversity management, understood by Jordan as three fundamental pillars: a clear legislative framework, an effective decision making

¹⁰ CBD Secretariat Capacity Building Modules. CBD website. <https://www.cbd.int/nbsap/training/>

structure and strong culture of justice based on the principles of equity, participation and accountability.¹¹

Most NBSAPs call for legal reforms of some kind either through direct commitments to take legal measures under specified subject areas and sectors such as **Afghanistan, Tanzania and Georgia** (see box 5), or through calling for subsequent reviews and gap analysis of existing legal frameworks against NBSAP objectives, targets and actions such as **Myanmar, Guyana and Tuvalu**. Such reviews also aim to identify and do away with inconsistent legislation such as in **Nepal** whose NBSAP includes the following priority action: “*Promotion of synergy among various legislations (e.g. Forest Act, Water Resources Act, Environment Protection Act, Electricity Act, Local Self -governance Act, Mines and Minerals Act, National Parks and Wildlife Conservation Act, and Public Roads Act) through necessary amendments, by 2018*”.¹² For **Tuvalu** such a consistency check will also include national laws against locally adopted by-laws.

The NBSAP of **Afghanistan** includes a general priority target to “*develop adequate legal instruments including laws, regulations, policies and procedures to regulate and address the challenges of biodiversity conservation*”.¹³ Some NBSAPs, such as the one of **Timor Leste**, calls for broad, consolidated biodiversity laws.

For countries that include an evaluation of their existing NBSAPs, insufficient legislation is often mentioned as an impediment to implementation, such as **Jordan** stating: *The guiding principles - although value driven - were not associated with effective governance and legislative frameworks...*¹⁴. Many countries like **Afghanistan** and **Tanzania** identify weak enforcement of existing legislation as a major problem and thus call for capacity building for its strengthening both generally and referring to concrete legal frameworks.

Box 5. Mainstreaming through law

One of **Georgia's** 20 national biodiversity targets is:

By 2020, sustainable use and the economic values of biodiversity and ecosystems are integrated into legislation, national accounting, rural development, agriculture, poverty reduction and other relevant strategies; positive economic incentives have been put in place and incentives harmful to biodiversity have been eliminated or reformed.

In this context the Georgian NBSAP calls for several cross-cutting legal and institutional measures as well as sector-specific measures including on Environmental Impact Assessment (EIA) and Strategic Impact Assessment (SEA), distribution of competencies between national and local authorities, licencing and permit issuance for the use of national resources, intellectual property rights, biosafety, sustainable forestry, invasive alien species, pollution control, sustainable management of pastures, sustainable hunting, *ex-situ* collections of agro-genetic resources and access to genetic resources.

Source: National Biodiversity Strategy and Action Plan of Georgia 2014 – 2020 p. 65, 66, 67, 68, 71, 74, 76, 79, 90, 93.

¹¹ The Hashemite Kingdom of Jordan National Strategy and Action Plan, 2015 – 2020, p. 38.

¹² Nepal National Strategy and Action Plan 2014–2020, p. 88.

¹³ Islamic Republic of Afghanistan. National Biodiversity Strategy & action Plan. Framework for Implementation 2014 – 2017-

¹⁴ The Hashemite Kingdom of Jordan. The National Biodiversity Strategy and Action Plan, 2015 – 2020.

4.3 Extent of commitment to legal preparedness for biodiversity mainstreaming

Similar to the concept of mainstreaming – which is often placed up-front in most NBSAPs just as in the Aichi Targets – most NBSAPs mention the need to strengthen legal approaches in general but do not elaborate much on what is generally needed in terms of legal measures to commit actors across sectors and translate the broad policy objectives into practice. As it will follow below, in some NBSAPs legal measures are provided for individual components of mainstreaming.

A number of NBSAPs propose legal reforms to promote sustainable use of natural resources within particular sectors such as forestry, fishery, hunting and rangeland management. This includes **Afghanistan, Myanmar, Sudan, Georgia** (see box 5) **Kyrgyzstan and Dominica**. The legislation is typically aimed at regulating the use of natural resources through government authorisation to set quotas and issue licences for use.

Mainstreaming approaches are sometimes viewed as a non-legal (and maybe better) alternative to traditional legal approaches for nature conservation confirming that legal approaches are often viewed as traditional command and control approaches. (Box 6)

A majority of NBSAPs include objectives to introduce legal frameworks to regulate access to genetic resources and benefit sharing (ABS) to implement the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefit Arising from their Utilization.

Box 6. View of legal approaches as command and control tools

Uganda according to which, mainstreaming approaches like the use of economic incentives and payment for ecosystems services “are more efficient and effective than direct punitive measures such as arrests as they are self-regulating and easily administered through market and social/habit factors. The current direct regulation and policing enforcement approach has faced a lot of resistance amidst people’s apathy, impunity and resource constraints (inadequate human, financial and logistical resources for administering the legislation)

Source: Republic of Uganda: National Biodiversity Strategy and Action Plan (2015 – 2025)

Overall the lack of a strong policy and legislative framework for action on biodiversity is noted as amongst the key challenges to NBSAP implementation by many countries reviewed.

Box 7. Gaps and challenges for NBSAPs to address

The following gaps and challenges for biodiversity conservation and sustainable use identified in the NBSAP of **Guyana** are representative of expressions of many NBSAPs:

- The absence of a specific policy to address biodiversity in Guyana;
- The need for harmonization of various legislation to address the suite of biodiversity issues;
- Insufficient funds and an improved mechanism to access funding;
- Limited technical capacities and insufficient qualified staff in key natural resources institutions;
- Limited or no awareness of the NBSAP by key stakeholders in the sector;
- Limited baseline data to establish adequate trends on biodiversity;
- The absence of a robust monitoring system without which it will be difficult to demonstrate success of any programmes, action plans, strategies or policies or attribution of this success; and
- The absence of a single, authoritative and accountable source of biodiversity and other environmental data compiled from various sources including from the private sector, NGOs and communities. This is an essential requirement for decision-making.

Source: Guyana’s National Biodiversity Strategy and Action Plan 2012 – 2020.

5. Commitment to specific legal approaches

A few NBSAPs offered details on the types of legal approaches to be taken to support their efforts to mainstreaming biodiversity. This section reviews the approaches and commitments made.

5.1 Impact assessment

Impact assessment is a key instrument for the practical mainstreaming of biodiversity concerns across projects, programmes and policies by providing a process to balance economic, social and environmental concerns in decision-making.¹⁵ The CBD has acknowledged its important role for biodiversity mainstreaming through Article 14 and through the adoption of impact assessment guidelines.¹⁶ To ensure that they are consistently applied across society and enforced, ideally the set of procedures should be legally required at the national level. Due to their growing acceptance, impact assessment are currently likely the approach where legal measures have and can have the most tangible impact on biodiversity mainstreaming.

Environmental Impact Assessment (EIA) – the process of evaluating the likely environmental impact of a concrete project – is a well-established concept in environmental law and widely incorporated into national legislation throughout the world. This also applies to the countries covered by this assessment. However, biodiversity concerns are apparently insufficiently covered by the EIA legislation, or have a weak status in its practical application in some countries. Some NBSAPs, like **Georgia**'s, call for a stronger standing of biodiversity in EIAs. Better enforcement of EIA requirements is also highlighted in the NBSAP of **Tuvalu**. **Jordan** has adopted an EIA bylaw that will enter into force in 2017 “introducing improved legal tools and mechanisms on biodiversity safeguards and management”.¹⁷

Strategic Environmental Assessment (SEA) is the process of evaluating the environmental consequences of plans, programmes and policies, or in other words: impact assessment further “upstream” in the planning process than EIA. SEA is generally not as widely applied as EIA, and in the NBSAPs assessed, SEA is only modestly addressed. The NBSAPs of **Georgia** and **Jordan** provide for this instrument to be introduced to enhance biodiversity mainstreaming.

5.2 Spatial planning

Biodiversity planning at a landscape and seascape level is important for effective conservation and sustainable use of biodiversity. It may contribute to integrated area based management at land and sea and in the coastal zone. This again has close ties to the Ecosystem Approach which the CBD has appointed the primary framework for action under the Convention as “a strategy for the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way”.¹⁸ Spatial planning provides an opportunity to mainstream biodiversity into sectoral and cross-sectoral planning as spatial plans determine where economic activities and infrastructure

¹⁵ Prip, C; Gross, T; Johnston, S; Vierros, M (2010). Biodiversity Planning: an assessment of national biodiversity strategies and action plans. United Nations University Institute of Advanced Studies, Yokohama, Japan

¹⁶ Decisions VI/7-A and VIII//28.

¹⁷ The Hashemite Kingdom of Jordan .The National Biodiversity Strategy and Action Plan, 2015 – 2020., p. 43.

¹⁸ Decision V/6

developments are established.¹⁹ Thus, spatial plans provide an opportunity for different sectors to coordinate and since many countries have introduced procedures for broader involvement in spatial plans, they also facilitate communication with a range of stakeholders. Given its holistic and multi-stakeholder character and its implications for land property rights, this mainstreaming instrument would only be fully effective through the establishment of legal requirements.

Spatial planning is addressed by few countries in their NBSAPs including **Myanmar** aiming to mainstream conservation into national and district level land use planning. **Togo** will develop a national planning strategy, specifying the areas devoted to human settlements, agriculture, aquaculture, forestry and the conservation of biological diversity by 2017, and **Sudan** will develop and operate land use plans and laws governing land tenure and land use. **Georgia** will review and modify the current system of spatial planning to ensure the integration of biodiversity concerns and also consider legislation for Integrated Coastal Zone Management.

5.3 Use of economic instruments and valuation of biodiversity

The CBD presented a new paradigm to nature conservation by recognizing biodiversity as “natural capital” that generates and helps to maintain ecosystem services that are essential for human well-being and economic development.²⁰ This approach has been further strengthened by several of the Aichi Targets most notably Target 2 on the integration of biodiversity values into national and local plans and policies etc., Target 3 on the elimination of negative and promotion of positive incentives for biodiversity and Target 4 on the promotion of sustainable production and consumption patterns.

Outside CBD auspices, this notion was highlighted by the Millennium Ecosystem Assessment of 2005²¹ and the Economics of Ecosystems and Biodiversity (TEEB) study from 2008²² which has later been followed by a myriad of international and national initiatives. These include the UNDP-led Biodiversity Finance Initiative (BIOFIN) global partnership seeking to address the biodiversity finance challenge in a comprehensive manner – building a sound business case for increased investment in the management of ecosystems and biodiversity, with a particular focus on the needs and transformational opportunities at the national level. 30 countries are currently involved in BIOFIN.²³ It also includes the World Bank led partnership Wealth Accounting and the Valuation of Ecosystem Services (WAVES) that aims to promote sustainable development by ensuring that natural resources are mainstreamed in development planning and national economic accounts. It brings together a UN agencies, governments, international institutes, nongovernmental organizations and academics to implement Natural Capital Accounting (NCA) where there are internationally agreed standards, and develop approaches for other ecosystem service accounts.²⁴

Using the Aichi Targets as a basis, most of the reviewed NBSAPs address and recognize economic instruments and valuation of biodiversity in some general way:

- **Togo** cites an overall objective of internalization of environmental costs;

¹⁹ Convention on Biological Diversity, 2011. Updating NBSAPs in line with the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets. Training Package (version 2.1). Mainstreaming biodiversity into sectoral and cross-sectoral strategies, policies, plans and programs.

²⁰ This is expressed e.g. in preambular para. 1 “Conscious of the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components” and 20: *Aware that conservation and sustainable use of biological diversity is of critical importance for meeting the food, health and other needs of the growing world population, for which purpose access to and sharing of both genetic resources and technologies are essential.*

²¹ Millennium Ecosystem Assessment. www.millenniumassessment.org.

²² The Economics of Ecosystems and Biodiversity (TEEB). <http://www.teebweb.org/>

²³ UNDP. BIOFIN The Biodiversity Finance Initiative. <http://www.biodiversityfinance.net/>

²⁴ World Bank. Wealth Accounting and the Valuation of Ecosystem Services. <https://www.wavespartnership.org/>.

- **Uganda** lists an activity to utilize biodiversity and ecosystem services valuations to mainstream biodiversity into decision making and to develop a business case for biodiversity;
- **Japan** will promote initiatives to visualise economic values of biodiversity and ecosystem services;
- **Dominica** will develop an economic valuation system for biodiversity resources and ecosystem services with a view to more accurately reflect their contribution to the economy;
- More concretely **Sudan** wants to provide subsidies to encourage alternative energy resources to firewood charcoal;
- **Georgia** has been the subject of a national TEEB study and includes an activity to immediately incorporate its recommendations into the legislation on the use of natural resources. Georgia will also conduct a review of the regulations for licensing and permit issuance for the use of natural resources with respect to the mitigation of their impact on biodiversity and protected areas and incentives for conservation.

In general, NBSAPs do not provide much clarity as to which measures, including legal measures, are needed to implement these complex, cross-cutting policy objectives. Peru's NBSAP is an exception in providing concrete targets. (Box 8)

Box 8. Targeted action on valuation and economic instruments

While many NBSAPs address valuation of and economic instruments in broad, vague terms, the NBSAP of [Peru](#) includes concrete targets including:

By the end of 2016:

- To establish mechanisms to incorporate a proper valuation of biodiversity and ecosystem services in national accounts;
- To formulate projects of public and private investment for at least ten new products of biodiversity with potential for development of competitive bio-businesses prioritizing initiatives undertaken by indigenous peoples;

By the end of 2017:

- To establish an intergovernmental coordination mechanism to promote the appreciation and dissemination of ecosystem services.

Source: Ministerio del Ambiente. La Estrategia Nacional de Diversidad Biologica al 2021 y su Plan de Accion 2014 - 2021.

5.5 Management of biodiversity by indigenous peoples and local communities

Both the CBD itself and many CBD work programmes and decisions stress the close and traditional dependence of many indigenous and local communities on biological resources and their resultant important role as biodiversity custodians. The assessment reveals that this role has been addressed and acknowledged to a larger extent in newer, revised NBSAPs than in 1st generation NBSAPs. Some NBSAPs report of progress for biodiversity and strengthened biodiversity-livelihood linkages that have already taken place as a result of local, participatory management. (Box 9).

Box 9. Benefitting biodiversity and local livelihoods through participatory management.

Nepal reports on implementing participatory forest management programmes, which have made a substantial contribution to forest conservation, enhancement of local livelihoods and strengthening biodiversity-livelihood linkages. The Nepal Community Forest Act of 1993 gives local people significant control on the management and harvest of forest resources. This has sped up the community forest hand over process. Forest degradation and loss has declined substantially and even reversed in many areas and by 2013 more than 18.000 community forest user groups involving 2.24 million households are managing 1.7 million hectares of forestland under the community forestry programme. Although the planning and design of community forest management has not specifically considered biodiversity, improvement in forest conditions under communities' management has positively contributed to biodiversity through the creation of habitat corridors and development of successive stages of forests .

Nepal also has successful experience with community-based management also in the field of agricultural approaches for conservation and use of agro-genetic resources.

Sources: Nepal National Biodiversity Strategy and Action Plan 2014-2020 and Murari Raj Joshi. *Community Forestry Programs in Nepal and their Effects on Poorer Households*. Undated

A number of NBSAPs call for legal reforms to provide incentives for local people to protect biodiversity such as strengthening smallholder and customary tenure rights. (Box 10).

Box 10. Legal action to promote community management of biodiversity

Myanmar has set a target that by 2020, the national legal framework on tenure encourages conservation and sustainable management. To reach this target rules and regulations that recognize smallholder and customary tenure of land, freshwater, and marine resources shall be developed.

Sudan intends to clarify land tenure and resource rights to strengthen policy and legislation towards local management of resources. Moreover, Sudan will issue national legislation regulating access to plant genetic resources and associated traditional knowledge that recognise farmers' and local communities' rights.

Source: *The Republic of the Union of Myanmar: National Biodiversity Strategy and Action Plan*.

5.6 Sub-national biodiversity strategies and action plan

NBSAPs will have limited impact on the ground if they are not translated into action at the local level where the effects of biodiversity loss occur and are felt most directly. This “vertical mainstreaming” is as important as the horizontal mainstreaming across sectors.²⁵ First generation NBSAPs generally placed a strong emphasis on planning at the national level and paid limited attention to the levels below. A number of countries simply do not have sub-national institutions in place to deal with NBSAPS. Decentralization may have taken place on paper, but without a genuine devolution of authority, accountability and capacity to the sub-national institutions.²⁶ This institutional gap is likely to be a major reason for the limited effect that 1st generation NBSAPs are believed to have had.

²⁵ Prip et al. 2010.

²⁶ Ibid.

Ideally, sub-national institutions would prepare their own biodiversity strategies and action plans. These could serve as local or regional tools for implementation of the NBSAPs while at the same time taking special local or regional concerns into account. Sub-national BSAPs could promote better public awareness about biodiversity, better involvement of local communities and better sectoral and cross-sectoral mainstreaming. Moreover, sharing the burden of NBSAP implementation between the national and sub-national levels can be more cost-effective than allocating full responsibility to the central government.

There is a notably greater attention to the need for devolution of biodiversity planning to sub-national levels in the assessed revised NBSAPs than in 1st generation NBSAPs.

- The **Nepal** NBSAP devotes a full chapter to provide a Framework for Local Biodiversity Strategy and Action Plan;
- **Myanmar** sets a target that by 2020 BSAPs are under preparation in at least three states/regions;
- **Togo** calls for strengthening *“the legal, institutional frameworks and local governance of natural resources by 2018 to create an enabling environment for the effective fight against biodiversity loss”*.²⁷
- **Kyrgyzstan** identifies weak partnership between central and local authorities as a major impediment for effective biodiversity governance and thus sets a target *“to analyze and revise environmental legislation and regulations on the basis of functional changes in the government and local self-governments”*.²⁸
- **Peru** has also committed to decentralized governance of biodiversity with a focus on intercultural, gender and social inclusion (Box 11).

Box 11. Local and participatory governance for biodiversity.

The **Peru** NBSAP is guided by principles of subsidiarity and participatory governance recognizing that governance (legislative, political or economic) can result in greater efficiency, effectiveness and citizen involvement if made decentralized and closest to the resources to be managed. The NBSAP therefore includes a target that by 2021 Peru has strengthened decentralized governance of biodiversity under a participatory approach with intercultural, gender and social inclusion. It further includes a sub-target that by 2018 the number of actions to strengthen institutional capacities at all levels of government, as well as the number of qualified institutions to ensure effective and efficient management of biodiversity have increased by 20%. To accompany these targets a number of time-bound concrete activities are outlined.

Source: Ministerio del Ambiente. *La Estrategia Nacional de Diversidad Biologica al 2021 y su Plan de Accion 2014 - 2021*.

²⁷ Ministère de l'Environnement et des Ressources Forestières. Stratégie et Plan d'Action National pour la Biodiversité du Togo SPANB 2011-2020, p. 71.

²⁸ Biodiversity conservation priorities of the Kyrgyz Republic till 2024, p. 14.

6. Actions to build buy-in and political will

So far this paper has focused on the technical design of NBSAPs and the manner in which they have included mention of biodiversity mainstreaming and legal preparedness. This section will shift focus to discuss indications found of efforts to build buy-in across sectors and political will from relevant ministries to implement the commitments made in NBSAPs. It does so through the lens of various actions that can contribute to building stronger conditions for cross-cutting collaboration.

6.1 Engagement of stakeholders in NBSAP preparation

It is well known that an NBSAP preparatory process which adopts a participatory bottom-up approach can strengthen commitment to and ownership of subsequent implementation.²⁹ The more holistic, cross-cutting and ecosystem based the NBSAP is meant to be, the more obvious is this need and the broader the stakeholder consultation should be. Typical stakeholders to include are sector ministries, local authorities, indigenous peoples and local communities, business representatives, NGOs and the scientific community.

Trends

In general, the 20 NBSAPs assessed include relatively little information about their preparation processes. Some are completely silent while a majority reveal some kind of consultative stakeholder participation, typically through the creation of a technical preparatory committee and organisation of individual stakeholder meetings and workshops, but with little information about the effectiveness of the process and the extent to which stakeholder views were actually taken on board. In some cases, the processes seem to be expert or consultant driven with limited consultation of stakeholders as was often the case in the preparation of the first generation of NBSAPs.

A typical preparatory processes is outlined in **Afghanistan's** NBSAP, as a process led by the agency responsible for biodiversity with the guidance of one or more working groups comprising of scientific and technical experts.

Country highlights

Preparation of the NBSAP of **Peru** seems to have been the longest and most comprehensive in terms of stakeholder involvement. Its development featured a broad, regionally-balanced and participatory process, including representatives from five national organizations of Indigenous Peoples, including the National Organization of Indigenous Andean and Amazonian Women, the private sector and civil society.

6.2 NBSAPs as policy instruments

Closely related to the need for stakeholder buy-in is the need for political buy-in to NBSAP formulation and implementation. Biodiversity mainstreaming across economic sectors will only become a reality if politically endorsed across the national government. Aichi Target 17 states that by 2015 each Party shall adopt and start implementing an NBSAP as a policy instrument - an

²⁹ A recent study of the importance of open and participatory approaches to NBSAP preparation was carried out by IUCN and published in the report: Moreno, S.P. and Mueller, M., 2015. *Societal participatory processes in the revision of National Biodiversity Strategies and Action Plans (NBSAPs)*.

indication that could be interpreted as a reference to the notion that NBSAPs developed before the adoption of the Aichi Targets generally could be described as technical rather than policy instruments.³⁰

Trends

An indicator of political NBSAP support is the political level of its endorsement. Most NBSAPs have been issued by the ministry directly responsible for biodiversity (typically the ministry of environment) or an agency under this ministry while some NBSAPs do not name an issuer at all. A minority of NBSAPs including those of **Denmark, Guyana, Japan, Kyrgyzstan Georgia, and Peru** have been approved at government/cabinet/council of minister level, the latter three through decrees. The NBSAPs of **Jordan and Dominica** indicate that endorsement by Cabinet is to be sought after their submission. None of the 20 NBSAPs have been approved by national parliaments. Given the attention globally that has been given to the need for high-level political ownership of NBSAPs, it may be considered surprising that not more of the revised NBSAPs have "moved up" to government level endorsement.

A number of NBSAPs reveal by their content that they are not themselves policy instruments. Those of **El Salvador and Timor Leste** refer to themselves as guidance documents and others provide recommendation-like statements rather than policy commitments.

Another indicator of political NBSAP support is the establishment and well-functioning of a coordination mechanism with cross-sectoral representation to oversee implementation. Reviews of 1st generation NBSAPs as well as countries' self-evaluation of implementation in their revised NBSAPs indicate that such mechanisms were often not established or quickly lost momentum thereby constituting a major obstacle for implementation. For a number of the NBSAPs reviewed here, coordination/implementation mechanisms appear as an NBSAP target or activity implying that formal decisions on their establishment are yet to be taken. Others are directly established through the NBSAP, some re-use existing mechanisms (Box 12) while other NBSAPs provide no reflections on this topic.

Box 12. Different approaches for establishing NBSAP implementation and mainstreaming mechanisms

- **Georgia** directly through its NBSAP establishes a Committee for the Supervision and Monitoring of NBSAP implementation that will include all relevant ministries and other stakeholders. This Committee will ensure the integration of biodiversity into various sectors and oversee and monitor the implementation of NBSAP-2 on the basis of the indicators outlined for each national target
- **Myanmar** sets a target that by 2016, the institutional mechanisms to ensure effective implementation and monitoring of the NBSAP are in place and functioning effectively with two accompanying actions: 1) Establish a National Steering Committee, to oversee and guide the implementation of the NBSAP, and 2) Create an NBSAP Implementation Coordination Unit within and develop a mainstreaming and coordination strategy that recommends clear roles and responsibilities across national policy framework.
- **Afghanistan** establishes that the Committee for Environmental Coordination instituted under the 2007 Environment Law is the national body responsible for clear identification of roles and responsibilities for all the institutional actors in government towards biodiversity conservation.

Sources: National Biodiversity Strategy and Action Plan of Georgia 2014 – 2020. Myanmar National Biodiversity Strategy and Action Plan 2015-2020 and Islamic Republic of Afghanistan. National Biodiversity Strategy & Action Plan

³⁰ Prip et al. 2010.

6.3 Resource mobilization

NBSAP ownership at the highest political level is also an important prerequisite for mobilizing the necessary resources for implementation and building capacity, the lack of which has been recognised as a serious deficiency in relation to combat biodiversity loss. A survey of the 20 NBSAPs reveals that **Timor Leste, Guyana and Mauritania** include resource mobilisation strategies in their NBSAPs while the majority have set targets to develop such subsequently. Some countries like **India, Nepal, Togo, Uganda, Kyrgyzstan and Dominica** have estimated costs of implementation of their NBSAPs which is an important step towards a resource mobilisation strategy.

Most least developed countries' (LDCs) NBSAPs declare themselves as highly dependent on external support, but also acknowledge to a much larger degree than in 1st generation NBSAPs, the need for allocation of means for biodiversity in their national budgets.

Mainstreaming as a potential for “innovative” funding mechanisms is covered very modestly. **Uganda** brings up the potential for funding through payments for ecosystem services, biodiversity offsets, environmental fiscal reforms, green markets and climate financing.

6.4 Capacity building

As regards capacity building, most NBSAPs emphasize this as an important prerequisite for implementation and include it under its different thematic targets and actions. NBSAPs of **Afghanistan, Jordan, Myanmar, Nepal and Timor Leste** include targets for the development of general capacity building plans while such a plan is part of the NBSAP of **Guyana**.

7. Discussion and conclusion

The importance of biodiversity mainstreaming is recognised by the CBD itself and strongly reiterated in the Strategic Plan for Biodiversity 2011-2020 and its Aichi Targets. Mainstreaming will not come about through broad policy statements only. It is an ambitious endeavour that will require comprehensive structural changes in many countries. To get there, a political process is needed to formulate clear policies and on that basis carry out institutional and legal reforms to secure ownership and accountability of the sectors and stakeholders involved. The NBSAP revision provides an opportunity to carry out this political process in each country. This assessment of 20 revised NBSAPs indicates that this opportunity has not been fully realized.

Clearly, mainstreaming has received much more attention and is better articulated in the revised NBSAPs than in 1st generation NBSAPs. Many of the NBSAPs refer to and correlate well with sustainable development plans and/or poverty reduction strategies. This gives good prospects for synergistic and mutually reinforcing implementation of the UN Sustainable Development Goals, NBSAPs and potentially other related national plans on climate change, health, rural development, poverty etc. Progress is also being made in “vertical mainstreaming” of empowering regional and local authorities and institutions.

Also the need for legal approaches to fulfil mainstreaming is more than before broadly recognised. However, often the concrete policy and legal measures to achieve the mainstreaming goals and targets, that most NBSAPs include, are not clearly spelled out. Many countries seem to be at preliminary stages in terms of mainstreaming which implies that a necessary first step is a basic review of all policies and legislation relevant to biodiversity. Other countries have moved a step further and through their NBSAP have triggered a dialogue between the authority responsible for biodiversity and relevant sectoral and cross-sectoral stakeholders and have set targets for mainstreaming. A few countries have moved beyond this point and used the NBSAP process to draw up more concrete measures for implementation of their biodiversity mainstreaming goals, including strengthening of specific legal measures.

The fact that many NBSAPs are not endorsed above the ministry directly responsible for biodiversity could be interpreted as mainstreaming goals and targets may not always have been fully coordinated at political level with the sectoral and cross-sectoral ministries within which biodiversity is supposed to be mainstreamed. Some NBSAPs are explicit that this process remains to be done.

As regards NBSAPs of LDCs versus NBSAPs of other countries, there seems to be no obvious differences in terms of the main topics studied here: biodiversity mainstreaming and legal approaches to support it. LDCs do not seem to be less developed in terms of NBSAP preparation than other countries. On the contrary, while non-LDC NBSAPs are not very homogenous in terms of mainstreaming with a number of them paying it scarce attention, mainstreaming generally features prominently in LDC NBSAPs. Those are generally well structured around Aichi consistent goals, targets and actions. The “wish-list approach” of many 1st generation NBSAPs – to form the NBSAP action plan as a list of project proposals relying solely on external funding – has not been repeated. Actions are often prioritised and LDC NBSAPs generally recognise that funding has to come from different sources including from the country’s own budget. However, LDC NBSAPs are also among those with endorsement rather low in the government hierarchy and with important issues on institutional mechanisms, legal measures resource mobilization, capacity building etc. still to be settled with other parts of government.

If there is a connection between the political level of endorsement of NBSAPs and the level of mainstreaming commitments expressed in the NBSAPs, it would be that those with low level of endorsement, or which are still to be politically endorsed, express a higher level of ambition in terms of mainstreaming. This could indicate that they so far only express aspirations of the ministries of environment and are yet to arrive at a stage of give and take and political filtering with the (often stronger) sectoral ministries.

All in all biodiversity mainstreaming is increasingly gaining recognition and is moving up on the agenda in many countries, but a considerable amount of political and legal work still needs to be done before tangible results on the ground can be achieved - work that seems to be behind schedule with regard to achieving the Aichi Targets.

8. Recommendations and directions forward

- **Countries are at different stages** of the political process to promote mainstreaming starting from identification of the problems and mapping existing policies and legislation to give-and-take negotiations with sectoral and cross-sectoral authorities, to draw up policies and legislation and finally to implementation.
- There are no shortcuts in this process, but countries can use the momentum of the NBSAP process to move it as far as possible – even if this may lead to a longer NBSAP process than envisaged. Investing from the beginning in **building political credibility, ownership and commitment** pays off in the end. If the NBSAP refers to mainstreaming only as an aspiration and postpones the political process of developing tools for its application until later, the momentum may get lost.
- **Legal approaches are essential to establish mainstreaming as a political priority**, integrate biodiversity concerns into decision-making, set out mandates for cross-cutting biodiversity institutions, encourage, control or prohibit particular uses of natural resources, provide tools for enforcement and build in equity, justice and fairness into outcomes.
- Countries may consider the **use of legal tools to promote mainstreaming**, which include but are not limited to: tools for biodiversity impact assessment, ownership, access and use of biological resources, spatial planning, certification schemes and other positive incentives, removal of subsidies that are harmful to biodiversity, taxation, payment for ecosystem services and equitable benefit sharing from the use of biological resources. Recognised and well defined tenure arrangements and user rights to biological resources can be well-suited incentives for community management of biodiversity.
- **“Vertical mainstreaming”** - empowering sub-national authorities (legally and in terms of capacity) to manage biodiversity conservation and sustainable use - is an essential mainstreaming tool.
- **An NBSAP is meant to be a policy instrument** and as such its preparation requires attention to undertaking a political process to engage a wide range of stakeholders, sectors and ministries, to discuss trade-offs, in a more long-term, inclusive preparatory process than if it was “only” a technical/scientific exercise.
- **The urgency for commitment to political processes** is raised by characteristics of biodiversity mainstreaming – as a goal that requires the government authority directly responsible for biodiversity to share its responsibility with economic sectors utilising components of biodiversity and for whom such responsibility is often viewed as a burden and an economic cost – at least in the short term perspective.
- To manifest that the NBSAP is a policy instrument that requires **buy-in across a wide range of sectors and stakeholders**, it should be approved at high political level. This could be approval by Parliament possibly through giving the NBSAP a legal status as a basis for subsequent legal approaches to its implementation.³¹

³¹ Pre-2010 NBSAPs of Netherlands, Croatia and Vietnam were approved by national parliaments. (Prip et al. 2010). Apparently none of the post-2010 NBSAPs that so far have been submitted have been approved in that way. (UNEP/CBD/SBI/1/2/add.1.

ABOUT IDLO

IDLO enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.

Download the PDF at www.idlo.int

