42

Governance of Biodiversity

T.A. Selnes
M.A.H.J. van Bavel
T. van Rheenen

werkdocumenten

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Wettelijke Onderzoekstaken Natuur & Milieu

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For quality of life

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Werkdocument 42

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P.O. Box 29703, 2502 LS Den Haag
Tel: (070) 335 83 30; fax: (070) 361 56 24; e-mail: informatie.lei@wur.nl

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Wettelijke Onderzoekstaken Natuur & Milieu, Postbus 47, 6700 AA Wageningen
Tel: (0317) 47 78 44; Fax: (0317) 42 49 88; e-mail: info.wnm@wur.nl; Internet: www.wotnatuurenmilieu.wur.nl

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Inhoud

PART 1 POLICY SUMMARY

1 The challenge: how to halt the loss of biodiversity

At the 1992 Earth Summit in Rio de Janeiro, the world leaders agreed on a new strategy for sustainable development, aiming at 'meeting our needs while ensuring that we leave a healthy and viable world for future generations.' One of the central agreements was the Convention on Biological Diversity (CBD). The overall target of the CBD is formulated as follows:

"The purpose is to effectively halt the loss of biodiversity so as to secure the continuity of its beneficial uses through the conservation and sustainable use of its components and the fair and equitable sharing of benefits arising from the use of genetic resources."[1]

International agreements are rarely easy to establish, implement and enforce. They should be viewed as political frameworks for long-term cooperation and learning (ESRC-GECP, 2000). And, it is vital to study the national implementation processes. The challenge here is to analyze how The Netherlands has dealt with the implementation of the CBD thus far. The goal is to provide policy makers and fellow researchers with insight into the question of how to cope with biodiversity issues. The main research question is:

Which barriers and opportunities exist with respect to the implementation of the CBD?

The main question covers two underlying questions:
1. *Policy Choices*: which strategies and arrangements have been chosen and how have they been applied in The Netherlands (which barriers and opportunities are there to the implementation?
2. *Policy Priorities*: which policy impulses are useful and achievable for The Netherlands? Is change in existing approaches needed in 2006 (to overcome barriers and stimulate opportunities)?

Although many policy decisions and processes have shifted to the international, regional and local level, the state government is still a key actor in all these aspects. But politics is also increasingly conducted outside traditional institutions, which renders (amongst others) the business community important. Here, we focus on both the national government and (multi-national) business.

The report is a result of a document study and interviews with participants. The text is organized in six parts. In section two, some theoretical notions will be used to place the theme in a conceptual context. Next a section is committed to the description and discussion of the CBD itself. Some attention will also be paid to two other important treaties, Ramsar (wetlands) and CITES (trade in endangered species). Section four deals with the policy implementation process of the CBD in The Netherlands. Section five is devoted to the role of multi-nationals. Finally, a conclusive section will sum up the answers to the research questions.

[1] http://www.biodiv.org/decisions/default.aspx?m=COP-06&id=7200&lg=0

2 The challenge in a theoretical perspective

A central concept in this study is policy implementation. 'Implementation', as referred to here, is about 'putting policies into practice' (Hyder, 1984:1). It is 'the process of carrying out a decision or a plan', like the CBD. In that process, an increasing need for integration and coordination between sectors becomes visible. The same applies to the need for building alliances towards other segments and sectors. Policy (thus also the implementation) can be seen as an activity which to an increasing extent is organized across traditional sectors and interests (Rommetvedt, 2002:16). This point of view fits well in the governance discussion.

'Governance' can in essence be seen as a style of government more focused on cooperation, in which government, market and NGO's participate in a large number of policy processes (Hajer et al., 2004). It is also seen as "*achieving collective action in the realm of public affairs, in conditions where it is not possible to rest on recourse to the authority of the state*" (Stoker, 2000:3). In a governance perspective, the government itself consists of many centres linking many levels of government, each with their own interests, goals and means, with few of them capable of solving problems in isolation/ without cooperation. The government will to an increasing extent become a coordinator and facilitator of the policy implementation. A central concept here is cooperation. Cooperation is defined as "intentional attuned behavior between two or more participants" (Fenger, 2001:5)[2]. Although terms like coordination, cooperation and integration represent an increasing degree of 'attuned behavior', we do not opt for a strict separation in this study. The question is rather how the government deals with cooperation in the case of carrying out the CBD. Is the government able to generate and/or mobilize the capacity needed? This is the main criterion for assessing barriers and opportunities: the ability to develop the needed implementation capacity through mechanisms for cooperation and networking. Section 3.1 contains a concrete link between the CBD and national implementation on this point. A theoretical assumption is that policy making and policy implementation are continuous and interlinked processes of repeatedly carried out choices and actions. Goals are made at different levels, by many actors, time and again. They do not always constitute a stable entity of 'given targets'. The mobilization of implementation capacity is therefore seen as a continuing process within a multi-level and multi-actor field of forces. Also the policy content is constantly under pressure and subdued to change. Communication within and between the various levels becomes a prime issue of the realization of ambitions.

[2] See Fengers' dissertation 'Sturen van samenwerking' from 2001.

3 International biodiversity conventions

3.1 The evolution of international biodiversity conventions

The disquiet over the damage that humanity has been inflicting on the environment has led to a whole body of international conventions. Drastic measures have been proclaimed, but reaching agreements at the global level with so many parties seems like a great achievement in itself. The process is tedious, time consuming and often very complicated. At the same time, the prospects for implementation do not always seem to be very encouraging. Weis (1995) and Momtaz (1996) even claim that the large number of conventions adopted during recent years could be characterized as a real "treaty congestion". Their view is that it is important to point out the ambiguities and contradictions between hastily elaborated and adopted conventions.

The CBD negotiations originate from 1987. The convention was put in force in December 1993 and by May 2006 constituted of 189 parties.[3] Its objective is to ensure the conservation of biological diversity and the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources. Next to the primary goals, the CBD contains key provisions on measures, incentives, research, training, public awareness, education, impact assessments, regulation, technology and finance. Although these provisions are not very much concrete and binding, they can be seen as guiding principles for action.

Probably of equal importance are the institutional arrangements providing mechanisms for the further development and implementation of the CBD. Prominent arrangements are the Conference of Parties (COP), the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) and the Secretariat. In addition, a number of supporting mechanisms/organs support the development and implementation, such as the financial mechanism for developing countries, the clearing-house mechanism, expert panels, committees, task forces and thematic programmes.

Since the COP4 the ecosystem approach has become the framework for analysis and implementation of the CBD. Essentially, this approach requires integrated and transparent decisions, comparable to the system of strategic environmental assessment methods. The present strategy is further outlined in COP6 Decision 27 on the operation of the CBD (CBD, 2003: 888-889). It stresses that: "*the development and implementation of national biodiversity strategies and action plans constitute the cornerstone of national implementation*". Central issues in the implementation of the CBD are a) the integration of relevant societal issues, b) the identification of priority actions, c) periodically revisions, d) the establishment of national mechanisms or consultative processes, e) the identification of constraints and impediments to implementation and to reflect them in the national reports. It also encourages the different parties involved to develop (sub)regional mechanisms and networks to support implementation, increasing the capacity building and cooperation among the stakeholders. It

[3] The origin of the CBD negotiations lies in the 1987 Governing Council decision 14/26 of the UNEP, which called upon UNEP to convene an ad hoc working group of experts on biological diversity for the harmonization of existing conventions (CBD, 2003:xvii). The ad hoc group developed into the Intergovernmental Negotiating Committee (INC). The CBD opened up for signature at the Rio de Janeiro Summit in 1992.

also request parties to simplify the administration. These issues will therefore be relevant in our identification of barriers and opportunities to a sound implementation.

3.2 Barriers and opportunities regarding the implementation of the CBD

In the search for barriers and opportunities regarding the implementation of the CBD, we will first look at the way some of the most important international 'mechanisms' shape implementation at the national level. Although not all aspects might be directly relevant to the implementation in the Netherlands, it is vital to understand some of the interactions between the international and the national level, also in the Netherlands.

As for a start, the CBD itself creates effects on the implementation. To start with the barriers, it might be stated that (at least for some) the CBD merely appears to be window dressing, due to lack of substance and lack of decision making powers. Decisions on production, trade, and investment might be viewed as to pay inadequate attention to the environment, and the CBD is not a sufficient force in that respect. The World Trade Organization (WTO), for instance, is by many viewed as more important than the CBD, but not (yet?) too concerned with the environment. According to the World Bank's own performance analysis, there is still considerable ambivalence when it comes to incorporating environmental considerations into its activities, as for instance the lending practices (Liebenthal 2002:11). This reflects, Liebenthal argues (2002:23), the lack of incentives and clear directions to make the environment a core consideration, as well as a lack of accountability for doing so: "*The environment has too often been viewed as a luxury that can wait, rather than a central part of the Bank's development strategy*". These problems in the international system reflect a similar lack of integration of environmental issues into broader economic decision-making at national levels (ibid). Cheatle argues that there is also little support for existing environmental institutions. UNEP, for example, the United Nations Environmental Programme, is meant to provide leadership and encourage partnerships in caring for the environment by inspiring, informing and enabling people and nations.[4] UNEP was established in 1972, and it hosts and provides the secretariats of the CBD, CITES and Ramsar. The problem is that UNEP is mostly financed by voluntary contributions from UN member states, and experienced a fall in the 1990s from 73 contributors in 1998 to 56 in 2000 - but has since risen again (Cheatle, 2003). At the same time, contributors have increasingly earmarked their money for special projects, reducing the agency's budgetary discretion. The result has been uncertainty and a reduced ability to plan and carry out core activities. Competing for scarce funds and political commitment, existing institutions are frequently torn between competing priorities, and there continues to be a lack of financial resources for international environmental cooperation (UNEP 2001a:20).

UNEP also report that the coordination of the many (levels and numbers of) actors cost a large amount of resources, while the processes of negotiation and priority setting are still poorly developed. The results are gaps in international policy, fragmentation of effort, and sometimes competing or incoherent decision-making structures (UNEP 2001a:19). International policy has all too often focused on sector approaches: For example, the intimately related policy areas land degradation, forest policies and water management are approached separately, often by different agencies. The same kind of problem applies to the ecosystem approach versus sector-oriented approaches. UNEP, in theory the lead agency for policy coordination, has in practice a mandate that overlaps with those of a dozen other UN

[4] www.unep.org

agencies. It has neither real authority to set the agenda nor resources to play a major role across the full range of environmental issues. Consultation and coordination efforts are on the increase, but in practice, each international organization tends to make its decisions independently, guided by the wishes of the national governments that are most influential on its council or governing board. The result, all too often, is fragmentation and inconsistency. And the absence of coordination "*seriously undermines the formulation of a strategic approach*" (UNEP 2001a:20). Environmental ministries also often have smaller budgets and weaker political voices than, for example, those that directly manage productive natural resources such as agriculture or determine economic policies. And since it is predominately environment ministers who sit on UNEP's Governing Council, agriculture or forest ministers who have the greatest influence on FAO, and economic or finance ministers who talk to the World Bank, it is not surprising that policy gaps at the national level are repeated or reflected in the international system. The Global Environment Outlook (2001:191) also states that governments still take inconsistent, even contradictory, positions in different bodies. Delegates to trade negotiations might not be aware of CBD outcomes, or the other way around. This can partly reflect imperfections in the information and coordination structure, but it can also mirror disagreements within one government.

However, at the positive side, the sheer force of the expansion into international environmental law and institutions the last few decades has in itself provided new opportunities. The agenda setting capacity for biodiversity has increased, and the build up of new institutional mechanisms for biodiversity policy has grown at many levels: global, national and regional. The CBD (World Resources, 2003), is one of the examples of how the international community can mobilize scientific and legal talent and build institutional capacity. UNEP has made major contributions in developing legal regimes, as the CBD. At the national level, it has helped more than 100 nations develop environmental legislation and build institutions (Nagai 2003). UNEP has built up a collaborating centre on energy and environment (UCCEE), a world conservation monitoring centre (WCMC) and a global resource information database (GRID). UNEP also built up the Global Environmental Outlook, in cooperation with a number of global, national and regional partners. It has also developed eight facilitating divisions, including one for policy development & law and one for regional development.

The International Union for Conservation of Nature and Natural Resources (IUCN)[5] is another vehicle to support national and regional implementation. Holdgate reports of an impressive track record in drafting and promoting national and international environmental legislation (Holdgate 1999:244). IUCN has helped over 75 countries prepare and implement national conservation strategies (UNEP 2002a:9–10). Positive signals on the World Bank's activities are also visible. One of them is the Bank's efforts to incorporate environmental assessments into the mainstream policy. In 2000, the Bank had environment projects valued at $5 billion (UNEP 2001a:21). But also the Disclosure Policy might represent interesting changes. By this policy, the Bank is opening up its records and enhances the transparency. Potential tools to improve the environmental performance are also to be found in the growing cooperation with NGO/business, the selection of consultants, the efforts to enrich and up-scaling the Bank's partnerships and the capacity building on for instance development and urbanization. One example of the last category is the Global Development Learning Network from 2000, with more than 100 learning centres.

[5] Originates from 1948 and the website reports that (www.IUCN.org): "the World Conservation Union is the world's largest and most important conservation network. The Union brings together 82 States, 111 government agencies, more than 800 non-governmental organizations (NGOs), and some 10,000 scientists and experts from 181 countries in a unique worldwide partnership". Since 1990, it is known under the name of World Conservation Union.

UNEP has also played a key role in one of the great achievements the recent years; within the area of monitoring and analyzing environmental trends and assembling data for policy usage. This has resulted in a long list of publications, as technical reports, atlases and specialized compendia. UNEP's Global Environment Outlook report offers a broad overview of environmental conditions and trends. IUCN also regularly publishes the Red Data Books, which are authoritative lists of threatened plant and animal species.

3.3 CBD and other conventions (Ramsar and CITES)

One of the aspects of implementing CBD is that the convention is heavily dependent on other conventions for results. One of them is Ramsar, the convention on Wetlands from 1971 (into force in 1975). Compared to the CBD, the Ramsar is relatively straightforward and general. The official name of the treaty – *The Convention on Wetlands of International Importance especially as Waterfowl Habitat* – reflects its original emphasis on the habitats for water birds. Over the years, however, Ramsar has broadened its scope to cover all aspects of wetland conservation and wise use, recognizing wetlands as ecosystems that are extremely important for biodiversity conservation and for the well-being of humans. For this reason, the website states, the increasingly common use of the short form of the treaty's title, the "Convention on Wetlands", is entirely appropriate. This broadening of the scope is probably the most important feature of the content.

The main decision-making body is the Conference of the Contracting Parties, with delegates from all Member States. As of May 2006, there are 152 contracting parties, 1.608 wetlands are designated for inclusion, covering some 140 million hectares (1.4 million km^2). Ramsar is important to the CBD because it facilitates biodiversity relevant obligations and processes in the wetlands. For instance, a continuing partnership has developed around the convention, including awareness and a common understanding of the interpretations.

Also the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is highly complementary to the CBD. CITES[6] is an international agreement between governments. It was put in force in 1975. Currently, 169 parties have joined. Although CITES is binding to the parties, it does not replace national laws. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. Annually, international wildlife trade is estimated to value billions of dollars and to include hundreds of millions of plant and animal specimens. The trade is diverse, ranging from live animals and plants to a vast array of wildlife products derived from them, including food products, exotic leather goods, wooden musical instruments, timber, tourist curios and medicines. Levels of exploitation of some animal and plant species are high and the trade in these, together with other factors such as loss of habitat, is capable of heavily depleting their populations and even bringing some species close to extinction. Many traded species are not endangered, but the existence of an agreement might safeguard these resources for the future.

Because the trade crosses borders, regulation requires international cooperation against over-exploitation. CITES was conceived in the spirit of such cooperation. Today, it accords varying degrees of protection to more than 30,000 species of animals and plants, whether they are

[6] see www.cites.org

traded as live specimens, fur coats or dried herbs. Critics at the CITES COP13 [7] stated that CITES enforcement is significantly undermined by a lack of enforcement cooperation at the national, regional and international levels. The task, they argue, is to motivate political will to allocate resources, empower relevant agencies and develop initiatives for cooperation.

3.4 Conclusion

Although it does not come as a surprise that UNEP claims success (it is after all in their core interest to do so), their argument that conventions like the CBD lead to an increased public concern and government attention (at all levels) to environmental issues might indeed be valid. A number of biodiversity 'vehicles' has been developed and the diversity and number of agencies and agendas has grown. All this has led to many concrete environmental programs and projects. UNEP, as also IUCN, have also created new policy voices that respond to many concerns and touch many economic sectors. Diversity, in that respect, can be a source of resilience. A decade of research in England led to the conclusion that global conventions are first and foremost tools for policy development and learning rather than fixed entities (ESRC-GECP, 2000). Think of the challenge of integrating trade conventions with biodiversity conventions[8]. By following Topfer (2000), we can conclude that improved collaboration might create greater synergy and better policy implementation. As such, 'governance', as a guiding principle to approach the matter of biodiversity, seems to be more relevant to the present development than a more traditional and state-centred view of policy development.

As we move over to the national scene of CBD implementation, we will take a closer look at the degree of cooperation in the Netherlands.

[7] CITES COP13 discussion side event: Motivating Inter-Agency Co-operation on CITES Enforcement, Bangkok, Thailand, October 2-14th 2004, hosted by the UK CITES Management Authority, in collaboration with Traffic and WWF.

[8] Topfer (2000) points to the risk of duplication of the many separately developed international agreements. His remedy is improved collaboration by (1) more research into overlaps and synergies, (2) improved coordination at the national level, and (3) improved coordination at the international level. Greater synergy and better policy coordination amongst biodiversity treaties will provide both administrative efficiencies and environmental benefits.

4 National implementation of the CBD in the Netherlands

4.1 The evolution of national biodiversity policy

Since the publication of the National Policy Program on Nature in 1990, The Netherlands has built up and institutionalized a framework for biodiversity policy. Policy programs, guidelines, laws, organizations and even viable networks were set up. And although it is all permanently questioned, discussed and changed, the underlying principles and goals are agreed upon. In The Netherlands, the National Ecological Network is of paramount importance for the survival of species. But the Ecological Network, although it is a strong policy concept and the backbone structure of the nature policy planning and implementation, is also heavily influenced by a large variety of economic and other societal trends and patterns (for instance housing, infrastructure, agriculture etcetera). How diverse the Netherlands will be in terms of plants and species depends on more than the Ecological Network alone, but when it will be completed in 2018, it will include all national parks, wetlands, production forests and some agricultural sites. The aim is to realise 728,500 hectares of nature by 2018.[9] In addition, more than 6 million hectares of water will be included (the Wadden Sea and the IJsselmeer). In the future, it is intended to link up with nature areas in Germany and Belgium, and to strengthen the Pan-European Ecological Network (PEEN). Since September 2005, a National Register of Species was also made available to the public, displaying the 30 638 officially registered species[10])

Since the 2000 revision of the National Policy Program on Nature, The Netherlands has officially declared societal involvement, cooperation and partnerships as crucial to the policy implementation. The government even proclaims 'governance' as the leading steering principle[11]. This meant, from then onwards, more joint action and cooperation. Next to the National Policy Program on Nature, the CBD implementation in The Netherlands has been developed within two other programs: the International Policy Program Biodiversity (BBI) and the Transition Biodiversity. The next section will analyze the implementation of these three policy elements (BBI, Transition, Nature versus region).

4.2 Barriers and opportunities regarding the CBD implementation in the Netherlands

BBI

In 2002, the BBI was launched as the main CBD implementation by the Netherlands. It was the integrating frame for all the six ministries working on biodiversity, and the basis for a renewal of cooperation between the central government and non-governmental organizations. It was followed by a broad process of consultations on how to cooperate and implement the plan[12]. The large variety of theme's and targets were to be seen as a part of three main subjects: ecological networks, sustainable use of (agro)biodiversity, and diminishing negative environmental effects of activities by The Netherlands at large. One of the crucial approaches

9 www.minlnv.nl

10 www.nederlandsesoorten.nl

11 In the overview of the Dutch follow-up of Johannesburg in 2004 (Duurzame Daadkracht, 2004:7), the government proclaims 'governance' as the leading steering principle.

12 Second Chamber, 2003-2004, 28450, nr3

is to include nature within larger regional developments. The strategy was based on a broad cooperation and improved communication. But, the respondents at the ministries report that the interdepartmental relations are not operating too well[13], due to the following problems:

- Despite the ambitions, the way of working does not lead to far reaching obligations;
- The dominance of one ministry (Nature) is not met by initiatives from other ministries; the other relevant ministries are not much engaged in cooperation;
- The mutual efforts are insufficient to produce substantial results;
- Biodiversity gets 'stuck' among the 'green issues'; and is not sufficiently integrated into economics and spatial planning;
- The ministries often present their activities under their own flag, and it is unclear whether supposedly joint activities actually are products of cooperation;
- Shortage of manpower is hampering the implementation, not a shortage of facilities.
- The way of working is time-consuming due to the typical Dutch horizontal work orientation ('polderen'). It simply takes a lot of time to mobilize and convince, and to develop support (also within the ministries).

Although the respondents claim that the support within the ministries is rising, the interviews suggest that a further review and renewal of the interdepartmental relationships is needed.
Another aim of the policy is to enhance the network relations between the ministries and other societal participants. One way to shape up the BBI implementation was to organize workshops on the following themes: ecological networks, forests, water, (agro)biodiversity, deserts, knowledge, education and information. A general workshop around the BBI-program took place in April 2003[14]. The reports of the workshops provide valuable insight into the results of these efforts. The more than 150 participants came from a wide range of the policy community: ministries, business/NGO's and research. Despite the broad participation, local and regional governmental bodies were curiously enough absent.

In general, the participants were quite impressed by the BBI, especially by the broad approach the Program aims at and the focus on cooperation. But there were concerns too[15]. The main concerns were that the ongoing loss of biodiversity is seen too much as a 'technical problem', merely a question of 'finding the right solutions'. Instead, it is also a broader societal problem and this is still not sufficiently recognized in the program. Education and information, for instance, are therefore not fully appreciated. Another concern was a lack of programmatic focus, with few concrete measures. In addition, there is insufficient attention for the question of how to deal with biodiversity at the regional and local level. Others mentioned the need for an additional chapter on the implementation itself (i.e. performance indicators, division of responsibilities).

At a follow-up workshop in July 2005, sixty representatives from business, nature, science and government discussed the implementation of the BBI again, and the prime focus now was on corporate responsibility.[16] The discussion was again largely focused on how to stimulate partnerships and produce impulses for the BBI. The Ministry of Nature stated that the government could not do without NGO's. Bird-Life International stated that the formation of

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[13] This is not due to interpersonal aspects. On the contrary, at the operational level, the relations are very good.

[14] See the report from the workshop, Ministry of Agriculture, Nature and Food Quality, International Biodiversity Policy Program, April 15th 2003 (verslag van de workshop, Beleidsprogramma Biodiversiteit Internationaal, , 15 april 2003).

[15] The main concerns we refer to here were expressed by the group discussing the core features of the implementation of the program.

[16] See Ministry of Agriculture, Nature and Food Quality, BBI themamiddag, Maatschappelijk Verantwoord Ondernemen, de urgentie blijft. Impressies van de themadag, 1 juni 2005.

partnerships is hampered by the fact that mainly 'green actors' are showing up. Furthermore, the government is not taking any clear position and is not making any decisive move. Bird-Life would like the Ministry of Economic Affairs and Agriculture Nature and Food Quality to take the lead together. In general, more commitment of the ministries is needed, Bird-Life concluded. Also the VBDO[17], The Dutch Association of Investors for Sustainable Development, called for a more compelling government, one that also sets a good example. But the business sector also needs to work on awareness, according to the VBDO. The Ministry of Housing, Spatial Planning and Environment (VROM) warned about the often excessive faith in the force of government: high expectations that do not match reality.

Concerning the role of business companies, IUCN warned about unmerited images following the use of terms like corporate social responsibility, but at the same time IUCN underlined the presence of many interesting initiatives, mentioning the Travel Group ANVR, the Netherlands Timber Trade Organizations[18] and the bank sector as good examples of responsible initiatives. But the IUCN also stated that politics in The Netherlands do not take biodiversity seriously. It is too complex for politics, and apparently difficult to score on the short term. IUCN requested an active coordinating BBI-team. The government should act united on these matters, but a united force is missing. In general, the IUCN judged BBI to be a fantastic document, a result of years of hard work: '*But there is a lack of management and a lack of urgency within the government. Operational leadership is needed'*. Others also consider BBI to be a valuable plan. It is a far reaching plan, but it is also too abstract and too vague to motivate. A network-organization could bring more unity in the fragmented state of the BBI management. Several participants (such as WWF) pointed out that the BBI is full of intended actions, but these are rarely completed with a clear commitment.

As we can see, these network workshops are not only useful for exchanging opinions; they also clearly produced a number of important messages to policy officials. But the parties, also among the respondents within the government, are worried about the follow-up. Progress depends on some concrete measurements that should be taken. The interviews showed that it is difficult for a ministry to operate within external networks. A ministry is not used to or well equipped to deal with these kinds of network arrangements. The separation of tasks within the ministries does not help either: One section maybe strong on policy content and negotiations, but without any natural partners or networks among other societal actors. Another section is strong on building partnerships, but does not know enough of the content. And the relevant decision-making competence might even be within yet another section. At the moment there appear to be few incentives for an institutional renewal which would overcome these barriers to a sound implementation.

Biodiversity Transition

Yet another tool to implementing the CBD is the project 'Biodiversity Transition', launched in 2002[19]. The project was mandated to be a creative process of innovation. But it had limited capacity, and the outside world was not particularly charmed by the transition approach in

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[17] VBDO (Vereniging Beleggers Duurzame Ontwikkeling) is an organizational stakeholder of the Global Reporting Initiative (GRI).

[18] The Netherlands Timber Trade Organizations (De Vereniging Van Nederlandse Houtondernemingen VVNH) is an umbrella organization of about 300 wholesale timber trade companies, Member of the European Timber Trade Association (Febo).

[19] It was a part of four 'transition projects' designed to bring more creativity into the persistent problems of sustainability. The others were Energy, Agriculture and Transport.

general. The Transition project manager explained in a presentation[20] that these creative processes are better off with a small group of people, trying to start up a process of change. A small group can deal with the tension necessary to ignite change. The group cannot be led by the government, but the government does need to be a partner. The Ministry of Foreign Affairs and Development was the formal leader, but the Transition project group did not operate as a 'government branch'. Besides, a choice was made to separate it from the BBI.

The Transition project forms a peculiar type of policy within the government. It is concerned with the long-term strategic view of how to deal with hard-core and persistent dilemma's concerning biodiversity. The long term focus is already a difficult aspect in itself. It gives the subject a rather weak position within ministries used to and often forced to deal with urgent and often politically sensitive matters. Long term biodiversity strategy seldom reaches that kind of urgency. And public servants, often troubled by long term planning themselves, mostly face politicians with a different and not so long term agenda.

One of the results of the project was putting in place a mechanism meant to improve coordination and cooperation between ministries: the Coordination Point Sustainable Development and Transitions, covered by the abbreviation DO IT. This is one of the mechanisms of building bridges from the central government to regions, the business community and citizens. Other results reached by the end of 2005 are the following:

- The Conference 'Biodiversity Does Work'. This conference contained presentations of regional biodiversity policy plans in the provinces Noord-Brabant and Zuid-Holland.
- The project 'Agro biodiversity Research and Examples'. The project provides an inventory of existing knowledge from the years 2003-2004.
- The Instrument Map, resulting from the project Learning with Biodiversity. It contains four instrument maps, directed towards activities at farms: Natural Enemies, Soil Quality, Grass Land Composition and Cow Selection/Breeding.
- The Program 'Learning with Biodiversity' also delivered a Biodiversity Plan for the pilot farm 'De Marke'.

Regional development

The relationship between the biodiversity policy and the larger picture of *regional development* is in many ways a complex one. We will limit the discussion to a few elements vital to biodiversity. We depart from the turn of the century, when nature policy and related policy areas in The Netherlands faced critics from many regional and local actors pointing to an almost impossible working situation: they referred to a policy framework that had become very rich and divers, and many at the regional level claimed it had become too fragmented and too difficult to work with (Selnes, 2003:30). Reports on the stagnation in implementation were also too often met with more policy regulations and new policy categories (idem.). The National Nature Policy Plan of 2000, for instance, contained a detailed plan for the ecological content, but lacked a plan for more cooperation and partnerships around the process of making the policy work.

One set of problems was connected to the Species Protection Policy. Ever since the Nature Policy Plan in 1990, the specific policy plans regarding species has acquired a negative

[20] A conference called the Second Floor: Partnerships with Sense (De Tweede Verdieping: Partnerschappen met betekenis), contained a presentation and discussion of the progress of (mainly) the biodiversity and energy transitions in december 2995.

[20] Van Leenders, the manager of the transition biodiversity, called her presentation 'smart steering', and she reports of a process she classified as rather 'unruly'. She called it 'weerbarstig praktijk', which means unruly practise, or unruly at the practical plan, or unmanageable, refractory, according to Kramers dictionary.

image. The Task Force installed to improve the situation, in 2005 presented a sad picture of the state of art with respect to the species protection policy[21]: The number of protection plans being low compared to the number of endangered species, the financing insufficient, policy wise isolated, the implementation not well organized, the responsibilities unclear, not integrated into regional planning, not playing any role in spatial planning, too limited number of actors involved, and low acceptance of the policy. Press coverage also was mostly negative and targeted on unwanted limitations to economic growth, instruments that were too limited of scope and poor information. Add to that a very limited devotion and effort from public servants, and the conclusion is a rather sober sum total. All this also made it totally unclear how the species protection policy related to new policy initiatives rising at the horizon.

Another tool for protecting biodiversity at the regional level is the Natura 2000 Management Plan, which arouse as a result of the implementation of the European Bird- and Habitat Directive in The Netherlands and by many considered vital to the solution of obstacles.[22]. However, Beunen en Van Ark[23] state that the expectations of the Management Plan have been too optimistic. As for a start, they argue, plans play a modest role in policy making processes in general. But these plans are also rather new. There is no experience with this instrument. The Bird-Directive offers a plan instrument, but it is not mandatory and it does not prescribe specific types of action. An interesting point in Beunen and Van Ark's analysis is their reference to the general tendency to cherish unrealistically high expectations of plans, while at the seem time it is often not clear what kind of plan it is or how it works. On this point, they claim support from research in the USA (Hopkins, 2001): Plans are something to clutch to, as they are present and represent (up to a point) the state of affairs. They are 'supposed to be valid and work'.

The discussion around Management Plans is a consequence of the troubles connected to the implementation of the Bird- and Habitat Directive. Problems stem from a) the lack of clarity around definitions of crucial concepts, b) uncertainty on how to test the application of the concepts, c) the demands put on the management of the nature areas in question, d) the demands put on external effects with respect to the nature areas, and e) the fact that civil servants responsible for the implementation often are not familiar with the directive nor with how to deal with the many aspects of the rules. [24]

The plan is not very useful in confronting the various interests of the different sectors. Beunen and Van Ark argue that the plan should be used as a means to facilitate decision making processes around the protection of nature areas. Thus, if the Management Plans are meant to be successful, then the relational side of the plan needs more attention. It is the making of the plan that provides opportunities for dialogue and discussion. Through the making of the plan, it is possible to create mutual understanding and trust between government, nature organisations and other actors. This can prevent communicative deadlocks producing make-believe plans.

By the year of 2005, the biodiversity policy seems to face an interesting recovery.
One of the signs is the renewal of the Species Protection Policy. In general, the Task Force Species Protection Policy advised the government to guide the policy towards a more population directed approach. The habitat is the key term, not the species itself, and the policy should be more pro-actively enforced, regional orientated and make sure that many

21 Task Force Species Policy, April 28th, 2005:1
22 See Beunen and Van Ark (2005:7)
23 See xiii
24 See Bastmeijer and Verschuuren, 2003

parties take responsibility. In a progress report to parliament in January [25] 2006[26] the minister of Nature states that the poor communication of the species protection policy has been improved by the Task Force, for instance by installing a 'code of conduct' for dispensation of the valid regulation. Also a new website provides more targeted information on the policy. Clear information and fast decisions are highly wanted by many parties. At the work level, a need for extending the Task Force to the Natura 2000 sites and the changes in the Nature Protection Act was put forward and introduced in 2005, and two meetings were held that year. This group will bring clarity on the implications of the policy, and exchange of arguments. Besides, since 2003, there is an interdepartmental coordination meeting at the work floor level monitoring and coordinating the progress (clarity of responsibilities, 'nature inclusiveness' of decisions, external communication). Many ministries and other public bodies are involved in the process (Defence, Traffic and Public Works, provinces).

The Ministry of Agriculture, Nature and Food Quality also installed a facility dedicated to a free and easy accessible office for all government related information. The ministry also gives information sessions to provinces, municipalities and water boards on how to deal with the implementation. In September 2005 there were four meetings. Since October 2005, the provinces do the same for business/NGO's, interest groups, citizens and others. Also regional dialogues are held by the ministry and provinces. A protocol for species protection will follow, as will an information authority to facilitate changes and an on-line site on how to deal with project development and species protection[27].

The Netherlands has also taken action on protecting more of the country by renewal of the policy on National Parks. At the end of 2005, the Foundation Cooperation of National Parks has been installed in order to stimulate the functioning of the National Parks. The foundation marks the start of a new phase after five years of informal cooperation.[28] A core feature of the parks is that they are very divers in how they function and the way they are managed. Often, state agencies like the State Forestry Management (Staatsbosbeheer) manage the park, or the NGO Natuurmonumenten. But even so, most of them are products of regional cooperation and regional dynamics. The foundation is now working on a strategy for the period of 2006-2010. The operational goal is to improve the quality and make SMART agreements. For the longer term, the foundation will work on improving the status and protection of the parks. The foundation aims at regional, national and international cooperation, for the latter through the Europarc Federation. According to the leader of the Foundation, the Ministry has no intention of steering the development within the parks; it will focus on stimulating measures.

Another interesting signal of an improved relationship between the national policy and regional developments is the trend of stimulating regional programs through joint partnerships at the regional level, often with the provinces in a leading role. Dialogue seems to become more

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[25] In a note to parliament on 25 January 2006[25] the Minister of Agriculture, Nature and Food Quality reports on the progress made on the bottlenecks identified by the Task Force and a Interdepartmental Policy Research (IBO) in 2003.

[26] See the annex of the letter to the parliament of 25 January 2006, called State of the Art Actions Interdepartmental Policy Research on the Bird- and Habitat Directive (Stand van zaken acties IBO Vogel- en Habitatrichtlijn), or website http://www9.minlnv.nl

[27] Since the beginning of 2006 operational via www.minlnv.nl/natuurwetgeving . A link is made to the National Species Register (www.nederlandsesoorten.nl), which will, or is intended to, prevent misunderstandings and increase accuracy. The Netherlands intend to share this policy approach to other EU member states.

[28] The Work Plan for 2006 is formalized at October 20th 2005

central to the many work processes. The use of regional agents and meso level government management are important variables [29]

4.3 Conclusion

The government of The Netherlands seems to have delivered significant and important work by putting up a framework for the governance of biodiversity. It seems clear that the policy goals are widely accepted among the community parties, from business NGO's to nature NGO. This is particularly the case with the BBI. It also has managed to establish networks for partnerships around further processes of working out priorities. But, the government should listen to the signals from these parties, when they formulate the need for sharpening the goals. The acceptance and support for BBI might be conditional. A widespread feeling of a stagnating process might diminish the support considerably. Now attention should turn towards developing better conditions for cooperation. The frames have been built up, but expectations have also built up, and many of the involved actors see a need for substantial improvements through a programmatic commitment within government and between government and non-government participants. In short, the government is not the only party embracing a more 'governance' kind of policy approach. The (potential) partners outside government also agree on that point, but more commitment and concerted action is needed.

The project 'Transition Biodiversity' is an exiting tool to create more innovative results. It is exiting because of the effort it puts into combining theory and practice, and because it is facilitated by people with an ability to innovate. Of great concern is the ability of the ministries to empower the project.

[29] See Selnes, Kuindersma en Pleijte, 2006.

5 Multinational business and biodiversity

5.1 The evolution of multi-national business involvement in biodiversity

The 'business sector' represents a marked-guided mechanism for production and consumption, and as such, it is among the world's most influential decision making 'bodies'. Their decisions have significant environmental effects, and those decisions have an even greater reach as companies globalize and national resources are privatized. This point[30] signals the importance of the link between business and biodiversity governance. Trans-national and multi-national companies are of particular interest because they move beyond traditional borders of jurisdictions and countries, and they possess large amounts of resources. Areas of rich biodiversity also have rich resources often wanted by business companies. But, governing structures may not be very well developed in these areas. At the same time, environmental concerns may not be very much internalized into the business culture and practice. On the other hand, business has to be aware of their reputations and public disclosure. The following bullets show some recent trends[31]:

- Since the 1980's, thousands of firms worldwide have developed Environmental Management Systems. These are also more inclined to adopt improvements and share information.
- Since the introduction of the ISO 14001 standard for Environmental Management Systems in 1995, almost 37.000 business facilities have adopted the standard.
- Just 27-28 % of business facilities using the ISO 14001 standard for Environmental Management Systems are located in developing countries, whereas at the same time the potential (environmental) gain is larger in these countries because of the existence of poor regulatory standards and lack of enforcement.
- As of 1996, there were 305 voluntary contracts between governments and industrial sectors, with two thirds of them in The Netherlands and Germany.
- By 1997, environmental groups participated in the negotiations of only one in five agreements.
- The company environmental reports are getting longer and more detailed. A survey in 2002 showed among 100 company reports a 45 % growth of the average length in two years.
- The Global Reporting Initiative (GRI) is an internationally recognized standard for 'sustainability reporting'. Since the introduction in 1997, more than 200 companies released reports based on these guidelines, and 60 % of the 'best reporting companies' (based on completeness, innovation and best effort to integrate environmental reporting into business decision-making), used the GRI guidelines.
- GRI does however, not require third-party verification of completeness and honesty.
- In total, there are more than 65.000 multinational companies in the world.

Partly as a result of the CBD negotiations, the interdependencies between business and government seem to increase: business is in need of resources, but national governments have sovereign rights in their area and over their genetic resources. Benefit sharing and international principles of prior informed consent and mutually agreed terms are examples of

[30] Made by the World Resources 2002-2004 (2003:107),
[31] See World Resources, 2003

the interdependency. In the rest of the section two types of business are discussed: Shell and the pharmaceutical industry.

5.2 Barriers and opportunities regarding Shell's involvement in biodiversity

Shell is one of the worlds leading petrochemical companies. It operates in 140 countries and had a net income of $26.3 billion in 2005. The company has faced some major clashes with environmental NGO's and the media in recent years: Brent Spar, Nigeria, Wadden-Sea. They even got a 'reward' for the biggest mismatch between outward appearances and actual behaviour. Shell itself has no ambition to be the leader in solving biodiversity problems among the petrochemical companies. But it wants to be among the top 25%. One of the barriers experienced by Shell is that it has to deal with many different regimes and priorities in different countries. This makes implementation of biodiversity measures difficult. And, if environment issues do not have impact on the most important drives for the company (reducing operational risks and defending its reputation), Shell is not likely to be a pro-active biodiversity defender. Also the culture within the company might be a barrier to a sound environmental approach. Shell is a technical oriented organization. It is also very much focused on its primary production process. Issues of biodiversity are likely to be met with a technical solution, while the problem may well be social. Shell employees lack sensitivity for a constructive dialogue with stakeholders. According to Shell, governments form a barrier as well, by failing to stimulate biodiversity awareness and action among business companies. Governments also follow other 'borderlines' apart from Shell. A national government often has limited jurisdictions within a limited area.

On the opportunity side, the Shell Group Biodiversity Standard from 2001 forms the point of departure. Key elements are a) to work with others to maintain ecosystems; b) respect protected areas; and c) seek partnerships on the conservation of global biodiversity. Environmental assessments prior to new activities and modifications to existing ones are important, as are early stakeholder consultations on recognized hotspots. The company is also obliged not to exploit World Heritage Sites. It is also active in operations in IUCN Category I-IV protected areas or where an impact assessment (ESHIA) indicates high biodiversity values. Shell is also involved in spatial/regional planning exercises, in assessing secondary impacts, the implementation of Biodiversity Action Plans, and the conduct of appropriate baseline and monitoring studies. In addition, Shell will publicly report on activities in IUCN Categories I-IV, and also work with IUCN and others to develop and pilot ways of strengthening the management effectiveness of protected areas through the provision of key skills, creation of sustainable livelihoods and by exploring options for sustainable financing.

Shell also claims it has integrated biodiversity in all its assessments and monitoring systems, and it has made biodiversity part of the performance monitor of managers, in order to internalize the values. Shell corporate centre works with environmental advisers in order to provide the necessary knowledge for project managers. These advisors also actively participate in (Dutch) national and international policy processes concerning biodiversity. And lastly, Shell uses communication to raise internal awareness. Although Shell says it is (still) in a learning phase, a proactive attitude is difficult to implement. Important is also the membership in the Energy and Biodiversity Initiative (EBI) with BP, Chevron Texaco, Conservation International, Fauna & Flora International, IUCN, The Nature Conservancy, the Smithsonian Institution and Statoil.

Shell has benefited from IUCN expertise and convening power, their technical guidance, the management tools, and the latest conservation thinking. IUCN, on the other hand, has gained a better understanding of business and how it operates, benefited from sharing of business skills at its Asia regional office and in bringing its biodiversity conservation mission to the private sector. Other partners that Shell cooperates with are: WWF, UNEP, the Smithsonian Institution and NCC.

5.3 Barriers and opportunities regarding the pharmaceutical industry involvement in biodiversity

The pharmaceuticals also form a multi-billion euro industry and are still growing. From 1996-2004, the international export grew 300% and import grew 250%. The global marked value was in 2001 more than 440.000 million euros[32]. It has also a strong link with the chemical industry. The pharmaceuticals, just like Shell, have a task in enhancing their reputation. On the subject of biodiversity the position is somewhat different. While Shell actually damages biodiversity while carrying out its main core business, the pharmaceutical industry is mainly accused for not letting anyone else profit from their revenues based on biodiversity. Here is the societal impact on hand. On the one hand this reduces sympathy for the industry; on the other hand the discussion is also less heated. Together with the observation that it is a rather closed industry, sensitive to espionage, an important barrier is identified: the companies are unwilling to share information and reluctant to benefit sharing.

There has been negative coverage in the media on bio prospecting activities, where the industry is portrayed as taking advantage of indigenous communities and 'steal' samples for the purpose of creating new medicines. The industry denies this is the case, but has to acknowledge the contribution of this vision to harming the industries reputation and a general anti-intellectual property rights attitude. Bio prospecting is by the industry itself considered to be an expensive method for the discovery of new drugs, and the cost effectiveness is debated. Many samples are needed to find one usable, and then this still has to be transformed into a useful medicine. Economic valuation of biodiversity therefore is very difficult. However, other experts stress that this is possible, but that the lack of sense of urgency for the sector leads to attempts to shift the focus to debates on definitions, and away from the question what they can do to achieve results.

The pharmaceuticals claim the vagueness of international agreements like the CBD is a barrier for action, since they lead to uncertainty for an industry in negotiation. Critics could then argue that nothing prevents the industry from taking a more proactive attitude, although the systems of regulation might be bureaucratic, complicated and time consuming. The recent discussion of additional requirements on patentability is seen as an extra barrier by the industry. The industry claims it is against the free trade agreements, while NGO's and developing countries see the need for disclosure of origin and proof of prior consent.

At the opportunity side, we can note that the pharmaceuticals acknowledge the importance of discoveries from natural resources that could be transformed into new medicines. Numerous companies are active in the resource area of bio prospecting. The global popularity of herbal and traditional medicine is on the rise, making it a growing market, especially in developed countries. Many pharmaceutical companies have also formed internal guidelines for methods of bio prospecting. At the local level, agreements of benefit sharing have been made between specific companies and national governments. The CBD and other international guidelines

[32] http://www.efpia.org/3_press/figures260602.pdf

have been instrumental in stimulating the industry to take this step. The interest of pharmaceutical companies in the biodiversity debate has several reasons. According to the industry itself, legislation and CBD negotiations have in general triggered international and national debate on the rights and mechanisms for access to biological resources, contractual agreements and their contents, benefit sharing and intellectual property rights.

5.4 Conclusion

As a whole, we can conclude that the pharmaceutical industry sees biodiversity and the legislation formulated on this topic mainly as a threat to their processes, and not so much as an option for conservation of essential resources. When it comes to benefit sharing, the pharmaceutical industry argues that the main focus of international organizations should be detailing agreements in such a way that all parties exactly know the conditions under which benefit sharing should take place, so that equality for all pharmaceutical companies is guaranteed.

We might say that Shell stands up to a challenge largely brought on by external pressure, while the pharmaceutical industry, who has no external pressure, flees to discussions about definitions and argues the industry will not use biodiversity at all if the consequences for the industry become too high. This illustrates that a sense of urgency is important to trigger biodiversity protection. A lack of acknowledgment and no internalization of the problem lead to defensive attitudes towards concepts such as biodiversity.

6 Conclusions

As stated in chapter one, the topic here is how the Netherlands is implementing the biodiversity policy. The goal is to provide insight into the policy processes concerning biodiversity. It is meant for reflection on how to cope with biodiversity issues for policy makers and for policy researchers. The research has been directed towards the barriers and opportunities for the implementation of the global convention CBD. The main question is

Which barriers and opportunities exist with respect to the implementation of the CBD?

The main question covers two underlying questions:
1. *Policy choices*: which strategies and arrangements have been chosen and how have they been applied in The Netherlands (which barriers and opportunities are there to the implementation?
2. *Policy priorities*: which policy impulses are useful and achievable for the Netherlands? Is change in existing approaches needed in 2006 (to overcome barriers and stimulate opportunities)?

The findings here presented in the next two sections. At the end a research question is formulated, based on the findings in the study.

6.1 Governance of biodiversity and policy choices

At the outset of this study, we expected that the government of the Netherlands would show willingness to involve in interaction with other parties, as far as the biodiversity policy issue is concerned. But at the same time, we stated that it would probably struggle with the ability to actually do so. We expected it to be a hard game, producing workable partnerships and shaping up the implementation capacity.

In fact, it seems that this hypothesis to a certain degree is verified by the findings. But there are important nuances to report on. In general, and slightly surprising, it seems clear that the approach in the Netherlands officially is based on a governance-approach, as discussed in chapter one about governance versus government. But institutional restraints are indeed present, persistent and powerful.

One of the most important findings is that the main choice of policy strategy and policy arrangements (BBI) is widely accepted and supported by for instance NGO's and business. This is a sign of a successful build up of the policy framework. In particular, this is the case if we consider cooperation as an important variable. Friends of Earth even called the BBI impressive; IUCN used the term 'fantastic'. The government of the Netherlands also have showed willingness to transgress established institutional borders by introducing the project Transition Biodiversity.

However, in both the BBI and the Transition Biodiversity project, the ability to produce intentional attuned behaviour has not corresponded with the intentions. The main barriers seem to be a lack of concrete commitment for the functioning of the partnerships, in combination with an insufficient empowerment of the follow-up.

Another interesting finding is that many of the barriers of implementation at the regional level, as experienced by many regional actors around the turn of the century, now seem to be vanished, or at least reduced. Major improvements are made, like for instance on the active species protection policy. Also here, a weak capacity building and a lack of empowerment in the follow up phase might be a vulnerable factor. In general, the major barrier is that biodiversity is not very well internalized among the relevant actors. This is the case within many of the ongoing regional processes, like the National Landscapes and National Parks. The awareness and the knowledge are not very much blooming.

An interesting aspect in general is that the multi-level character of the policy development is clearly visible in for instance the follow-up of the Malahide Message. 'Malahide' is a result of a successful global agenda building and achievements on monitoring, resulting in an EU broad warning, which must be translated into national strategies and regional as well as local action. They do not come more 'multi-level' than that.

6.2 Governance of biodiversity and policy priorities

With regard to research question two, the expectation was that the government should put more effort into producing workable partnerships based on a programmatic approach, and spending more time on how to approach the challenges, instead of formulating more policy goals.

With regard to the BBI, the findings fully support this expectation. Many of the involved stresses the need for a more 'programmatic approach'. They express a need for an improved relationship between goals and means, accompanied with sufficient manpower and commitment. In short, this can be summarized to a need for a more empowered partnership. The BBI partnership in the Netherlands even seems to be at a threshold: the start-up went well, and the partners expect a follow-up with SMART-agreements and commitments. The responsible ministry, or actually plural: ministries should take a close look at the manpower involved and the team-building within the ministries. If biodiversity is important, and the BBI is the major tool, then these signals of insufficient empowerment are of paramount importance. This also goes for the interdepartmental capacity building and commitment.

The Transition Biodiversity is doing fine on its own, and will probably do so as long as it is provided with means and support, and central government officials are not putting claims on the direction of action or ways of communication. The project is first of all a process of social learning, an innovative effort to produce behaviour beyond traditional and institutional borders.

A general conclusion on cooperation is that the task is not so much about producing partnerships anymore, because there seem to be quite enough of them. The challenge is the maintenance of these relations. We believe it is necessary to strengthen the approach considerably, in order to keep up with the initial expectations and to deliver more results. Again, we emphasize that a more programmatic way of dealing with the intentions and ambitions is needed. A national program on for instance corporate social responsibility would be welcome. The interdepartmental efforts should also be streamlined, better coordinated, up-graded and the question of institutional capacity to move biodiversity governance further also deserves more attention. Lack of manpower on strategic issues like facilitating BBI progress should trigger a discussion on how to improve the effort. Is manpower the real issue?

From 2007 on, many of the relevant policy parts will begin an integration process through the National Rural Investment plan[33]. It is an attempt to fight fragmentation and increase integration and cooperation at the national scale. Biodiversity should be onboard.

Table 1: Overview of conclusions

		Policy choices	**Policy priorities**
Targets CBD regarding implementation		Promotion of cooperation and partnerships at all levels, with cross sectoral interaction. Adequate capacity crucial. National strategies support this.	Cross sector integration needs improvement. Negotiations and priority setting still poorly developed, decision making often incoherent. More synergy needed between cooperation and capacity building at all levels.
Expected barriers (from theory)		Fragmented institutions having trouble with mobilizing implementation capacity.	Strong intentions but limited ability to make priorities.
Expected opportunities (from theory)		Increasing willingness to involve in interaction might increase mutual understanding and a broader view of the need for alliances, more openness and better cross sectoral integration.	Leaning on the relational side of policy will give more results than the formal side of policy.
Barriers national government	BBI	Mutual efforts insufficient, few obligations, little integration in economy and spatial planning. Shortage of capacity and no feeling of urgency.	More commitment on capacity building and partnership building. SMART obligations needed, also on the interdepartmental level: it motivates people to work for targets.
	Transition	Limited capacity, weak position within ministries, commitment questionable.	A program for capacity building needed, including the financial funding.
	Reg. dev.	Planning instruments are no substitution for building partnerships and cooperation. Fragmentation and formalities still troublesome.	Programmatic commitments should include strong concerted actions, based on informal networks.
Opportunities national government	BBI	Strong policy formation, ambitions high, policy plan well received, mobilization around the plan impressive. Facilities are now present.	It is time to fill the facilities: a national implementation plan for cooperation and partnership is to be considered. Put results on the display!
	Transition	Strong concept and eye-to-eye deliberations. Innovative. Facilities are present. Exiting tool for innovation.	Strong support of the process needed. Government needs to support, create conditions, not steer.
	Reg. dev.	A process of building better relations and up-grading biodiversity in regional processes has brought results.	Continue to work on the relationships, and perform a pro-active policy. Next step: more biodiversity thinking in the national parks.

[33] In Dutch it is called ILG (Investeringsbudget Landelijk Gebied).

		Policy choices	Policy priorities
Barriers business	Shell	No ambition to be a pro-active leader of biodiversity issues. Dealing with many types of regimes and priorities, that makes implementation though. Culture too 'technical', lack of sensitivity for dialogue.	Vulnerable to public disclosure, and image damage. Further interaction with government and NGO's might reduce risk. Biodiversity inclusive training of managers needed.
	Pharmacy	No direct urgency to act. Sees biodiversity too much as a threat. Companies unwilling to share information and reluctant to benefit sharing. Public disclosure on taking advantage of local communities.	Further work on bio prospecting needed. Cost reduction and better economic valuation of biodiversity needed. CBD not helping, it leads to uncertainty because of vagueness.
Opportunities business	Shell	Shell Biodiversity Standard supports partnerships. Involved in many biodiversity projects, obligations for World heritage Sites. Active in IUCN operations. Biodiversity included in assessments and performance monitor. Participation in (inter)national policy processes, investments in internalizing values.	Mutual benefits of sharing expertise and understandings might prevent need for) public disclosure. Shell has large resources and powers beyond the institutional borders and jurisdictions of governments. That is a potential window of opportunity.
	Pharmacy	Is not directly damaging species, and a growing awareness is present. Markets for bio prospecting also growing.	Internal guidelines for bio prospecting coming up, just as local agreements on benefit sharing. CBD has been facilitating on that point. National governments, especially in the developing world, need more capacity to make strong deals and follow up.

PART 2 BACKGROUND DOCUMENT

1 Introduction

1.1 The challenge: how to halt the loss of biodiversity

It was at the 1992 Earth Summit in Rio de Janeiro, the world leaders agreed on a new and comprehensive strategy for sustainable development, seen as 'meeting our needs while ensuring that we leave a healthy and viable world for future generations.' One of the central agreements was the Convention on Biological Diversity (CBD). According to the CBD-website, "this pact among the vast majority of the world's governments sets out commitments for maintaining the world's ecological underpinnings as we go about the business of economic development. The Convention establishes three main goals: the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits from the use of genetic resources." In the Strategic Plan for the Convention of Biological Diversity[34] the overall target was stated even sharper than at the Summit:

"The purpose is to effectively halt the loss of biodiversity so as to secure the continuity of its beneficial uses through the conservation and sustainable use of its components and the fair and equitable sharing of benefits arising from the use of genetic resources."

This is the very ambitious goal formulated for the currently 188 parties and 168 signatures of the CBD. The challenge, naturally, is to find workable solutions for these complex issues and persistent dilemmas full of uncertainty. The ESRC-GECP[35] stated that "uncertainty is central to environmental problem-solving. Decisions have to deal with conflicting opinions about environmental problems, the risks they pose to different groups in society, and the need to build trust and engage citizens in solutions." And the ESRC-GECP continues: "processes of political decisions-making are growing more dispersed. The world has become more interdependent. Many decisions have shifted to the international, regional and local level. Politics is increasingly conducted outside traditional institutions. Officialdom has to listen more closely to voices in business and at society's grass-roots, and involve them in the outcomes that they seek". The question does not only seem to be about biological diversity, but also with social, political and cultural diversity. Many of the issues are unfamiliar to the institutions who will need to be involved in the implementation (Global Biodiversity Outlook, 2001:242).
The state government is a key player in all aspects of *how* to approach this challenge. Governments have developed the CBD, through negotiations with and also together with many other parties, and governments are making (inter)national policies to match the challenge. They are central in the many processes that lead up to useful tools for halting the loss of

[34] At the Conference of Parties (CoP6), see http://www.biodiv.org/decisions/default.aspx?m=COP-06&id=7200&lg=0 The website states (number 2) the following on the origin of the strategic approach: "In decision VI/26 The Conference of the Parties took note of the conclusions of the Seychelles Workshop on the Strategic Plan and the report of the Open-ended Inter-Sessional Meeting on the Strategic Plan, National Reports and Implementation of the Convention on Biological Diversity and adopted a Strategic Plan for the Convention on Biological Diversity. The Conference of the Parties urged Parties, States, intergovernmental organizations and other organizations to review their activities, especially their national biodiversity strategies and action plans in the light of the Strategic Plan for the Convention on Biological Diversity. "

[35] The GECP (The Global Environmental Change Programme) is a ten-year UK research programme established to bring social science expertise to bear on environmental research with global implications. The programme ran from 1991 to June 2000. ESRC is the Economic and Social Research Council in the UK.

biodiversity. The question is how governments actually are doing that. What kinds of mechanisms do they trigger? What is achievable? Governments are not too unified and coherent in these matters. And they clearly also need other parties as well. Which actors and alliances do they interact with? Is the interaction supporting the realization of the targets? Which roles are to be fulfilled? Are the conventions supporting the efforts? In this study, the focus is on how the Netherlands is approaching the issue. That is, the study focuses on how a global convention translates into national policy. The study is commissioned by the Netherlands Environmental Assessment Agency (MNP). MNP has issued a variety of studies on the implementation processes around international nature research projects, [36] but never on how the Netherlands is dealing with a challenge like the CBD. Global conventions obviously do not come into effect by the sheer force of international agreements. In fact, a vast amount of efforts are being carried out, at different levels and within different processes, concerning a large variety of subjects, sometimes parallel in time. The rest of the chapter will provide the reader with more information of the research questions (1.2), the method (1.3), vital trends in the process of implementing the CBD (1.4) and a theoretical framework (1.5). At the end, the built-up of the other chapters is presented.

1.2 Goal, research questions and methods

The topic here is how the Netherlands is implementing the biodiversity policy. The goal is to provide insight into the policy processes concerning biodiversity. It is meant for reflection on how to cope with biodiversity issues for policy makers and for policy researchers. The main research question is:

Which barriers and opportunities exist with respect to the implementation of the global convention CBD?

The main question is divided into two sub-questions:
1. *Policy choices*: which policy strategies and policy arrangements have been applied to realize the CBD goals? This question calls attention to obstacles (problems, dilemmas, tensions) and opportunities for 'good governance'.
2. *Policy priorities*: which policy impulses are useful and achievable for the Netherlands? This question will include an analysis of the policy priorities (steering strategy and policy arrangements) and whether the priority needs to change in 2006.

Together the answers will provide a picture of how the state government in the Netherlands has been and is operating with regard to the biodiversity challenge.

The reason for studying the implementation of the biodiversity policy is two-fold. One reason is that the research on biodiversity policy processes is scarce, whereas research on nature policy processes and related subjects is more frequently being conducted. A second reason is that the focus on complex and persistent problems concerning sustainability seems to be high, and in particular it seems that the political as well as the scientific interest concerning how to cope with these 'multi-scale and multi-level' issues is high.
The method of research is qualitative, and it concerns a desk research with a combination of text analysis combined with interviews with some of the core people involved with these processes.

[36] Zouwen and van Tatenhove (2001), Buunk and Ligthart (2002), Kuindersma (2002).

1.3 Background

The Malahide Message
Global conventions can signal and address problems at a large scale. At the same time, they are totally dependent on implementation at various levels. ' Implementation', in this context, is a term with several meanings. One type of implementation is the intermediate role of warnings on an international level. It is a signal of an urgency carried by many parties. 'Malahide' is one of them.

The Malahide Message is a clear warning that the 2010 target cannot be reached unless direct and focused action to enhance biodiversity conditions is taken. The message is directed to all kind of sectors: nature conservation, agriculture, fisheries, forestry, water, tourism, transport, energy and environmental pollution. The message was sent by the Irish Presidency to the European Commission and the member states. But the message did not merely come from Ireland. More than 200 stakeholders from the 25 EU countries and NGO's agreed on 18 concrete targets to stop the loss of biodiversity by 2010 (http://biodiversity-chm.eea.eu.int/stories/STORY1087980667). According to the initiators, 'Malahide' signals that biodiversity has become an integral part of EU policy (idem).

The challenge of Malahide
Each priority target was formulated as a SMART target to be reached within 2010 (see annex). The message represents the outcome of a broad consultative review where the setting of priorities played a major role. It all culminated in the Malahide Conference. In the literature review leading up to the Conference, one of the main challenges was spelled out by referring to a major weakness in the vast amount of regional planning:

> "it is recognised that EIA (Environmental Impact Assessment) at the project level often fails to ensure adequate consideration of potentially serious trans-boundary, widespread, indirect, cumulative and synergistic ecological effects (Treweek et al. 1998). Strategic environmental assessment has been developed to address this, and ensure that environmental objectives can be considered alongside socio-economic ones at the planning or programming stage before individual projects are proposed."

In a broader sense, the quotation highlights one of the striking aspects of the problem at stake, the lack of practical and workable measures and arrangements. The Malahide Message contains a large number of targets designed to halt the decline of biodiversity. The targets cover a wide range of sectors and theme's. Nevertheless, many of them seem to share a common ground: the need for new institutional arrangements and the formation of new alliances is imminent. Objective 18, for instance, states that EU should contribute to improved international environmental governance to increase implementation of the CBD and other biodiversity related agreements. Two elements are mentioned: 1) Coordinated and effective compliance and dispute settlement mechanisms, and 2) Effectiveness and synergy of implementation strengthened through (global) partnerships. 'Malahide' then, can be seen as a way to challenge institutional gaps.

Institutional challenges
Although the Malahide Message seemingly represented a strong and well orchestrated initiative to diminish institutional gaps, the question is whether the issues in the agreements are sufficiently matured within the field of forces surrounding the EU agenda. We clearly see a struggle among the Conference participants at this point. In a note to the final message text, it is stated that "while there was preliminary agreement on the need for this objective, the

Conference felt there was a need for more thorough examination of the issues and legal context." Considering the fact that the Brundtland Commission already in 1987 launched the need to reduce the institutional gaps, we could say there are reasons to be rather careful in predicting a change now. The institutional gaps identified in 'Our Common Future' by the Brundtland Commission (1987:9-10) where in short the following:

- the institutions were established on basis of narrow preoccupations and compartmentalized concerns;
- governments' general response to the speed and scale of global changes has been a reluctance to recognize sufficiently the need to change themselves;
- most of the institutions facing the challenges tend to be independent, fragmented, working to relatively narrow mandates with closed decision processes, while the challenges are both interdependent and integrated, requiring comprehensive approaches and popular participation;
- those responsible for managing natural resources and protecting the environment are institutionally separated from those responsible for managing the economy;
- there is a lack of (inter)national cooperation;
- governments' fail to make the bodies whose policy actions degrade the environment responsible for ensuring that their policies prevent that degradation (governments tend to think that an environmental ministry can resolve the problems, this became a false impression);

The question is whether the Malahide Message could mean a difference, as more than a symbol of possible change. To investigate that further, we need a perspective on how politics and policy develop today.

1.4 The challenge in perspective

Shifts in policy making

The Convention on Biological Diversity (CBD) is supposed to transform into action at various levels and in a variety of ways, not at least into policy programs and implementation at the national level. But, have there been changes in the institutional approach since the Brundtland Commission? One of the conclusions of the commission was that the changes cannot merely come from single actors. A strong state government, for instance, is not a panacea for these kinds of challenges, although it at times can be useful. One could argue that at least on this point, we do have more evidence of change. The ESRC-GECP (2000:1) concluded that international agreements are rarely easy to establish, implement and enforce. They should not be viewed as magic bullets, but as political frameworks for long-term cooperation and learning (ESRC-GECP, 2000:3). The ESRC-GECP (2000:7) study also pinpointed a basic reason to study the interaction between global treaties and the practical side of policy making and implementation:

> "The number of international agreements that deal with such matters as environmental pollution or the protection of natural resources has mushroomed in recent decades. This new phenomenon has prompted researchers to probe how such agreements work and to query the informal rules and procedures that surround them, often collectively referred to as international regimes"

The question addressed here is how an international agreement does function in the world of practical policy. In particular, we are interested in the way it is 'translated' into action at the national level.

The 'generalization of policy'

To approach the process of translating conventions into action, we need a further look at the nature of policy and politics. The theoretical point of departure is that we live in a world of increasing a) diversity of interests, b) possibilities for communication en c) need for coordination (Rommetvedt, 2002:16). Politics and policy, according to Rommetvedt (idem), are therefore also rooted in an increasing need for:

- integration and coordination between sectors, instead of segmentation and a sectoral division of policy fields.
- More openness towards others, instead of 'closed-ranks'.
- Creating legitimacy for one's own interests and arguments, by referring to the contribution to general interests, and not by referring to the exclusive knowledge or a certain type of expertise.
- Building alliances towards other segments and sectors, not internal into one's own.

Rommetvedt sees this as a development where politics and policy to an increasing extent are organized across the traditional sectors and interests. Organized interests do no longer rely solely on the results of formal negotiations, but also (or even instead) engage themselves in informal networks and arrangements. The traditional work of government officials, making laws and regulations, is also being enlarged by these informal structures. The core task for making a strong policy is thus to achieve i) legitimation through referring to general interests, in order to ii) build a strong alliance. Rommetvedt calls this the *generalization of politics and policy.*

At present, policy making and implementation are widely assumed to be too fragmented and sectorized for useful purposes. This is the also case regarding nature and biodiversity policies. It is important to note that, at the same time, fragmentation and sectorization do fulfill important roles. That is mainly because much of the influence is organized and channeled through the fragments and sectors of power.

With regard to biodiversity, we can say that ecological arguments alone will not be enough to create a strong policy. At the same time, ecology will be more important than ever, because the legitimacy and the alliances are constructs of a combined set of multi-sectoral arguments and knowledge, *including ecology*. But ecology, as all other disciplines, must be enriched by a far more societal story-line. We clearly see the dilemmatic character of this argument. The question is what this means for the way we go on with policymaking around a theme as biodiversity? The next section will approach this subject.

Governance and network management

For some decades now scholars on public administration in Europe are discussing a shift 'from government to governance'[37]. Governance can in essence be seen as a style of government focused on cooperation, in which government, market and NGOs participate in a large number of policy processes (Hajer et. al, 2004). The discussion is fuelled by a number of social processes, such as globalization and information technology. The government no longer is seen, or sees itself, as an all-administrator that is hierarchically superior to the society. Now, government is seen as a part of society that depends on the support of the market and NGOs for effectiveness and legitimacy (De Bruijn en Ten Heuvelhof, 1999). But, interdependency confounds centralization, as pointed out by Rhodes (2003:3)[38]. Governments are used to 'knowing best' and representing the 'public interest', and based on Rhodes (ibid),

[37] See for instance Hajer and Wagenaar, 2003.
[38] First published in 1997.

we can say that governments have used that to develop a complex, multiform maze of institutions that makes up the differentiated polity. Rhodes argued that more control is exerted, but over less. Services continue to be delivered, but by networks of organizations which resist central direction. Rhodes refers to Luhmann's 'centreless society' (ibid): "There is not one but many centres linking many levels of government – local, regional, national and supranational".

Essential for the understanding of governance is the term policy networks, in which all these actors cooperate. The actors involved in the policy processes each have their own interests, goals and means, but none is capable of solving the problem on its own. Policy networks can be defined as more or less stable patterns of social relations between mutually dependent actors which form around policy problems and are formed and kept in existence by a number of games in which the actors try to influence the policy process (Klijn, 1996). Policy networks therefore are very dynamic.

The term policy networks can be deepened by its structural characteristics. De Bruijn en Ten Heuvelhof (1999) distinguishes four. *Pluriformity* characterizes the structure in different ways. Firstly, the individual actors are pluriform within, because they too are built up form elements. Secondly, the network is pluriform because of the different participants. The participants of policy networks have *autonomy* and are only sensitive to information that fits within their reference. This excludes the outsiders with another reference, which also makes networks *closed*. Last, participants are bound to each other by *mutual dependencies*.

A shift to the governance perspective does not mean that traditional hierarchical institutions have lost their meaning. They do however, compete more and more with alternative arrangements in situations in which traditional mechanisms were ineffective (Hajer en Wagenaar, 2003; Van Tatenhove et. al., 2000). The government more and more becomes coordinator and facilitator of political and social processes. The question is, what instruments do they have to do that and do they have the right competencies.

Biodiversity policy as it is formulated in the CBD and the Dutch BBI seem to have its basis in the governance perspective. Also, both acknowledge that economic incentives are at the basis of biodiversity reduction and therefore also form an important focus for decreasing the reduction of biodiversity. National and local governments have to work together to prevent reduction 'in situ' in their areas. National governments and NGO's have a role in stimulating multinational companies in striving to sustainable use of biodiversity. National governments, international governments and multinationals need each other for developing rules for the benefit sharing of genetic resources. These are all examples of the mutual dependencies that exist in biodiversity governance. It also is obvious that these parties are very pluriform. Since the focus of this paper is at the possible contribution of multinationals to biodiversity through benefit sharing, this raises the question what incentives from other parties can stimulate their efforts.

Corporate social responsibility

An interesting theme's is the relationship between government and private parties. Through the governance discussion, the focus on how governments cooperate with others, while still also regulating behavior through laws, is increasing. But the discussion also triggers new perspectives on how business is tackling social and environmental challenges. And by doing that, increasing the knowledge and capacity to do so, and therefore making business more professional in environmental matters. Also, society has become more critical towards business and the availability of information through the media made it possible to make the actions of business visible. The importance of reputations therefore is huge. In practice

however, corporate social responsibility is not easily measured, for it consists of ethical and moral boundaries. Corporate social responsiveness is the process of acting upon these boundaries.

Early theories on corporate social responsibility were integrated in the Corporate Social Performance Model (Carrol, 1979). She distinguishes four drives of corporate social responsibility: economic, legal, ethical and discretionary drives. The economic drive is based on the profit motive. The legal drive consists of the obligation of the firm as part of the society to work within the boundaries set by the law. The economic and legal drives can be seen as the fundamental concepts of free enterprise (Carrol, 1991).

The ethical drive goes beyond the previous responsibilities; it is about what is fair according to moral rights, norms and values of society or members of society. Discretionary drives refer to philanthropy, or organizational behaviour as 'good corporate citizenship'. These four drives exist simultaneously, but are in constant dynamic tension to each other. This shows the context in which corporate social responsibility takes place. However, it does not explain in what way these domains lead to expectations and measures to promote corporate social responsibility from the network of parties and what element of the organization they attach to. Wood (??) argues that expectations and incentives exist at three levels. First, expectations that are put on a business as an economic entity; secondly, expectations put on a specific firm because of what it is and what it does and thirdly, expectations put on managers as the moral actors in the firm. In the view of Wood these expectations and the incentives attached to this lead to processes of corporate social responsiveness.

Implementation and cooperation

Biodiversity policy making shows that ambitions and objectives can be imposed on society in a variety of ways and of various reasons. But, as already discussed, governments do not always have the means to enforce the ambition. In fact, single actors in general do not control all the means necessary for realization of their own goal. In some cases government can enforce one specific ambition, but only at the expense of future interaction. It may cost enthusiasm and involvement actually needed during the many stages of implementation. The same goes for a business, say Shell. It can force through a Brent Spar sinking, but it then gets hurt by public opinion and NGO's. Insight into these interdependences is certainly important if the field of forces is divers, complex and changing. Often the task is to be able to perform within different sorts of networks, often at the same time and with a high degree of cross-cutting issues. Central coordination and hierarchical steering easily become strangers to these rather fluid networks. Governments or business even operate in many parallel worlds of both horizontal and vertical networks. Positions and formal authority do not always dominate these networks. Instead, variables as capacities and expectations enter the scene of decisions and responsibilities.

A central concept in this study is policy implementation. 'Implementation', as referred to here, is about 'putting policies into practice' (Hyder, 1984:1). It is 'the process of carrying out a decision or a plan', like the CBD. In that process, an increasing need for integration and coordination between sectors becomes visible. The same applies to the need for building alliances towards other segments and sectors. In fact, policy making and policy implementation are often seen as continuous and interlinked processes of repeatedly carried out choices and actions. Goals are made at different levels, by many actors, time and again. They do not, however, constitute a stable entity of 'given targets'. Goals are results of and part of ongoing searches for priorities through negotiations and compromises. The policy content is a constant process of making and carrying out decisions at different levels at the same time. The search for content is a complex and ongoing process of change, in search for

problems, effects and solutions. In all this, communication starts to become really important, partly because implementation to a larger degree becomes a question of how to deal with perceptions. People do not comply with policies because it is 'decided upon'.

As stated earlier, 'governance' can in essence be seen as a style of government more focused on cooperation. It is also seen as "*achieving collective action in the realm of public affairs, in conditions where it is not possible to rest on recourse to the authority of the state*" (Stoker, 2000:3). In a governance perspective, the government itself consists of many centres linking many levels of government, each with their own interests, goals and means, with few of them capable of solving problems in isolation/ without cooperation. The government will to an increasing extent become a coordinator and facilitator of the policy implementation. A central concept here is cooperation. Cooperation is defined as "intentional attuned behavior between two or more participants" (Fenger, 2001:5)[39]. Although terms like coordination, cooperation and integration represent an increasing degree of 'attuned behavior', we do not opt for a strict separation in this study. The question is rather how the government deals with cooperation in the case of carrying out the CBD. Is the government able to generate and/or mobilize the capacity needed? This is the main criterion for assessing barriers and opportunities: the ability to develop the needed implementation capacity through mechanisms for cooperation and networking. A theoretical assumption is that policy making and policy implementation are continuous and interlinked processes of repeatedly carried out choices and actions. Goals are made at different levels, by many actors, time and again. They do not always constitute a stable entity of 'given targets'. The mobilization of implementation capacity is therefore seen as a continuing process within a multi-level and multi-actor field of forces. Also the policy content is constantly under pressure and subdued to change. Communication within and between the various levels becomes a prime issue of the realization of ambitions.

In interesting notion of implementation in the light of governance, is that it increasingly is transgressing institutional boundaries (Hajer and Wagenaar, 2003:12). Legitimacy and trust can no longer be assumed. Politics and policy are not simply about finding solutions for pressing problems, it is as much about finding formats that generate trust (ibid).

In this interdependent world, responsibilities also change character. Shared problems seem to lead to discussions of shared responsibilities. Responsibility, according to Bovens, is one of the most difficult terms to define and understand.[40] Often policy plans are criticised for a lack of clear responsibilities. But the difference between public and private responsibility is not always clear, and this will probably become a more pressing issue as the need for co-production of policy emerges. Correspondingly, defining shared responsibilities would be an even harder task than defining regular responsibilities.

Another interesting notion of implementation in the light of governance is that the capacity needed to an increasing extent is becoming diversified. Healey (1998) made a distinction between three aspects of capacity: a) knowledge capacity; b) relational capacity and c) mobilization capacity. The two latter concepts of capacity seem to become more and more important.

In general, we expect that the government gradually will be more willing to involve in interaction with other parties, but that it struggle with the ability to do so. It is probably hard to match policy strategy to the institutional constraints, at least at the point of producing

[39] See Fengers' dissertation 'Sturen van samenwerking' from 2001.

[40] Marc Bovens is professor at the USBO and this view was expressed at the National Congress of Public Administration (Bestuurskunde) in 2005.

workable partnerships based on a programmatic approach. From a theoretical point of view, we therefore expect that institutional fragmentation will reduce the ability to act in a strong fashion. We also expect that the perception of non-public actors on the policy performance will differ from the public actors on this issue. Yet, a growing willingness to might create new windows of opportunities as it will lead to more contact en mutual deliberations, which will possibly trigger understandings of the need for better alliances, more openness and better planning and performance.

1.5 Outline of the report

In chapter two we deal with global governance through an anlysis of the international conventions themselves. Chapter three looks into the national governance. Chapter four contain an analysis of business governance. In the last chapter five, we sum up the answers to the research questions.

The built-up of the chapters two, three and four is in principle the same. After the introduction, we provide the reader with a descriptive analysis of the development (of global conventions in chapter two, of the national level in chapter three, of the business level in chapter four). In the last chapter, we sum up the answers to the research questions.

2 International biodiversity conventions

2.1 Introduction

Disquiet over the damage that humanity has been inflicting on the environment has led to a whole body of international conventions. Governments, together with many other parties, proclaim drastic measures at global, national and regional level. But, at the same time, the prospects for implementation do not always seem to be very encouraging. For example, large and very populous countries such as India and China, are developing at a very rapid pace and their use of energy has already increased dramatically. Anyone who has visited – for example – big cities like Mexico City, Manilla or Calcutta will realize that we are facing environmental challenges of unknown proportions. But also smaller countries like the Netherlands are struggling with how to approach the matters.

This concern has already led to global diversity-related conventions on subjects like wetlands (Ramsar, 1971), international trade in endangered species (CITES 1975), and biological diversity in general (CBD, 1992).

These are however only the major conventions, many other agreements at national and international level were reached. Reaching agreements at the global level with so many parties is an achievement in itself. The process is tedious, time consuming and often very complicated. While this may be the case, governments need to wonder whether they have made the correct decisions and in which areas there might be room for improvements. For example Weis (1995) and Momtaz (1996) state:

The large number of conventions adopted during recent years – real "treaty congestion" – does raise certain problems for States and, more specifically, the participation in conferences of States Parties to these instruments. Similarly it is important to point out the ambiguities and contradictions between hastily elaborated and adopted conventions.

The question is thus not only which agreements and which goals are made, but also how the conventions are put to work. Which policy content is chosen and which achievements have been made, which problems have been met on the way and which challenges lay ahead? This chapter will address these questions.

2.2 Governance and global conventions

2.2.1 The evolution of global biodiversity conventions

The World Watch Institute predicted that the nineties would be dominated by the making of international laws and institutions, as the seventies had been on national level. And as it turned out, international treaties did indeed rapidly grow in numbers in those years (see Table 2.1).

Table 2.1: A selection of global biodiversity and environmental treaties

Year	Place	Convention / Agreement
1902	Paris	Convention for the Protection of Birds Useful for Agriculture
1946	Washington	International Convention for the regulation of Whaling
1958	Geneva	Convention on Fishing and Conservation of the Living Resources of the High Seas
1971	Ramsar, Iran	Convention on Wetlands of International Importance. Especially Waterfowl Habibitat
1972	Paris	UNESCO Convention for the Protection of the World Cultural and Natural Heritage
1973	Washington	Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
1979	Bern	Convention on the Conservation of European Wildlife an d Natural Habitats
1979	Luxembourg	Directive on the Conservation of Wild Birds (Council Directive 79/409/EEC)
1987	Montreal	Protocol on Substances that Deplete the Ozone Layer
1992	Rio de Janeiro	Convention on Biological Diversity, World Summit
1992	Brussels	Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna (Council Directive 92/43/EEC)(Habitats Directive)
1994	Geneva	International Tropical Timber Agreement
1995	New York	Draft Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Convention and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
1995	Sofia	Pan-European Biological and Landscape Diversity Strategy
1998	Rotterdam	Convention on Prior Informed Consent
2000	Malmo	Global Ministerial Forum. Declaration on International Environmental Governance
2000	Cartagena	Protocol on Biosafety
2000	New York	Millennium Declaration
2003 (1979)	Bonn	The Convention on the Conservation of Migratory Species of Wild Animals (CMS or Bonn Convention). Framework for six Agreements and eight Memoranda of Understanding. Connected to the CBD at the CBD COP6.
2004	Bali	Strategic Plan Technology Support and Capacity Building
2004	Malahide	The Malahide Message. Conference on Priority Targets (Irish Presidency of the EU)

Source: Own compilation of Lammers et al (1997); van Koeten and Bulte (2000); Dutch Ministry of Agriculture (2000); http://www.cms.int/about/intro.htm*; www.unep.org*

In addition, the Agenda 21 of the World Summit in 1992, as the Practical Action[41] group shows, highlights the importance of the sustainable use of agricultural biodiversity, and this is echoed in many other agreements developed in subsequent meetings organised through the Convention on Biological Diversity (CBD) and the Food and Agriculture Organisation of the United Nations (FAO) for example the following nine agricultural biodiversity agreements (since 1992):

- FAO Leipzig Global Plan of Action on the Sustainable Use and Conservation of Plant Genetic Resources for Food and Agriculture (1996)
- FAO World Food Summit's Commitment 3 to Sustainable Agriculture (1996)
- FAO Global Strategy on Farm Animal Genetic Resources (1997)
- FAO Code of Conduct for Responsible Fisheries (1995)
- Four CBD Decisions on Agricultural Biodiversity (III/11 (1996), IV/6 (1998), V/5 (2000), VI/5 and VI/6 (2002)) which mandate the Programme of Work on Agricultural Biodiversity, managed by FAO
- FAO International Seed Treaty (ITPGRFA) (2001)

The attention to the preservation of biodiversity has steadily been increasing, along with the general concern for the environment. This led to a realization that something had to be done. But this 'something' had to be more than actions within single states, or for that matter, it had to be more than the actions of governments alone. To reverse the trend, unilateral action will in most cases simply not be sufficient.

CBD entered the arena five years after the Brundtland-Commission released 'Our Common Future', with strong emphasis on the interconnectedness of issues. It was also just three year after The World Watch Institute published their call for rethinking the issues in the *State of the World* (Brown, et.al. 1989). In fact, The World Watch Institute brought to light multi-level awareness that directly involved biodiversity: a) local and regional signs of environmental stress directly threatening people, like fires and pollution, b) national reactions to strong public and political concerns, due to issues such as acid rain, fish- en seal deaths and many more, and c) international fear of global ecological and economical destabilization. NASA technology fueled the awareness by bringing in new sort of information on global dangers, in the form of global warming, deforestation and suchlike. Biological diversity, the report argued, was one of the chief casualties of global warming (Brown et.al. 1989:10). "Massive destruction of forests, wetlands, and even the polar tundra could irrevocably destroy complex ecosystems that have existed for millennia" (ibid). The global commons were at stake, and people even felt the effects in their daily lives.

Looking back on these years, it is interesting to note that The World Watch Institute realized that the necessary change could only come from a combination of strong public concern, translated into national and international policy arrangements as the cornerstones of cooperation and action, driven by the capacity of the leaders and the institutions. The bottom-line are nevertheless the people themselves:

"Yet in the end, it is we as individuals who are being tested. Our values collectively shape social priorities-what policies are formulated, how resources are used, and when change begins to occur" (Brown et.al. 1989:175).

[41] Practical Action was founded in 1966, as ITDG (the Intermediate Technology Development Group), by the radical economist Dr. E.F. Schumacher, to prove that his philosophy of 'Small is Beautiful' could bring real and sustainable improvements to people's lives. See: http://www.itdg.org

The need for global action and the main conventions
Table 2.2 summarizes the estimates of annual losses of species. As can be seen the variation between the different studies is considerable, but whatever the case, overall the conclusion is that there is a dramatic decrease of species.

Table 2.2: Estimates annual losses of species

Publication	Number of species	Number of extinctions
Meyers (1979)	2 to 20 million species globally	40,000 species
Wilson (1988b)	5 million species in tropical rain forests	17,500 tropical forest species
Ehrlich and Wilson (1991)	2 to 20 million species in tropical rainforests	4,000 to 40,000 tropical forest species
Ehrlich and Ehrlich (1992)	–	60,000 to 90,000 species
Reid (1992)	10 million species globally	8,000 to 28,000 species
Groombridge (1992)	–	2,000 plant species in tropics and subtropics
Barbault and Sastrapradja (1995)	13.6 million species globally	5,440 to 54,400 species
Leakey and Lewin (1996)	10 to 100 million species globally	17,000 to 100,000 species
Hughes et al. (1997)	9.3 million in tropical rain forests	14,000 to 40,000 tropical forest species
Stork (1997)	8 million species of insects	300 to 1,500 species of insects
Pimm and Raven (2000)	–	100 to 5,000 species (per million species)
Wilson (s.a.)	1 to 10 million species in tropical rain forests	2,500 to 25,000 tropical forest species

Source: Heide (2005)

2.2.2 Three major biodiversity conventions

To take a closer look at biodiversity treaties and conventions we made a selection of three contrasting conventions. We selected a convention that very specifically looked at certain types of eco-systems, namely the RAMSAR convention (2.4). Then we selected a convention that focuses on the trade in endangered species and wild life fauna, namely CITES (2.5). The third convention that we selected has a broader scope, namely the Convention of Biological Diversity, the CBD. We will try to make as much as possible use of peoples experience who were directly involved in these conventions. For example we will make use of the experiences of Koester (2001) who was involved directly in the development of these conventions, albeit in different capacities. Drawing on his experience he evaluates the conventions mainly on the basis of the following four parameters: (1) number of contracting parties, (2) main legal features, (3) review of the convention, and (4) his own assessment.

2.2.3 RAMSAR

The Convention on Wetlands is an intergovernmental treaty adopted on 2 February 1971 in the Iranian city of Ramsar[42], on the southern shore of the Caspian Sea. Thus, though nowadays the name of the Convention is usually written "Convention on Wetlands (Ramsar, Iran, 1971)", it has come to be known popularly as the "Ramsar Convention". Ramsar is the first of the modern global intergovernmental treaties on conservation and wise use of natural resources, but, compared with more recent ones, its provisions are relatively straightforward and general. Over the years, the Conference of the Contracting Parties (the main decision-making body of the Convention, composed of delegates from all the Member States) has further developed and interpreted the basic tenets of the treaty text and succeeded in keeping the work of the Convention abreast of changing world perceptions, priorities, and trends in environmental thinking.

The official name of the treaty – *The Convention on Wetlands of International Importance especially as Waterfowl Habitat* – reflects its original emphasis on the conservation and wise use of wetlands primarily to provide habitat for waterbirds. Over the years, however, the Convention has broadened its scope to cover all aspects of wetland conservation and wise use, recognizing wetlands as ecosystems that are extremely important for biodiversity conservation in general and for the well-being of human communities. For this reason, the increasingly common use of the short form of the treaty's title, the "Convention on Wetlands", is entirely appropriate.

The Convention entered into force in 1975 and as of 1 May 2003 has 150 Contracting Parties. More than 1590 wetlands have been designated for inclusion in the List of Wetlands of International Importance, covering some 134 million hectares (1.34 million km2), more than the surface area of France, Germany, and Switzerland combined. The Netherlands has designated 44 wetlands within the framework of the Ramsar Convention.

UNESCO serves as Depositary for the Convention, but its administration has been entrusted to a secretariat known as the "Ramsar Bureau", which is housed in the headquarters of IUCN–The World Conservation Union in Gland, Switzerland, under the authority of the Conference of the Parties and the Standing Committee of the Convention.

Why do countries join the Ramsar Convention?

Membership in the Ramsar Convention entails an endorsement of the principles that the Convention represents, facilitating the development at national level of policies and actions, including legislation that helps nations to make the best possible use of their wetland resources in their quest for sustainable development; presents an opportunity for a country to make its voice heard in the principal intergovernmental forum on the conservation and wise use of wetlands; brings increased publicity and prestige for the wetlands designated for the List of Wetlands of International Importance, and hence increased possibility of support for conservation and wise use measures; brings access to the latest information and advice on application of the Convention's internationally-accepted standards, such as criteria for identifying wetlands of international importance, guidelines on application of the wise use concept, and guidelines on management planning in wetlands; brings access to expert advice on national and site-related problems of wetland conservation and management through contacts with Ramsar Bureau personnel and consultants and through application of the Ramsar Advisory Mission mechanism when appropriate; and encourages international cooperation on wetland issues and brings the possibility of support for wetland projects, either

[42] See http://ramsar.org/

through the Convention's own Small Grants Fund or through the Convention's contacts with multilateral and bilateral external support agencies.

What are the commitments of Parties joining the Ramsar Convention?
When countries join the Convention, they are enlisting in an international effort to ensure the conservation and wise use of wetlands. The treaty includes four main commitments that the Contracting Parties have agreed to by joining:

1. Listed sites. The first obligation under the Convention is to designate at least one wetland for inclusion in the **List of Wetlands of International Importance** (the "Ramsar List") and to promote its conservation, including, where appropriate, its wise use. Selection for the Ramsar List should be based on the wetland's significance in terms of ecology, botany, zoology, limnology, or hydrology. The Contracting Parties have adopted specific criteria and guidelines for identifying sites that qualify for inclusion in the List of Wetlands of International Importance. (See Ramsar Information Paper no. 4.)

2. Wise use. Under the Convention there is a general obligation for the Contracting Parties to include wetland conservation considerations in their national land-use planning. They have undertaken to formulate and implement this planning so as to promote, as far as possible, "**the wise use of wetlands in their territory**" (Article 3.1 of the treaty). The Conference of the Contracting Parties has approved guidelines and additional guidance on how to achieve "wise use", which has been interpreted as being synonymous with "sustainable use". (See Ramsar Information Paper no. 7.)

3. Reserves and training. Contracting Parties have also undertaken to establish nature reserves in wetlands, whether or not they are included in the Ramsar List, and they are also expected to promote training in the fields of wetland research, management and wardening.

4. International cooperation. Contracting Parties have also agreed to consult with other Contracting Parties about implementation of the Convention, especially in regard to transfrontier wetlands, shared water systems, and shared species. (See Ramsar Information Paper no. 13.)

Over the years, the Conference of the Contracting Parties has interpreted and elaborated upon these four major obligations included within the text of the treaty, and it has developed guidelines for assisting the Parties in their implementation. These guidelines are published in the Ramsar Handbook series. (See Ramsar Information Paper no. 16.)

Contracting Parties report on progress in implementing their commitments under the Convention by submission of triennial National Reports to the Conference of the Contracting Parties. The National Reports become part of the public record.

The implementation of the Ramsar Convention is a continuing partnership between the Contracting Parties, the Standing Committee, and the Convention Secretariat (the Ramsar Bureau), with the advice of the Scientific and Technical Review Panel (STRP) and the support of the International Organization Partners. Every three years, government representatives of the Contracting Parties meet as the Conference of the Contracting Parties (COP), the policy-making organ of the Convention which reviews the general trends in the implementation of the Convention as reflected in the National Reports and adopts decisions to improve the way in which the Convention works. The programme of each meeting of the Conference also includes a series of technical sessions which analyze issues of importance in the field of wetland conservation and wise use, including further interpretation and development of the key

Convention concepts. Ramsar COPs have gained the reputation of being highly effective events, allowing an active involvement and participation of the non-governmental and academic community. Ordinary meetings of the Conference of the Contracting Parties have been held at: 1. Cagliari, Italy, 1980; 2. Groningen, Netherlands, 1984; 3. Regina, Canada, 1987; 4. Montreux, Switzerland, 1990; 5. Kushiro, Japan, 1993; 6. Brisbane, Australia, 1996; 7. San José, Costa Rica, 1999; 8. Valencia, Spain, 2002; 9. Kampala, Uganda (scheduled).

Koester's reflection on the convention

Koester (2001), who was involved with the negotiations of the RAMSAR convention as chairman of the plenary sessions at the Conference of the Parties (COP) in 1999, sees the convention as an innovative convention, following on this point Birnie and Boyle (199?). He also agrees with Kiss and Shelton (199?) in their conclusion that the Convention 'is generally considered to be a success'. But the success seems to be conditional, as Koester points out by referring to Guruswamy and Hendricks (199?). Their argument is that the Convention 'has achieved a significant amount given its limited budget and its only recent growth in developing country membership' emphasising the Convention's potential for increasing 'its contribution to the global effort of protecting wetland biodiversity'. According to Koester, Ebbesson (199?) offers the most complete review, observing that the Parties over time have reached a common understanding of the interpretation of the obligations and have adopted guidelines for the implementation of the Convention. Ebbesson states that 'the Ramsar Convention has considerably contributed to increasing the awareness of the need for legal protection of these biotopes not only in order to further the conservation of waterfowl but also because wetlands generally play an important ecological role'. Koester shares this opinion, and by that seems to suggest that the very presence of a convention is already having an effect on the possibilities to achieve results. He adds to that, as a personal remark, that he likes the 'culture' of Ramsar: a straightforward, step-by-step, pragmatic approach which has enabled the Convention to develop into an influential global instrument in spite of its meagre content.

But, Koester also had a mixed pleasure of chairing the COP in 1999 where the first real voting in the history of the Convention took place, using all the provisions in the rules of procedure about voting, inter alia whether to vote, how to vote, roll call, secret ballots etc. This was a mixed pleasure – he states, not because of the voting itself, after all, voting is very democratic – but because that voting probably signified the start of a politicising of the Ramsar Convention, which Koester is sure will not benefit wetlands in the long run.

2.2.4 CITES

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)[43] is an international agreement between Governments. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival.

Widespread information nowadays about the endangered status of many prominent species, such as the tiger and elephants, might make the need for such a convention seem obvious. But at the time when the ideas for CITES were first formed, in the 1960s, international discussion of the regulation of wildlife trade for conservation purposes was something relatively new. With hindsight, the need for CITES is clear. Annually, international wildlife trade is estimated to be worth billions of dollars and to include hundreds of millions of plant and animal specimens. The trade is diverse, ranging from live animals and plants to a vast array of wildlife products derived from them, including food products, exotic leather goods, wooden

[43] see www.cites.org

musical instruments, timber, tourist curios and medicines. Levels of exploitation of some animal and plant species are high and the trade in them, together with other factors, such as habitat loss, is capable of heavily depleting their populations and even bringing some species close to extinction. Many wildlife species in trade are not endangered, but the existence of an agreement to ensure the sustainability of the trade is important in order to safeguard these resources for the future.

Because the trade in wild animals and plants crosses borders between countries, the effort to regulate it requires international cooperation to safeguard certain species from over-exploitation. CITES was conceived in the spirit of such cooperation. Today, it accords varying degrees of protection to more than 30,000 species of animals and plants, whether they are traded as live specimens, fur coats or dried herbs.

CITES was drafted as a result of a resolution adopted in 1963 at a meeting of members of IUCN (The World Conservation Union). The text of the Convention was finally agreed at a meeting of representatives of 80 countries in Washington DC., United States of America, on 3 March 1973, and on 1 July 1975 CITES entered in force.

CITES is an international agreement to which States (countries) adhere voluntarily. States that have agreed to be bound by the Convention ('joined' CITES) are known as Parties. Although CITES is legally binding on the Parties – in other words they have to implement the Convention – it does not take the place of national laws. Rather it provides a framework to be respected by each Party, which has to adopt its own domestic legislation to ensure that CITES is implemented at the national level. For many years CITES has been among the conservation agreements with the largest membership, with now 167 Parties.

Koester's reflection on the convention

According to Koester (2001), Birnie and Boyle (199x) do not hide the weaknesses of CITES, nor the diverging opinions on its philosophy and approach. However, they conclude that CITES provides 'a highly practical mechanism incorporating a structure designed to deal with a complex international situation which attempts to balance legitimate trade interests in renewable resources with the need to protect endangered species'. Koester also refers to Kiss and Shelton (199x), and their opinion that the Convention as a whole 'functions well' and that 'COP interpretations have narrowed exceptions while allowing flexibility to accommodate short term special needs'. But they also refer to problems and disagreements about the effectiveness of trade bans, pointing at the same time to the fact that CITES 'is not a general nature protection agreement, but only one component of many international measures assisting in the conservation of biological diversity'. On the other hand, as Koester pointed out by quoting Guruswamy and Hendricks (199x), the overall picture is that 'the CITES regime has performed well given its limited resources and broad scope'. Koester also finds support for this conclusion in Ebbesson (199x), 'it is difficult to assess the effectiveness of the Convention from the point of view of environmental protection but the work within the framework of CITES is generally considered to be relatively successful and efficient compared to other global conventions dealing with protection of species'. Koester's impression is further that 'it is extremely difficult to dismiss CITES with only a few observations of a personal nature because so much could be said about it. CITES is a fascinating convention, also speaking strictly in legal terms, and there is no doubt that from a legal point of view it functions well in many respects. COP decisions, which are generally implemented and complied with, have permitted CITES both to overcome legal problems and to adapt to new concepts such as 'sustainable development'. Koester sees a CITES COP as a big market or emporium: 'The COP has its distinct culture – brash and direct; a certain – normally a huge – number of proposals. Parties negotiate and either they achieve a compromise or they do not. If not, the proponent will

either withdraw the proposal or ask for a vote. And if a vote is called for the proposal might either be rejected or adopted. And that's it. There is no animosity, no bad feelings. It is quite straightforward.'

A far more implementation directed and critical voice came at the Cites COP13 panel discussion side event[44]. It was stated that one of the biggest challenges had to do with co-operation on enforcement. The point of departure was that 'as CITES evolves and more is learnt about its implementation, one problem is clear – CITES enforcement is significantly undermined by a lack of enforcement co-operation at the national, regional and international levels.'. The discussion continued by stating that 'ultimately, this chronic problem is prevalent because the high-level decision-makers, who instruct and equip the agencies responsible, are either not aware or are not concerned about the importance of co-operation for CITES enforcement.' This was clearly not unique for CITES: 'co-operation on enforcement for a range of environmental treaties and initiatives is also deemed low priority by governments. In fact, CITES is perhaps viewed as a lower priority than many other environmental concerns. It is critical that CITES enforcement is maintained as a priority.'

The discussion pictured the implementation as rather troublesome: 'In recent years, a series of CITES dialogue meetings, workshops and capacity-building initiatives have found, through needs assessment and discussion, that underpinning problems impeding effective CITES enforcement are poor co-operation, co-ordination and communication between agencies.' Furthermore, as stated in the proceedings, many of these discussions have emphasised strongly that the primary way to achieve change is to motivate political will to allocate resources, empower relevant agencies and develop policy and practical initiatives for co-operation. The agencies that implement and enforce CITES, IGOs, NGOs and interested stakeholders need to work out how to motivate political will, and ensure that the vital components of inter-agency co-operation are functioning for effective enforcement.

The objective of the panel discussion event at CITES CoP13 was to explore the answers - and actions - that might be taken to motivate that political will to meet the challenge ahead.

2.2.5 CBD

The Convention on Biological Diversity (CBD)[45] was established in June 1992. Its objective is to ensure the conservation of Biological Diversity and the sustainable use of its components. The Convention also works to promote a fair and equitable sharing of the benefits arising out of the utilisation of genetic resources. The Convention entered into force in December 1993 and by April 1998, 173 parties had signed up to the Convention, with 12 signatories yet to ratify the agreement. There are no protocols to the Convention to date, although at the second Conference of the Parties (COP-2), in November 1995, processes were initiated to develop a protocol on biosafety. The objective of this draft protocol is to minimise the potential risks posed by living modified organisms resulting from modern bio-technology. The scope of the agreement will cover the transboundary movement and transfer of these organisms and will address both accidental and trade releases. An open-ended working group had been established with the aim to develop the protocol to a state of completion by 1998.

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[44] CITES COP13 discussion side event: Motivating Inter-Agency Co-operation on CITES Enforcement, Bangkok, Thailand, October 2-14th 2004, hosted by the UK CITES Management Authority, in collaboration with Traffic and WWF.

[45] See http://www.earthsummit2002.org

However, the last meeting so far, held in February 1998 in Cartagena, Columbia, failed to come to an agreement about the protocol.

Due to the cross-sectoral nature of the issues relating to biodiversity, the CBD has close relationships with a number of other UN Conventions. The COP has also requested that other Conventions work programmes collaborate in order to integrate biodiversity. These other UN agencies include the UN Conventions on Climate Change, desertification, and intergovernmental organisations such as the FAO and UNESCO. This has resulted in memoranda of co-operation being signed on prescribed matters between respective secretariats.

Obligations and Follow-Up Parties to the Convention are contracted to undertake the following provisions:

- to develop national strategies for the conservation and sustainable use of biological diversity
- to integrate the conservation and sustainable use of bio-diversity in to sectoral and cross-sectoral programmes and policies
- to identify and monitor components of its bio-diversity important of its conservation and sustainable use
- to identify activities likely to have a significant adverse impacts on the conservation of bio-diversity
- to integrate considerations of the sustainable use and conservation of biodiversity into national decision making
- to introduce the requirement of environmental impact assessment to proposed projects likely to adversely effect bio-diversity
- and to adopt economic, social and scientific measures necessary to ensure conservation of biodiversity.

Koester's reflection on the convention

With the CBD, conservation of biological diversity for the first time is seen as a common concern of humankind. Koester (2001) sees it as the most important convention, since it has 180 Contracting Parties and is likely to become the principal framework within which the development and implementation of rules on biodiversity conservation will occur. He sees the Convention as 'particularly important because it is global, adopts an ecosystem approach, and introduces on a broad basis the linkage between conservation and financial resources'. One of the off-springs of the CBD is the foundation of a legal regime for biotechnology, resulting in the Cartagena Biosafety Protocol, the first global environmental instrument in the new millennium. According to Koester (2001), it is due to the CBD that Denmark has, as probably the first industrialised country, made it an obligation to inform on patent applications in the field of biotechnology about the origin of the raw material used for the innovations. CBD offers possibilities to put trade in an ecological context,
and make use of tools like Environment Impact Assessment (EIA) in a global convention.

Koester, seeking support in Ebbesson (199x), notes that the legal obligations are not particularly concrete but that the convention 'does offer a number of instruments for the conservation of species and is establishing principles for the future work giving the convention a process-oriented character. In this way it will be possible to develop protocols and legal principles with regard to a number of legal issues…, inter alia the utilisation and conservation of biological diversity and sharing of benefits arising from the exploitation of genetic resources'. Koester also follows Guruswamy and Hendricks, where they refer to the great deal of criticism the CBD has received 'for its lack of substantive provisions, and because its most general obligations contain heavily qualified language'. But they also note that others have

defended the CBD, referring to 'its resolution of long-standing problems such as access to biological resources' and 'the forward-looking nature of the framework approach in setting the stage for future solutions among political difficulties'. Their conclusion is that over time the CBD may function as a type of 'umbrella' convention – the proverbial 'gleam in the eye' of the UNEP Governing Council back in 1987 – eliminating inefficient jurisdictional overlap and filling perceived gaps'. Koester's own personal conclusion is short and clear: 'To summarise very briefly: I like the CBD very much'.

2.3 Reflections on International Conventions and Implementation

Window dressing or mobilizing a new agenda?

One of the core set of problems concerning the protection of the biodiversity arises from the fact that decisions that govern production, trade, and investment often pay inadequate attention to protecting the environment and human needs. In effect, most development is not yet sustainable. That is in general a major source of mistrust in international agreements. Many consider the agreements to be window-dressing and not trustworthy deals.

Nevertheless, something seems to be happening by the sheer force of the conventions. As the World Resources points out, the international system has demonstrated that it can mobilize scientific and legal talent to expand understanding of environmental issues and build an impressive body of international environmental law. UNEP has made major contributions to international environmental law, playing an important role in developing such legal regimes as the Montreal Protocol, the Convention on Biological Diversity, and the Convention to Combat Desertification. At the national level, it has helped more than 100 nations develop environmental legislation and institutions (Nagai 2003). IUCN also has an impressive track record in drafting and promoting national and international environmental legislation (Holdgate 1999:244). IUCN has helped over 75 countries prepare and implement national conservation strategies (UNEP 2002a:9–10) and participated in the drafting of the Convention on International Trade in Endangered Species, the Convention on Biological Diversity, and other major treaties.

Regarding the weaknesses and thereby the challenges, the World Resources 2002-2004 (2003) (see footnote 8) states that one set of weaknesses stems from the virtual impossibility of coordinating such a complex set of actors to act in synchrony all the time. Negotiations and priority setting processes are still poorly developed. The results are gaps in international policy, fragmentation of effort, and sometimes competing or incoherent decision-making structures (UNEP 2001a:19). International policy has all too often focused on sectoral approaches: For example, separate approaches to land degradation, forest policies, and water management, often by different agencies, even though the three areas are intimately related (clearing of forests is a major contributor to erosion, flooding, and water quality problems). Ecosystem approaches, like those reflected in the Convention on Biological Diversity, overlap with sector approaches and, in some areas, with those focused on species, such as the Convention on International Trade in Endangered Species (CITES).

UNEP, according to The World Resources, is in theory the lead agency for policy coordination, but in practice it has a mandate that overlaps with those of a dozen other UN agencies. It has neither real authority to set the agenda nor resources to play a major role across the full range of environmental issues. Consultation and coordination efforts are on the increase, but in practice, each international organization tends to make its decisions independently, guided

by the wishes of the national governments that are most influential on its council or governing board. The result, all too often, is fragmentation and inconsistency. As the UNEP-convened review concluded, the absence of coordination "seriously undermines the formulation of a strategic approach" (UNEP 2001a:20).

In many ways, The World Resources continues, these international problems mirror patterns at the national level. There, too, sectoral approaches dominate, and mechanisms for cooperation and coordination among different government agencies are often ineffective.
Momtaz (1996) writes that during the last few decades, international environmental law has experienced a spectacular expansion, given tangible form by a flowering of conventions controlling the majority of human activities harmful to the environment and, more specifically, of the harmful and destructive effects of long-distance atmospheric pollution. Boisvert and Vivien in 2005 write that ten years after the Rio Conference, this tentative convention is far from settled. He proceeds to say that the prospects opened by biotechnologies have surely been overestimated. Moreover there is competition among the bodies and negotiating arenas turning on intellectual property rights. They mention that other authors like Hourcade et al., (1992) have shown that decisions that have finally been made might be completely out of touch with the problems as it had initially been formulated.

Cooperation and capacity building: synergies possible?
Klaus Topfer (2000), the executive director of the United Nations Environmental Programme, points out that we have a range of separately developed international agreements and although these agreements address different aspects of the biodiversity issue, he also points that there is a clear risk of duplication. Topfer sees three areas that we could focus on to improve collaboration: (1) more research into overlaps and synergies, (2) improved coordination at the national level, and (3) improved coordination at the international level. Greater synergy and better policy coordination amongst biodiversity treaties will provide both administrative efficiencies and environmental benefits. Moran et al. (1996) mentions that there is no single correct method for setting biodiversity conservation priorities, but there is scope for developing a harmonized methodology. He proceeds to point out that there is a clear need for a cross-disciplinary research.

With regard to the capacity building, it is important to note that environmental ministries often have smaller budgets and weaker political voices than, for example, those that directly manage productive natural resources such as agriculture or determine economic policy-in developing and developed countries alike. And since it is predominately environment ministers who sit on UNEP's Governing Council, agriculture or forest ministers who have the greatest influence on FAO, and economic or finance ministers who talk to the World Bank, it is not surprising that policy gaps at the national level are repeated or reflected in the international system: In effect, it is fragmentation by design.

Another set of problems, as formulated by the World Resources, concerns weak support for existing institutions and oversight mechanisms. UNEP, for example, is financed mostly by voluntary contributions from UN member states. Participation fell substantially in the late 1990s-from 73 contributors in 1998 to 56 in 2000-but has since risen again (Cheatle 2003). At the same time, contributors have increasingly earmarked their money for special projects, reducing the agency's budgetary discretion. The result has been uncertainty and a reduced ability to plan and carry out core activities. Effective budgets for many UN agencies and the World Bank have also shrunk-even though budgets for environment-related activities at UNDP and the World Bank, for example, still dwarf that at UNEP. "Competing for scarce funds and political commitment, existing institutions are frequently torn between competing priorities…

There continues to be a lack of financial resources for international environmental cooperation" (UNEP 2001a:20)

One aspect of the problem of integrating biodiversity policy into other policies also manifests itself within agencies committed to sustainable development, such as UNDP and the World Bank. Both organizations have attempted to integrate environmental concerns into all of their development efforts-an approach known as "mainstreaming." At the World Bank, for example, the portfolio of projects directly focused on the environment is substantial, valued at some $5 billion in 2000 (UNEP 2001a:21)

But beyond these explicitly environmental projects, the World Bank has met with more limited success mainstreaming environmental considerations into its loan portfolio. According to a recent analysis of the Bank's mainstreaming performance conducted by the Bank itself, there is still considerable ambivalence about incorporating environmental considerations into its lending (Liebenthal 2002:11). This reflects a lack of incentive and clear direction to make the environment a core consideration, as well as a lack of accountability for doing so. In the report's words, "The environment has too often been viewed as a luxury that can wait rather than a central part of the Bank's development strategy" (Liebenthal 2002:23). Again, these problems in the international system reflect a similar lack of integration of environment into broader economic decision-making at national levels

One of the great achievements has been in monitoring and analyzing environmental trends and assembling the data and information on which policy-making relies. UNEP has played a key role in these activities, publishing a long list of technical reports, atlases, and other specialized compendia, and its Global Environment Outlook report offers a broad overview of environmental conditions and trends. FAO has been a primary source of data and analysis on agriculture, fisheries, and forest trends. IUCN regularly publishes the Red Data Books—authoritative lists of threatened plant and animal species that inform much conservation policy at the national and international levels

But, communication is more than spreading information. The Global Environment Outlook (2001:191) states that governments still take inconsistent, even contradictory, positions at meetings of different bodies. Delegates to trade negotiations might not be aware of CBD outcomes, or the other way around. This can partly reflect imperfections in the information and coordination structure, but it can also mirror disagreements within one government.
Also the internal communication between national institutions and international delegates might reflect such problems.

But the question is also whether the communication processes around international conventions has been sufficiently oriented towards influencing perceptions. CBD seems to have developed considerable institutional powers around exchange of information and technical and scientific cooperation, for instance by the clearing-house mechanism. More attention could be paid to negotiating powers and perception building powers. At the top-level, there is for instance the Commission on Sustainable Development, since 1992, as a tool to follow up Earth Summit agreements. At regional and national level, there are still room for improvements.

2.4 Conclusion

The achievements of global biodiversity treaties seem to be surprisingly rich. According to the World Resources 2002-2004 (2003) [46], the past 40 years has delivered a clear achievement through the increased public concern and government attention to environmental issues at all levels. The diversity of agencies and agendas has meant programs and policy voices at an international level that respond to many concerns and touch many economic sectors. Diversity can thus be strength and a source of resilience, in political and biological ecosystems alike.

The global conventions are tools for policy development and learning rather than fixed entities. One of the main tasks will be to integrate trade conventions with biodiversity conventions. This should be viewed as a priority issue the coming years.

It should be noted that a considerable amount of the success achieved has been on issues of building up institutional frameworks and monitoring progress. The CBD acknowledges this feature of the progress and this concern has found its way into the strategic 2010 CBD goals. Annex four provides the reader with an overview, but here it is of importance to highlight a striking trend in the CBD target setting for 2010. Most of the targets are geared up to promoting and up-grading of capacity for implementation and building partnerships. Key actors and stakeholders, not only public but also private ones, must be engaged in partnerships to implement the convention. By that, there will be a better understanding of the importance of biodiversity and how results can be reached. The CBD states that more investments in communication, education and public awareness strategies must be a vehicle to this development. Eventually this will also lead to broader engagement across society, at the international, national, regional and local level. Biodiversity concerns will then be better integrated into relevant sectoral and cross-sectoral plans, programmes and policies.

[46] Source: 2003. World Resources 2002-2004: Decisions for the Earth: Balance, voice, and power. United Nations Development Programme, United Nations Environment Programme, World Bank, World Resources Institute.

3 Governance of biodiversity in the Netherlands

3.1 Introduction

The core of the present policy in the Netherlands was founded in the Nature Policy Plan from 1990. The single most important issue for action within the Netherlands was the introduction of a National Ecological Network ('Ecologische Hoofd Structuur, EHS'). The ambitious plan entered the policy-arena in a period when nature and environment received a fare amount of attention on the agenda, as it entered just three years after the Brundtland Commission and during the CBD preparations. Since then, the Netherlands has worked hard on the development and implementation, at various levels, of new policies. This chapter focuses primarily on the efforts made to meet the ambitious 2010 target. Section 3.2 start with an short overview of the evolution of the policy in the Netherlands, included the action program Sustainable Decisiveness (Duurzame Daadkracht) initiated in 2002, and a program published in 2003, and the CBD instrument Clearing-House Mechanism. Then the analysis turn to the International Biodiversity Policy Program (BBI) from 2002, and the project 'Transition Biodiversity', which started in 2002. One section is also devoted to the Dutch evaluation of the Malahide Message and the implementation in the Netherlands. Then, a section contains an analysis of the vital relationship of the national policy versus the regional level. In section 3.3, we turn to a more conceptual analysis of the empirical findings.

3.2 National level

3.2.1 The evolution of national biodiversity policy

The policies with regard to nature and biodiversity have developed rapidly in the Netherlands the last years. At least, many initiatives and programs have been released. As a start, one could argue that since the appearance of the National Policy Program on Nature in 1990, an institutional framework of the nature and biodiversity policies has been built-up and institutionalized. This is one of the most important successes of the Netherlands: Policy programs, guidelines, laws, organizations and even viable networks are set up. And although it is all permanently questioned, discussed and changed, the basic frame and goals are agreed upon. In the Netherlands, the National Ecological Network is of paramount importance for the survival of species. But the Ecological Network is a frame, strongly influenced by a large variety of trends and patterns. In addition, biodiversity is not limited to the Ecological Network alone. The following bullets illustrate a few trends:

- When National Ecological Network is finished in 2018, it will include all the national parks, wetlands, production forests and some agricultural sites. More than 700.000 hectare will be part of the network.
- Since September 2005, a National Register of Species was available to the public in the Netherlands. At February 1st, 2006, 30 638 different species were officially registered in the Netherlands (www.nederlandsesoorten.nl)
- Since 2000, ten new National Parks have been installed in the Netherlands.

One of the interesting changes the last years was the new National Policy Plan for Nature in 2000. It was not so much the plan itself, but rather the unprecedented and plain statement that cooperation and partnerships were crucial to reach results. Critics pointed out that the plan did not contain details in terms of an action plan for more cooperation and partnerships.

Instead, the plan revealed detailed plans for the content of nature conservation and development. Because of that, to many the plan did not give raise to strong confidence in the intentions. Since then, though, many other policy initiatives have been launched, as we will report on here.

Joint partnerships - Sustainable Decisiveness

Many of the ministries have become involved with the subject biodiversity in the Netherlands. The Ministry of Housing, Spatial Planning and Environment is involved at many levels, for instance through the Fourth National Environmental Plan of 2001. The Ministry of Foreign Affairs and Development Cooperation is in charge of development cooperation and European cooperation, but is also in charge of the project Transition Biodiversity. The Ministry of Agriculture, Nature and Food Quality has its Nature Policy Plan, next to issues such as sustainable agriculture and rural planning. This ministry is also the chair of the International Policy Program Biodiversity. All these ministries are involved in the International Policy Program on Biodiversity as well as the project "Transition Biodiversity".

The action program Sustainable Decisiveness (Duurzame Daadkracht, 2003) is a way of providing an overview of the Dutch follow-up of the World Summit in Johannesburg. It contains a large number of actions and programs, with descriptions of many policy areas, including those analyzed here. One of the most important aspects is the strategic aim of the document. In the progress report in 2004 (Sustainable Decisiveness, 2004:7) it is stated that 'governance' is the leading steering strategy, and that sustainable development is the target for the policy content. The document states explicitly that the ministries are too much 'their own boss' [47] (idem:25). More joint action and cooperation is needed, in order to produce integrated policies.

The International Biodiversity Policy Program is since 2002 functioning as the integrating frame for all the six ministries working on biodiversity. Through this program, the ministries have bundled their goals and their means. At the same time, the program has been the basis for a renewal of cooperation between the central government and non-governmental organizations. Improved communication has been the leading principle. The project 'Transition Biodiversity' is another tool for a more actor-oriented approach. Both of these will be scrutinized in the following sections. These are in many ways the Netherlands's contribution to the CBD and the Millennium Development Goal 7[48]. We start however with an outline of yet another tool for implementing the CBD, the Clearing-House Mechanism.

The Clearing-House Mechanism

The Clearing-House Mechanism has been developed in cooperation with other countries as a way of implementing the CBD. It is first and foremost a communication instrument. The term 'clearing-house' was originally a financial instrument where checks and bills are exchanged among member banks, so that only the net balances need to be settled in cash. Today, the meaning has been extended to include any agency that brings together seekers and providers of goods, services and information, matching demand with supply. With regard to biodiversity, the clearing-house mechanism is explicitly introduced as a way of feeding the CBD implementation.[49] From the start the partners realized that scientific knowledge and technological know-how have a vital role to play. But, expertise in managing information and technology varies enormously from country to country. That is why the CBD established a

[47] The Dutch term is 'verkokering'.

[48] See the letter from the minister of Agriculture, Nature and Food Quality to the Parliament, 19th of August 2004)

[49] See www.biodiv.org/chm/default.aspx

Clearing-House Mechanism to ensure that all governments have access to the information and technologies they need for their work on biodiversity. The Clearing-House is coordinated by the Executive Secretary and guided by an Informal Advisory Committee (IAC). In addition, a network of Focal Points for the mechanism is being established to address matters related to scientific and technical cooperation. At the website (footnote 15) the question is posed whether it is not necessary to strengthen these focal points. It is suggested that building a network of non-governmental organizations and other institutions working on biodiversity could contribute to this goal. Also establishing national, regional, subregional and thematic Clearing-House Focal Points could contribute.

3.2.2 The International Biodiversity Policy Program (BBI)

The BBI was launched in 2002 and contains the main plan of the Netherlands to implement the CBD. The minister of Agriculture, Nature and Food Quality explains in a letter to parliament on August 19th 2004[50] that the plan was followed up by a broad process of consultations on how to cooperate and implement the plan. The minister also explained that the large variety of theme's and targets were to be seen as a part of three main subjects: ecological networks, sustainable use of (agro)biodiversity, and diminishing negative effects of activities by the Netherlands at large. One of the crucial items is to include nature within larger regional developments. In the plan, as at a conference in 2003, in The Hague, the government emphasized the strategic notion that the policy plan could not be implemented only by the government itself. Other actors are indispensable.

The interdepartmental relations around the International Biodiversity Policy Program

One of the major questions concerning biodiversity is whether the subject as a policy item is having effect on sectors and government bodies involved with other sectors than nature. According to respondents at the ministry of Nature, an evaluation of the strategic plan in 1998 showed serious shortcomings in these matters. The renewed partnership-approach of the last 3-4 years was partly designed to put up a more integrated way of working. That is way the ministries now work together in a platform. But the functioning of the interdepartmental relations is still not operating very well. This is not due to interpersonal aspects, like the will of individuals to perform together. The respondents at the ministries are clear about that. On the contrary, at the operational level, the relations are very good. The work is divided into a number of working groups (see list of thematic meetings). These working groups are producing concrete and measurable targets (SMART) and up until halfway 2005 more than 400 have been made. These targets will continuously be sharpened by the priorities from the COP's. The problem is that however ambitious the targets are, the line of working does not seem to lead to very far reaching obligations among the participants. As for a start, a widely held view among the respondents is that the leadership might be too much in the hands of just a few persons. Important in these first years, at least up until 2005, was the leading role of the Ministry of Nature. The signal from various ministries, including the ministry of Nature itself, is that the role of Nature has become too dominant. This is an obstacle to better coordination and is not stimulating joint efforts. The Ministry of Nature is not against a shared burden on this point, but no initiatives have been taken to improve the situation. This problem is part of a more general concern for the quality of interdepartmental relations. Strong interdepartmental relations could prevent biodiversity from being too much 'stuck' within the 'green issues'. The argument behind is mainly two-folded: firstly, all of the relevant ministries must be deeply engaged in the matter of cooperation. A mutual effort is necessary in order to produce results. Secondly, biodiversity is strongly connected to other policy areas apart from

[50] Second Chamber, 2003-2004, 28 450, nr.3.

'nature'. Economics and spatial planning mainly set the pace for the protection of species. A related issue is that the ministries present their activities under their own flag. This is clearly not stimulating cooperation at all. In this way, it is often unclear whether supposedly joint activities actually are products of cooperation.

The respondents from the Ministry of Agriculture, Nature and Food Quality emphasize that shortage of manpower also hampering the implementation, and not a lack of meeting facilities in terms of coordination groups. At least, this is the case in the beginning of 2006. At the same time, the directly involved manpower must also be used to develop support inside the ministry. The trend on the internal support is nevertheless positive, the respondents claim. But the bottom line is that the way of working is very time-consuming, because it is very horizontal oriented, and it takes time to convince and to mobilize.

Network relations around the International Biodiversity Policy Program

One of the ways to shape up the implementation of the BBI conference was to organize a number of workshops, on different subjects: ecological networks, forests, water, agrobiodiversity, deserts, knowledge, education and information. There was also a general workshop around the BBI-program, held in April 2003[51]. And the report of the workshop provides valuable insight into the network relations. The workshop was organized to put the program firmly on the agenda. The more than 150 participants came from a wide range of the policy community: ministries, businesses, NGO's and research. Despite the broad participation, local and regional governmental bodies were curiously enough absent. It is understandable that, during the initial speeches, the making of the program was highly praised. The Director of the Department of Nature, however, also used the opportunity to express his concerns about the position of nature on the political and policy agenda. The main concerns expressed by the group discussing the core features of the implementation of the program were less general, and were summed up in the report from the workshop (2003:15). The group stated that the biodiversity approach is seen too much as a 'technical problem', merely a question of finding the right solutions. Instead, it is also a broader societal problem and this is still not sufficiently recognized in the program. Education and information are therefore not fully appreciated. Another point was that the program lacks focus, it is too broad, there is no link to other actors, or how to deal with biodiversity at regional and sectoral levels. The third point was that the program needed an additional chapter on the implementation itself. Performance indicators could be one way to go. But also more focus on the division of responsibilities within the government is needed, according to the group. In short, there is more to be done.

[51] See the report from the workshop, Ministry of Agriculture, Nature and Food Quality, International Biodiversity Policy Program, April 15th 2003 (verslag van de workshop, Beleidsprogramma Biodiversiteit Internationaal, , 15 april 2003).

Table 3.1: Overview of opinions on the BBI program (chronologically listed)

Participant	Type of actor	Opinion
Unilever	Food business, multi-national	Biodiversity is in the BBI presented too much as a technical problem, but it is a societal and emotional problem as well. Problems are also not sufficiently adressed to anyone in particular: Responsibilities are unclear, and leadership is lacking. A part of the solution should be to give biodiversity a central role in education, and another is adressing the problems in a concrete way.
WWF	NGO Nature	WWF is impressed by the range of issues in the BBI, but the actions are not properly addressed. Every action should be accomplished with the name of an organization responsible for the results. WWF recognized many of their own actions.
Naturalis	National Museum of Natural History	Also Naturalis recognizes many of its own subjects, that are being implemented by Naturalis. In general, Naturalis finds the link between program and action to be too vague.
Ministry of Agriculture, Nature and (then)Fishery	Central government	It is hard to address some of the problems. Initiating and addressing research is a easier task. The 'social' side of biodiversity research is harder to address.
Unilever	Food business, multi-national	The Ministry of Education, Culture and Science is not a part of the program. That is not good.
IAC	The Netherlands clearing house for Agricultural Research & Development: capacity building and training	IAC has been building biodiversity into trainings and educational programs. The missing link is sufficient capacity.
Ministry of Education, Culture and Science	Central government	The science policy of the Netherlands contains substantial attention to biodiversity themes.
Unilever	Food business, multi-national	(reacting on the ministry) This means that except for the science policy there is not enough attention to biodiversity. This calls for action, like a public campaign or teaching program.
Profound	Business (Professional Pile Testing Equipment and Geotechnical Monitoring systems)	The program contains many good intentions. But it gets stuck at intentions. Who are the actors? Where are you looking for cooperation/partnerships? Profound is doing just that: we work on sectoral themes, chain related work, sustainable trade, and the creation of partnerships in general.
Shell	Business (global player energy)	Make the plans more concrete. Add performance indicators, like the business community is used to do. Make them accountable. Too many plans in the program. More focus needed. The money is not effectively spent. Shell also argue for more partnerships. Money is not the problem. A translation of the program into the language of international business is needed, now it is the language of the civil servants. Include business in the proces of making things clear.

Participant	Type of actor	Opinion
Ministry of Agriculture, Nature and Fishery	Central government	(reacting on Shell): At the moment, this is an interdepartemental task. But it is an internal governmental affair at this point.
Many reactions at once	In general	Include the business community and the NGO's in that work!
Friends of Earth International	NGO (Nature and Environment)	The program is impressive, but not binding. Agrees with Unilever that biodiversity should be included in education. Will also participate, but on an independent basis. The government should also be independent, now there are increasing interdependencies between government and business. But partnerships must be binding, based on clear deals. Commitment is important.
Tourist-business representative	Business	He heard the Director of Nature at the ministry talk about a World wide Ecological Network, and the Protection of Species. That is clear language. Easy to understand, not like the program. More of that kind of language and the touristic sector would very much like to participate. The program is now too complicated. Make it concrete, per sector, per region, and per species.
Naturalis	National Museum of Natural History	Add to that a communication track, in order to support and to make the program more simple.
Fair Nature	NGO (Nature and Youth)	BBI is a good program. You can add education and teaching. The question is then how to asses the effects?
Friends of Earth International	NGO (Nature and Environment)	Who is deciding the priorities? Do we do that? Or the countries in question? A bottom-up proces is favourable, where the people at stake decide the priorities.
Staatsbosbeheer	State Agency on Forestry and Nature	BBI is a typical product of the Netherlands. We tell them how to act, the people in other countries. But we fail to do the same at home. Staatsbosbeheer is doing a lot in the Netherlands and abroad. We want to contribute to this program as well.
NN	Unknown	A system for measuring sustainability is needed. The program is a test, and the start is a proces of trial and error. Focus on the long term is of vital importance.
Shell	Business (global player energy)	At the end of the year, a document should be ready with concrete measueres on performance indicators and suchlike.

Table 3.1 provides an overview of opinions expressed by a variety of participants on the subject of how biodiversity is presented in the BBI program. This overview gives us an impression of the field of forces around the program. There are clearly many messages to policy officials from the various actors. The question of what has been 'done' to these recommendations is therefore relevant. At this point, it is important to note that the goal of the network meeting is also to share views and exchange opinion, not only make implementable policy suggestion. Nevertheless, the interviews at the Ministry of Agriculture, Nature and Food Quality show that it is difficult for a ministry to operate like this within networks. One reason is that there are many policy suggestions to note at a meeting, but the ministry is not used to or well equipped to deal with these kinds of arrangements. The Nature department is strong on policy content and the negotiations of policy goals, but it does not have natural partners or networks among other societal actors. The Nature department consider that a task for the department of Industry and Trade, at the same ministry. This department is strong on building

partnerships, and it does have the right connections, but it does not have sufficient knowledge or decision-making competence on matters of nature and biodiversity. At present, there are apparently few incentives for an institutional renewal of this situation, because nothing really has yet been done with the recommendations. But, according to the respondents, this is partly a question of theme's that need to mature over time.

At another workshop in July 2005, sixty representatives from business, nature organizations, science and government discussed the implementation of the BBI again, and the prime focus was on corporate responsibility.[52] The discussion was again largely focused on how to stimulate partnerships and impulses for the BBI. The Director-General of the Ministry of Agriculture, Nature and Food Quality stated that the government could not do without NGO's. Bird-Life International in the Netherlands stated that the process of forming partnerships is hampered by the fact that mainly 'green actors' is showing up, and the government is not taking any position and is not making any decisive move. Bird-Life would like the Ministry of Economic Affairs and Agriculture Nature and Food Quality to take the lead. At this point, there is no commitment, Bird-Life concluded. Also the VBDO[53], The Dutch Association for Sustainable Development, also called for a more compelling government, one that also set a good example. That is not the case now, according to the VBDO. One challenge concerns chain management. Business also needs to work on the awareness around these issues. VROM added a point to that by emphasizing the often immoderate belief in the force of the government. On this point, expectations are not matching reality. The role of the government is to inform, certify, facilitate and bring people and organizations together, VROM stated.

Concerning the role of business, IUCN warned about unmerited images following the use of terms like corporate social responsibility, but at the same time IUCN underlined the presence of many interesting initiatives. IUCN mentioned the Travel Group ANVR, the Netherlands Timber Trade Organizations[54] and the bank sector as good examples of responsible initiatives. But the IUCN also stated that the politics in the Netherlands does not take biodiversity serious. It is too complex for politics, and apparently difficult to score on the short term. IUCN also asks whether the super-departmental Ecosystem Millennium Task Force will come. Or at least a coordinating BBI-team is needed. The government should act united on these matters. IUCN concludes that the government doe its best, but the force is missing.

Despite these comments, the IUCN judge the BBI to be a fantastic document, which came after years of hard work. It cannot easily be stopped, but there is a lack of management and a lack of urgency within the government, according to IUCN: Operational leadership is needed. Also the scientist van Amstel thinks the BBI is a valuable plan. It is the most far reaching policy document on these matters in the Netherlands. But it is also too abstract and too vague to motivate. She claims that a network-organization could bring more unity in the highly fragmented state of the BBI management. And it should also be better linked to national plans. The World Wildlife Foundation points out that the BBI is full of actions but they are rarely completed with a date and a party responsible for the results. Also commitment from the top is missing, the WWF concludes.

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[52] See Ministry of Agriculture, Nature and Food Quality, BBI themamiddag, Maatschappelijk Verantwoord Ondernemen, de urgentie blijft. Impressies van de themadag, 1 juni 2005.

[53] VBDO (Vereniging Beleggers Duurzame Ontwikkeling) is an organizational stakeholder of the Global Reporting Initiative (GRI).

[54] The Netherlands Timber Trade Organizations (De Vereniging Van Nederlandse Houtondernemingen VVNH) is an umbrella organization of about 300 wholesale timber trade companies, Member of the European Timber Trade Association (Febo).

3.2.3 The project Biodiversity Transition

The project 'Biodiversity Transition' was launched in 2002 as a part of four 'transition projects' designed to bring more life into the persistent problems of sustainability. The others were Energy, Agriculture and Transport.

A conference called the Second Floor: Partnerships with Sense (De Tweede Verdieping: Partnerschappen met betekenis), contained a presentation and discussion of the progress of (mainly) the biodiversity and energy transitions in December 2995.[55] Van Leenders, the manager of the transition biodiversity, called her presentation 'smart steering', and she reports of a process she classified as rather unruly[56]. The transition project was brought in under the ministry of (Foreign Affairs and) Development. When she started, halfway through 2004, the first task was to create a strategy and an approach. She had the support of one other colleague. The stage of creating an arena for the transition was a past station at the time. It was then decided to hook up to the existing transition theory, which led to an approach with the following features:

- developing a long term strategy and short term activities to match;
- include relevant actors from a variety of groups;
- work on solutions at different scales
- project it all on sustainable development.

Due to the limited capacity (2 full-timers) en the observation that the outside world was not particularly charmed by the transition theory, they joined in on something they judged to be the 'external dynamics'. They chose to work with and facilitate existing initiatives. One of the core initiatives was the destructive consequences of fishing. A small group of actors quickly formulated a long-term view, with the fear of an empty sea in a world still in need of fish protein, as guiding principle. The group consisted of Greenpeace, Fair Food, Nutreco, Unilever, the Ministry of Agriculture, Nature and Food Quality, and scientists. For the short term they formulated three focus themes: the wild catch, fish cultivation and marine protected area's (where fish are left in peace). The first and last theme fell of because they were already 'taken care of' by many others, but within the second theme they found an interesting dilemma to work on: Nutreco, the largest salmon cultivator in the world at that time, wanted to work with sustainability as a leading principle, but the suppliers did not, among others anchovy and fish meal from Peru. The fish factoring industry, according to Van Leenders, is the biggest bottle-neck to sustainable fish cultivation. The example shows how uncertain and difficult the matter is. The ministry went to Peru, together with Nutreco and IUCN, and organized a conference with all relevant parties: the Ministry of Fishery, local fishing companies, World Wildlife Foundation, local NGO's, World Bank, Bird-Life International, International Fat and Oil Federation and others. Despite a series of problems, the parties stayed talking, people learned to know each others and slowly they developed trust in each other. The conference was viewed to be constructive and a new meeting is planned. They also decided to expand the discussion to Europe, at the Fish Fair in Brussels in 2006.

The example shows how important the eye-to-eye contact is for good deliberations. Van Leenders emphasises that the philosophy behind the process is of paramount importance. The lessons she wants to spread is that a transition process needs a 'underground' approach, not

[55] The meeting was held on December 13th 2005 and organized by the Competence Centrum Transitions (facilitated by D.J. Joustra). Caroline van Leenders, the transition manager from the Ministry of Foreign Affairs and Development, presented the biodiversity transition. Ewals Breunesse, the transition manager of Shell, gave an impression of how Shell operates (see chapter 4).

[56] She called it 'weerbarstig praktijk', which means unruly practise, or unruly at the practical plan, or unmanageable, refractory, according to Kramers dictionary.

immediately jump to Task-Force, or something big like that. Because then everybody wants to join in. It is better to start inconspicuous, with a small group. Later on, when something is happening, then words as Task Force, or Platform, could become useful. The choice of language is very important, Van Leenders points out. It is vital to avoid attracting too much attention in the start, and then join in on the existing dynamics. When a process is established, terms like Partnerships are welcome, because the term itself might bring support. In addition, it is vital to create some tension in the group and then start working on building trust. That allows the necessary confrontations in the beginning, from which a basic notion of the project can grow.

Van Leenders stress the point that the dynamics do not come from the government, but outside the government. Government is needed though, as a partner. But sometimes it is necessary to go 'outside' to create change 'inside'. And sustainability demands cooperation between the ministries, and this is poorly developed in the Netherlands. NGO's prefer to seek the group of directors from the three ministries of Foreign Affairs, Agriculture Nature and Food Quality and Environment, through their modest but regular consultation group, as Van Leenders called it (direceteurenoverleg). The NGO's know that their requests then immidiately will be coordinated. The main roles of the government is facilitating but also steering, creating conditions.

The interdepartmental relations around the Biodiversity Transition

As mentioned in previous section, the Ministry of Foreign Affairs and Development is the leader of the project 'Biodiversity Transition'. A choice was made for a separation between this project and the Biodiversity Policy Program BBI. One of the factors affecting the functioning of the project is that wwithin the Ministry of Foreign Affairs; a change in direction took place. Whereas the biological component used to be the guiding principle, it is now more and more the social and economic component taking that role. The organizational approach of the matter is also becoming more 'sector directed'. The effect is that the core of the ministry becomes less directly involved in biodiversity projects and instead focuses on being a facilitator, knowledge broker and financer. NGO's are now being directly paid by the ministry, and if necessary they are empowered by the ministry to produce projects.

The project 'Transition Biodiversity' forms a peculiar type of policy formation within the government. It is concerned with the long-term strategic view of how to deal with hard-core and persistent dilemma's concerning biodiversity. The long term focus is already a difficult aspect of the process. It gives the subject a rather weak position within ministries used to and often forced to deal with urgent and often politically sensitive matters. Long term biodiversity strategy seldom reaches that kind of urgency. Instead, the public servants mostly face politicians with a different and not so long term agenda. At the same time, and partly as a result of, the public servants themselves find the long term planning of biodiversity a troublesome activity (see for instance the News Letter Transitions and Sustainable Development (in Dutch), nr.18, 2005). They are not trained to perform such a task, and they are not stimulated to 'score' on this subject. The latter is part of a deeper problem concerning government; the very policy making 'machine' is not attuned to long term biodiversity strategy planning. As a result, the capacity of internal mobilization is too weak to be compensated by, say, the presence of a vast amount of knowledge. To exemplify the value of this point, we turn to the very nature of policy making and organizational processes. At every level of government public servants are held accountable for the results. In general, higher urgency and increasing importance produce more accountability. Biodiversity rarely scores high on urgency or importance. Consequently, under these circumstances, nobody will really be held accountable on the issue. Not one of the civil servants' careers is dependent on the results. Instead, the internal discussions of progress between the work floor and management will

hardly ever leave the level of exchanging views, analyzing, organizing and choosing positions. This might be a great concern for advocates of an issue that often could need strong efforts to break down barriers. This picture of the (inter)departmental relations is a general impression of the interviews.

Results of the Transition project
One of the results of the project has been a mechanism developed to improve coordination and cooperation between the ministries. That is the Coordination Point Sustainable Development and Transitions, covered by the abbreviation DO IT. This is one of the mechanisms of building bridges from the central government to regions, business community and citizens. The concrete functioning of it has not been a subject of this study, but there are some interesting results for the regional level:

- Biodiversity Does Work (September 2005). This conference contained presentations of regional biodiversity policy plans in the provinces Brabant and South-Holland.
- Agrobiodiversity Research and Examples (October 2005). The project provides an inventory of existing knowledge from the years 2003-2004.
- Instrument Map (December 2005). One of the outputs is an Instrument Map, resulting from the project Learning with Biodiversity. It is an information outlet with four instrument maps, directed towards an activity at a farming company: Natural Enemies, Soil Quality, Grass Land Composition and Cow Selection/Breeding. These are meant to be supportive for farmers in their search for sustainable solutions.
- Test Farm De Marke (December 2005). The project Learning with Biodiversity also delivered a Biodiversity Plan for the test farm De Marke.

3.2.4 The Malahide Message and the implementation in the Netherlands

Both the BBI as well as the Transition project are obviously meant to contribute to the realization of the 2010 target. The question is then what kind of progress there is made. One of the sources of information on this matter is the inventory of the state of the art regarding the implementation in the Netherlands. In December 2004 the *Expertise Centrum* of the Ministry of Agriculture, Nature and Food Quality (EC), on behalf of the director of the Nature department, carried out a quick-scan of the progress around the implementation of the Malahide Message in the Netherlands. The quick-scan was carried out by means of interviews and documents and focused on the first four sectors of the Malahide Message (see annex for the full reference of target numbers). In this section the main results are summarized.

Malahide sector one concerns the conservation and sustainable use of natural resources. With regard to the first objective: *To ensure conservation of Europe's most important wildlife habitats and species within a thriving wider environment*, the quick-scan states that most of the Natura 2000 network is completed on land, in terms of assigning areas. At the marine sites, however, a major effort is still needed, and this effort will depend on the EU-criteria. Also the management objectives for all sites are agreed upon well before 2010.
According to the quick-scan, the Natura 2000 assignments also contributes to the establishment of effectively managed, comprehensive and ecologically representative networks of protected areas at land and at sea. The integration into a global network is a different story, mainly because the integration with neighbouring countries like Germany and Belgium still is poorly developed. The Netherlands is working on the matter through the action plans of the Pan-European Biological and Landscape Diversity Strategy.

On the arrangements established which ensure adequate and guaranteed community co-financing for the Natura 2000 network, the EC concludes that there is a potential tension between Malahide, the European Commission and also the Netherlands. The point is that there is no guarantee; member states can decide that the funding is spent on other matters than biodiversity. Another point worth attention is that Malahide declares that these funds should be accessible to all those who manage Natura 2000 sites. Funds should also promote awareness raising and networking initiatives. The Netherlands support that, and can only try to make sure it will happen.

Another question is the (1.4) appropriate protection status, management and adequate financial support identified and provided to areas of biodiversity importance in parts of the EU not covered by the Habitats and Birds Directives. In the Netherlands, this is about the non-Natura 2000 areas of the National Ecological Network and the areas for meadow birds and goose outside the national Ecological Network. For both of these areas, uncertainty and effective protection is not secured. In particular this goes for the meadow bird areas.

With regard to the Malahide point 1.5; 'action plans prepared and implemented to enhance the status of those species under particular threat, with a view to establishing their favourable conservation status', the situation in the Netherlands is mixed. The EC reports that the protection will depend upon the implementation of the Multi-Year Program of Species Protection, and other regional and spatial policies. The EC expects tension between the Malahide goal and the policy in the Netherlands the coming years. There will be a discrepancy between goal and means.

Point 1.7 is about article 6 (avoidance of damages to Natura 2000 sites) of the Habitats Directive, which must be fully transposed into national legislation and planning policies, and routinely implemented; where development proposals cannot avoid damage to sites, special effort given to the adequate design and implementation of compensation measures. The legal side of this point is covered by the Nature Protection Act of 1998, the EC reports. At the same time, the EC continue, a good implementation demands a major effort of formulating working targets and workable management plans.

The Malahide target 1.8 states that it is necessary to integrate protected areas into broader landscapes and seascapes by applying the ecosystem approach, and where appropriate, developing tools for ecological connectivity, such as ecological corridors. Today, the ecosystem approach is not explicitly applied in the Netherlands. Two of the key aspects mentioned will be the integration into management plans and the relationship between the ecosystem approach and the decision making participation by the many societal sectors.
Realization of ecological corridors will become a demanding task. The corridors are built into the policy framework. But, the responsibility will now be moved to the province, and EC argues that realization has turned uncertain because the proper means are not added to the package.

Objective 2 regards the efforts to ensure that biodiversity concerns are fully recognised in the conception and implementation of community legislation and instruments in both environment and other sectors. This is about (2.1) integration of biodiversity concerns in the further development and implementation of horizontal environmental legislation and instruments ensured, in particular regarding water, soils, marine, liability, eco-labelling, Environmental Monitoring and Audit Schemes (EMAS), IPP, Precautionary Principle, Environmental Impact Assessment, Strategic Environmental Assessment, Århus, chemicals and GMOs. In the Netherlands the integration of biodiversity into the water policy will require a large effort. The same goes for the policies on groundwater, manure, soil. For the underground soil there is even no biodiversity policy at all. At present, the EU level is working on a policy initiative.

Meanwhile, many initiatives have been made, but few concrete effects have yet been reached. According to EC, the Environmental Impact Assessment (Milieu Effecten Rapportage, MER) implementation in the Netherlands should be sufficient to include biodiversity issues as well.

The above presented assessment of the state of the art in the Netherlands is a valuable tool to understand the effects of the rather complicated policy processes underlying matters of biodiversity. To a certain extent, one could argue that the assessment is not very elaborated on the point of practical implementation. The next section will therefore be devoted to provide a more detailed descriptive analysis of these matters.

3.2.5 Regional level

How national policies worked at the regional level in 2001-2002

We depart in this section from the situation approximately five years back. One of the major general problems concerning the policy related to the question of ambitions versus the means of realization. Some refer to this as the relationship between the policy and the practice. Decades of policy making had built up a huge pile of 'policy parts' constituting the main policy framework. By the turn of the century, the Netherlands faced critics from the bottom line of implementation who pointed to an almost impossible situation. The policy framework, thus, had become very rich and divers, and many, especially at the regional level, claimed it had become too fragmented and difficult to work with. By 2002, the problems where identified as follow (Selnes, 2003:30):

- Very high policy ambitions but rather limited amount of means for realization.
- A large number of rules, policy classifications and categories.
- A large number of subsidies, many of them minor in size and effect.
- A huge workload due to procedural and administrative arrangements.
- Lack of flexibility in the rules of law.
- Lack of continuity in de subsidies, finances and the framework for implementation.
- Lack of possibilities to realistically plan for the future.
- Lack of appreciation (understanding) for the position of others, and lack of insight into the relationship between the various levels of policy participants.

The main problem here is the accumulated effect of all these factors. The energy at regional level often went into meeting the growing bureaucratic demands. Reports on stagnation in implementation were too often met with more policy regulations and new policy categories (idem.). The additional problem for biodiversity was that it hardly played a role at all within this patchwork of policy. Naturally, these problems where not felt equally severe in all regions or areas, but it was nevertheless an important signal of how the policy making actually worked. The fragmented character of policy making hampered the ability for good governance, which was crucial in light of the rich diversity of regional developments. But there were more signals of how the implementation worked. The next issue is the species protection policy.

Obstacles to the Species Protection Policy

Ever since the introduction of the Nature Policy Plan in 1990, the specific policy plans regarding species got a negative image. The nature policy making was mainly directed towards the National Ecological Network, and it was first and foremost directed towards size and hectares. An active policy on species did not add value, as one government advisory board put it (RLG, 2002: 22-23). A policy on the matter was nevertheless formulated, with the Species Protection Plan (Soortenbeschermingsplan) as one of the instruments. Since 1998 this plan structure was legally anchored in the Law on Flora and Fauna. The instrument was introduced but hardly ever used. In 2003, the minister of Agriculture, Nature and Food Quality

installed a Task Force to give the species policy a boost. The Task Force (Task Force, April 28th, 2005:1) concluded that the protection measures did not cope with the loss of biodiversity in the Netherlands. The Task Force presented a sad picture of the state of art within the species protection policy, some of the most important being the following (Task Force, April 28th, 2005:1): The number of protection plans is low compared to the number of endangered species, the financing is insufficient, species protection is isolated policy wise, the implementation is not well organized, the responsibilities are unclear, the species protection policy is not integrated into regional planning, and it is not playing any role in spatial planning. The number of actors involved is too limited, and the acceptance of the policy was low. When the policy appeared in the press, it was through negative news about unwanted limitations to economic growth. But not only did this specific policy field have a negative image, its instruments were too narrow at scope and the information was poor. Add to that a very limited devotion and effort from public servants, and the conclusion is a rather sober sum total. All this also made it totally unclear how the species protection policy related to new policy initiatives rising at the horizon.

Management Plans for Natura 2000 areas

Another tool for protecting the biodiversity is the Natura 2000 Management Plan. According to Beunen and Van Ark (2005:7), the making of Management Plans for all the Natura-2000 areas is an activity many consider vital to the solution of obstacles occurring as a result of the implementation of the European Bird- and Habitat Directive in the Netherlands. Beunen en Van Ark (idem) state that the expectations on the functioning of the Management Plan have been too positive. As for a start, they argue, plans play a modest role in policy making processes in general. But, these plans are also rather new. There is no experience with this instrument. The Bird-Directive offers a plan instrument, but it is not mandatory and it does not prescribe specific types of action. An interesting point in Beunen and Van Ark's analysis is their reference to the general tendency to cherish unrealistically high expectations of plans while it is not clear what kind of plan it is or how it works. On this point, they claim support from research in the USA (Hopkins, 2001): Plans are something to grab on to, they are present and they represent (up to a point) the state of affairs: they are 'supposed to be valid and work'.

The discussion around Management Plans is a consequence of the troubles connected to the implementation of the Bird- and Habitat Directive. One of the most important set of problems stems from the lack of clarity around (see Bastmeijer and Verschuuren, 2003):

- The definitions of a number of the crucial concepts.
- How to test the application of the concepts
- The demands put on the management of the areas in question.
- The demands put on external effects.
- Furthermore, the civil servants responsible for the implementation often are not familiar with the directive and how to deal with the many aspects of the rules.

One of the functions of the plan is to clarify whether activities are acceptable or not, and which are subdued to a permit. Beunen and Van Ark (2005:15) states that this function is not likely to lead to conflicts, but there is a second function which is very likely to produce conflicts: the confrontation of the various interests of the different sectors. From this, Beunen and Van Ark draw the line for a useful role for the plans: as a means to facilitate decision making processes around the protection of nature areas. Thus, if the Management Plans are meant to be successful, then the relational side of the plan needs more attention. It is the making of the plan that provides opportunities for dialogue and discussion. Through the making of the plan, it is possible to create mutual understanding and trust between government, nature organisations and other actors. This can prevent communicative deadlocks resulting in no more than make-believe plans.

Towards a 'new spring'?

Although the obstacles presented above are severe, recent patterns of change in 2005-2006 reveal a picture of the development in the Netherlands becoming more in favour of better governance of biodiversity ambitions. It seems that the problems have been seriously challenged. This is visible at national as well as at regional levels of governance. We already mentioned the National Register of Species, since September 2005 available to the public. This might stand as a symbol of a change towards a more society directed attitude.

One of the signs is the renewal of the Species Protection Policy. In general, the Task Force Species Protection Policy advised the government to guide the policy towards a more population directed approach. The habitat is the key term, not the specie itself, and the policy must be more pro-active, regional and many parties must take responsibility. In a note to parliament on 25 January 2006[57], the Minister of Agriculture, Nature and Food Quality reports on the progress made on the bottlenecks identified by the Task Force and an Interdepartmental Policy Research (IBO) in 2003. The minister states that the poor communication of the species protection policy has been improved by the Task Force, for instance by installing a code of conduct for dispensation of the valid regulation. Also a new website provides more targeted information of the policy. Clear information and fast decisions are highly wanted by many parties.

It is also clear that there is no need for extending the Task Force Species Protection Policy to the Natura 2000 sites and the changes in the Nature Protection Act. At least, this is not the case at the level of central policy making. It is, though, a strong need to do so for the level of day-to-day working the policy. This is therefore introduced in 2005, and two meetings were held that year. This group will come together three times a year. The goals are clarity on the implications of the policy, and exchange of arguments. Besides, since 2003, there is an interdepartmental coordination meeting at work floor level monitoring and coordinating the progress. An important item is the clarity of responsibilities. But it is also meant to assure that all relevant decisions are made in a 'nature inclusive' way. This group also take care of the communication with external groups and people. Many ministries and other public bodies are involved in the process, for instance Ministry of Defence, Traffic and Public Works and the provinces.

The Ministry of Agriculture, Nature and Food Quality also installed a facility at the ministry dedicated to provide people with a free and easy accessible one-office-for-all-government-policy ('een-loket beleid'). The ministry also gives information sessions to provinces, municipalities and water boards on how to deal with the implementation of the policy. In September 2005 there were four meetings. Since October 2005, the provinces do the same for business/NGO's, interest groups, citizens and others. Also regional dialogues are held by the ministry and provinces, at a higher policy level.

[57] See the annex of the letter to the parlement of 25 january 2006, called State of the Art Actions Interdepartemental Policy Research on the Bird- and Habitat Directive (Stand van zaken acties IBO Vogel- en Habitatrichtlijn), or website http://www9.minlnv.nl

Table 3.2: State of the Art Code of Conduct Januari 2006

Sector	Date	Status
Forestry	February 2005	Approved by minister
Recreation and Tourism (RECRON/HISWA)		Brought in for approval
Union of Water Boards		Ready to bring in for approval
Building Sector (Bouwend Nederland, NEPROM)		In preparation
Provinces (Inter Provinciale Overleg Orgaan, IPO)		In preparation
Nature (Bosschap, Natuurmonumenten, Staatsbosbeheer, De Landschappen, SBNL)		In preparation (extension of the Forest Code of Conduct)
Agriculture (NLTO)		In preparation
Municipalities (VNG)		In preparation
National Parks		In preparation

Source: Table is based on information in the annex of the letter to parlament 25 january 2006, and the Work Plan Foundation Cooperation National Parks.

In addition, a protocol for species protection will follow. Also an information authority on nature will be installed to facilitate the changes. An on-line site for how to deal with project development and species protection also adds to the arsenal of measures (since the beginning of 2006 operational via www.minlnv.nl/natuurwetgeving . A link is made to the National Species Register (www.nederlandsesoorten.nl), which will, or is intended to, prevent misunderstandings and increase accuracy. The Netherlands intend to share this policy approach to other EU member states.

The Netherlands has also taken action on protecting more of the country by renewal of the policy on National Parks. At the end of 2005, a Foundation on Cooperation of National Parks has been installed in order to stimulate the functioning of the National Parks. The foundation marks the start of a new phase after five years of informal cooperation. The Work Plan for 2006 is formalized at October 20th 2005. A core feature of the parks is that they are very divers in how they function and the way they are managed. Often, state agencies like the State Forestry Management (Staatsbosbeheer) manage the park, or the NGO Natuurmonumenten. But even so, most of them are products of regional cooperation and regional dynamics. The foundation is now working on a strategy for the period of 2006-2010. The operational goal is to improve the quality and make SMART agreements. For the longer term, the foundation will work on improving the status and protection of the parks. The foundation aims at regional, national and international cooperation, for the latter through the Europarc Federation. According to the leader of the Foundation, the Ministry has no intention of steering the development within the parks; it will focus on stimulation and the provision of legitimation.

Table 3.3 National Parks and Reservates in the Netherlands: The Pearls of Biodiversity

Name	Place	Size	Installed	Key type of nature
De Alde Feanen	Friesland	2.500 ha	2000	Wetland, marsh
Lauwersmeer	Groningen, Friesland	4.700 ha	2003	Water, dunes, grass land, forest
Schiermonnikoog	Friesland	7.200 ha	1989	Natural dunes
Drents-Friese Wold	Friesland, Drenthe	6.100 ha	2000	Moor, forest, drift sand
Dwingelderveld	Drenthe	3.700 ha	1991	Moore, forest, drift sand
Drentsche Aa	Drenthe	10.000 ha	2002	Brook landscape, marples
De Hoge Veluwe	Gelderland	5.500 ha	1935	Moor, forest, drift sand
Veluwezoom	Gelderland	6.000 ha	1930	Moor, forest, drift sand
De Weerribben	Overijssel	3.445 ha	1992	Wetland
Sallandse Heuvelrug	Overijssel	3.500 ha	2004	Sand, forest, moor
Utrechtse Heuvelrug	Utrecht	6 000 ha	2003	Moor, forest, drift sand
Zuid-Kennemerland	North-Holland	3.800 ha	1995	Dunes
Duinen van Texel	North-Holland	4.300 ha	2002	Dunes, forest, moor
De Biesbosch	North-Brabant, South-Holland	7.100 ha	1994	Wetland
De Groote Peel	North-Brabant	1.340 ha	1993	Wetland
Loonse en Drunense Duinen	North-Brabant	3.500 ha	2002	Drift sand, forest
De Zoom - Kalmthoutse Heide	North-Brabant and Belgie	4.000 ha	2002	Forest, drift sand
Oosterschelde	Zeeland	35.000 ha	2002	Water
De Maasduinen	Limburg	4.200 ha	1996	Forest and Moor
De Meinweg	Limburg and Germany	1.600 ha	1995	Terrace landscape, cultural landscape

Source: http://www.allesopeenrij.nl, htpp://www9.minlnv, en www.nationaalpark.nl

There are also other interesting signals that the relationship between the national policy and regional developments are improving. In the region Central North Holland (Noord Holland Midden) a regional partnership called the Green Lung started in 2001 to cope with the many problems deriving from the high pressure on landscape, land-use and ecology. The region is a watery region between Amsterdam, Zaanstad and the North-Sea Channel. This 47.000 hectare large area contains 333.000 inhabitants. Central to the landscape is the interaction between the peat-moor of the higher parts and the lower parts of land reclaimed by sea. Problems are experienced by the increasing building activities, infrastructure and the changing character of agriculture. Challenges are connected to economy and urbanization in relation to rural-, nature-, landscape- and water management. Due to an over-load of policies and a highly fragmented situation, the region faced a serious lack of dialogue, and no real progress (Selnes, 2003). The region then made a coherent program of action, and a bundle of forces, based upon provincial management. By 2005, the region had built up trust in the region and within the government, and was producing results through programmatic investments, also in the social relations (Selnes, 2006). The basic philosophy was simple but powerful: 'the Netherlands is a complicated country, deal with it.' They managed to produce competences and manage expectations. Regional Agents fulfilled a vital link between state and region, but many others,

also the state officials, contributed. In 2006, the Green Lung evolved into the newly installed National Landscape Low Holland.

Central to the problem solving was a combination of factors. The region accepted the complex world of policy as a challenge they had to learn to deal with. In addition, the regional department of the Ministry of Agriculture showed their willingness to listen and cooperate, as did the Government Service for Land- and Water Management (DLG). The change was basically a change of attitude, but it changed the way of interaction. The region gained trust in the state government. According to the leader of the Green Lung and officials at the province North Holland, a process of professionalization made the management of this 'multi-level and multi-actor' dynamics possible. As a result (among other), a number of new alliances were formed, as for example recently between the National Landscape Low Holland, the Chamber of Commerce, an agrarian interest organization (LTO-Noord) and a service organization for middle-sized and small businesses (MKB-Nederland), on the theme innovative entrepreneurs. In total, around 285 projects have been implemented by the Green Lung. Although biodiversity has not been a main concern to the Green Lung, it has had effect on the sustainability and quality of the nature of the region.

In March 2006, the government was preparing a Road Map to meet the challenges from the Malahide Message, together with the EU. The aim is to deliver outcome-oriented targets. Informal consultations are being carried out. It will also be interesting to see how the government will prepare for the very ambitious National Rural Investment plan (ILG, Investeringbudget Landelijk Gebied), which will come into effect in January 2007. It is an attempt to fight fragmentation and increase integration and cooperation. Biodiversity will have to 'grow' into that plan.

3.3 Reflections on the national implementation

The government of the Netherlands seems to have delivered significant and important work by putting up a framework for the governance of biodiversity. It seems clear that the policy goals are widely accepted among the community parties, from business NGO's to nature NGO. This is in particular the case with the BBI. They also have managed to establish networks for partnerships around the further processes of working out priorities. At this point, the government should listen to the signals from these parties, when they formulate the need for sharpening the goals. The acceptance and support for BBI might be conditional, if the process stagnates, the support might diminish.

One of the explanatory factors of the support, might be the diverse character of the theme biodiversity. It is difficult for a government to impose harsh rules on the parties involved, even if the government would want to do so. The diffuse and divers character of the BBI (and the problems at stake) makes a cooperative approach necessary. In this way, co-production of policy goals becomes a natural choice, if not the only choice. At the same time, the risk of that are blurred responsibilities. The task of the government, then, is to produce enough mobilization capacity as to set the pace in making SMART agreements and facilitate the follow-up. This has not been the case. It is possible that the Road Map will provide the necessary energy and means.

Due to the solid preparations of the BBI, where much work has been done to produce acceptation for the policy content, certain expectations have been created. It is now the time to gear up the capacities, in order to manage these expectations, all the way to clear

responsibilities and commitments. In particular, the task of creating sufficient trust in the governments' own commitments, intentions and competence will demand much effort.

There are signs of very interesting processes of capacity building and the creation of institutional trust at the regional level. It looks as if the active species protection policy has become an interactive species protection policy. Also the national parks are upgraded on multi-level and multi-actor cooperation and interaction. Within national landscapes, as Low Holland, signs of governance innovation are clearly visible. The task is to extend these processes to become more biodiversity inclusive in their work.

The project 'Transition Biodiversity' is an exiting tool to create more innovative results. It is exiting because of the effort to combine theory and practice, and because it is facilitated by people with an ability to innovate. Of great concern is the ability of the ministries to back the process up with cooperation and coordination. The government seems to be very little selective and SMART oriented.

One option that should be considered is joint venture between the Transition agenda and the Biodiversity agenda. The interviews at the Ministry of Agriculture, Nature and Food Quality showed support for this idea. The Transition could benefit from a deeper connection to the present policy, and the BBI could benefit from the innovative character of the Transition. Both could also benefit if the 'fusion' led to a higher priority by central actors.

A striking characteristic of all the policy efforts is the vital role of communication. No longer is 'communication' solely about informing the public about the decisions. It is built into the way decisions are made, which probably is a natural consequence of the co-production of policy goals and content. At the same time, which effects does it have on the type of participants, public of private? Being policy producer is nowadays being policy communicator, negotiator, and even mediator. What kind of skills and capacities are needed? Probably not surprisingly, the communication task might become the greatest challenge of governance. As we observed in chapter one, there is an increasing need for integration, openness, generalizing arguments and building alliances. But many policy domains and much decision making, public and private, still are run by virtue of sector interests, closed ranks, exclusive knowledge and hierarchies.

3.4 Conclusion

In this chapter we have tried to present the ways the Netherlands implements the challenge of halting the loss of biodiversity. The country has come far in their efforts to establish a solid framework and viable networks for far reaching solutions. The challenge now is to keep the pace of his development. That means further investments in what the government calls a governance approach. We might add that this approach is brave, and the ambitions are clearly substantial. The BBI policy plan is well received and stands out as a piece of strong policy formation, and the initial mobilization around the plan is even impressive. It seems like the facilities have been built up. One might conclude that it is time to 'fill the facilities' with a national implementation plan for cooperation and partnership. The danger of hurting the trust and the commitment is present. In particular if the government of the Netherlands is not further investing in the progress of building partnerships. It is also hard for an observer of policy processes to actually follow the progress. Even for the policy participants it is not very clear which commitments and results are reached. It would be useful to have some monitoring of the process itself. Results should be placed on a display; this will engage participants and support the work in many ways.

BBI will need a more programmatic approach to making SMART agreements between the parties. A national program on the implementation of the BBI agreements, strongly facilitated by the government, is a necessity for further progress. It also seems necessary to grade the priorities more explicit, in order to emphasize the need for carefully orchestrated investments in the institutional trust of partnerships within the in the biodiversity governance.

The transition project is a very interesting tool for innovation. It is a strong concept for eye-to-eye deliberations. But as exciting as the concept is, without manpower and commitment, it will fade away.

Of particular concern is the investment in manpower and commitments within the government, on both the BBI and the transition project. In 2005, the pace of the BBI was out, and it is now a question of 'getting back on the horse'. Internal capacity building is important to be able to facilitate networks of partnerships. It is a necessary condition for continued success.

At the regional level, the government has reached substantial results of reducing the problems that had occurred due to fragmented policies and a lack of mutual understandings in previous years. Biodiversity has also not been a prominent theme in all this, but this seems to change at present. Much of this work has been carried out by the use of communication and mutual deliberations. One example is the use of task forces. From 2007, an important process of joining forces will be launched as the Rural Investment Plan. It is not clear how biodiversity will play a role in this process, but it will be important for the achievements of the CBD 2010 targets.

4 Multi-national business and biodiversity

4.1 Introduction

Businesses are, as society's mechanism for production and consumption, among the world's most influential institutions. Their decisions have significant environmental effects, and those decisions have ever-greater reach as companies globalize and national resources are privatized. This point, made by the World Resources 2002-2004 (2003:107), signals the importance of the link between business and biodiversity governance. Trans-national and multi-national companies are of particular interest because they move beyond traditional borders of jurisdictions and countries, they possess large amounts of resources and they are, as the World Resources (2003:108) stated, considered to be both global and local citizens. They are also, in theory, accountable to numerous constituencies. They bring benefits in many ways, yet they are often perceived as having little accountability to anyone except their shareholders (ibid.). But, at the same time, a company's reputation for social responsibility is crucial to business success. Besides that, legislation protecting biodiversity can hurt a firm's business. Legislation protecting the environment has achieved major results in changing the way businesses work. However, international processes limit the amount of influence national governments have. Recently, corporate social responsibility programs have been introduced, influenced by NGO's confronting consumers with the negative side effects of specific products. Some businesses decide to take their responsibility and put effort in both reporting and sometimes even actually reducing negative impacts. This fits in the perspective of governance of biodiversity. Top down steering is not always effective; society should act to its own responsibility on certain matters. However, as Wold Resources (2003: 135) also states, there is a continuing need for government regulation as well. For instance, governments should provide a standard for the reports, to make it easier for consumers to make their judgement. However, the governmental role does not end with standardization. World Resources (2003: 135) argues that state governments have many indirect roles to play. Examples of this are raising awareness among producers and consumers and providing the right context for corporate social responsibility. The rewards of corporate social responsibility partly lies in the preferences of consumers, so awareness raising among them is particularly important for CSR to be a success. This chapter focuses on the role of multinationals in matters of biodiversity, including the interaction between these and the national government.

In this chapter the role of business in the field of biodiversity policy will be assessed. Their actions, drives and constraints will be looked upon. The second focus of this chapter is the need for government action to support businesses when working on biodiversity goals. Two cases are selected for this chapter. The first is Shell, a large petrochemical company which, due to decades of pressure from environmentally minded Dutch environmental NGO's, is one of the forerunners when it comes to corporate social responsibility. The second case is the pharmaceutical industry. This has a much less direct connection to the reduction of biodiversity, but is often named as a possible major beneficiary of biodiversity. In the next paragraph the practices of these businesses are displayed. In the third paragraph factors for success en failure are identified for business-government interaction, which leads to overall conclusions.

4.2 Multi-national business and biodiversity: development and practices

4.2.1 The evolution of multi-national business involvement in biodiversity

The CBD challenge of halting the loss of biodiversity by the year 2010 includes a renewed focus on the enormous diversity of subjects, problems and parties on a meaningful implementation process. Governments alone lack the instruments to complete changes by themselves: They need others, like the foremost parties decisive to patterns of production and consumption: the business community. Therefore governments increasingly focus their attention to these parties. But multinationals equally need governments to set standards and provide conditions for sound and visible environmental results. Together, they can create benefits by binding together biodiversity and economy. This can reduce biodiversity loss by over-exploitation of soil, for example by transforming areas of rich biodiversity to areas with just a single crop (agriculture), or by reducing biodiversity because of pollution. However, biodiversity also leads to economical gains, for example by reducing the need for pesticides or because of the discovery of exploitable species. One of the most predominant economic dimensions lies in benefit sharing. In the negotiations on the CBD developing countries demanded their part of the profits made with the genetic resources in their countries. This led to new principles relevant to business-government interaction:

- All nations have sovereign rights on genetic resources. Opposed to this is an obligation to care for them.
- International cooperation on the exchange of genetic resources is strived upon, under the conditions of 'mutually agreed terms' and 'prior informed consent'. Benefits will be shared with the countries where genetic resources originate from. This could provide an incentive for biodiversity conservation.
- Developing countries receive support for conservation of biodiversity through the Global Environment Facility, other international organizations and bilateral contacts for conservation and sustainable use of biodiversity.

This illustrates the increased mutual dependency between governments and business recognized by the CBD, and also signals how an international convention manage to go beyond the formal governmental responsibility for biodiversity conservation.

Some trends concerning the number of businesses involved in environmental protection (World Resources, 2003):

- Since the 1980's, thousands of firms worldwide have developed Environmental Management Systems. These are also more inclined to adopt improvements and share information.
- Since the introduction of the ISO 14001 standard for Environmental Management Systems in 1995, almost 37.000 business facilities have adopted the standard.
- Just 27-28 % of business facilities using the ISO 14001 standard for Environmental Management Systems are in developing countries, whereas the potential gain is larger in these countries because of poor regulatory standards and lack of enforcement.
- As of 1996, there were 305 voluntary contracts between governments and industrial sectors, with two thirds of them in the Netherlands and Germany.
- By 1997, environmental groups participated in the negotiations of only one in five agreements.
- The company environmental reports are getting longer and more detailed. A survey in 2002 showed among 100 company reports a 45 % growth of the average length in two years.

- The Global Reporting Initiative (GRI) is an internationally recognized standard for 'sustainability reporting'. Since the introduction in 1997, more than 200 companies released reports based on these guidelines. Moreover, a review shows that 60 % of the 'best reporting companies' (based on completeness, innovation and best effort to integrate environmental reporting into business decision-making), used the GRI guidelines.
- GRI does however, not require third-party verification of completeness and honesty.
- In total, there are more than 65.000 multinational companies in the world.

4.2.2 Economical aspects of biodiversity

One of the key aspects of biodiversity and business activity concerns the areas of high biodiversity, such as rainforests. Rainforests have very rich resources, such as wood, exotic plants and animals. Short term economic benefits lead to destruction of the rainforests, for instance by agriculture or mining. Standard practice has been a dominance of a short-term exploitation at the cost of the less predominant long term economic benefits of a vibrant rainforest. Destruction of the rainforest means loss of future 'short term economical value', to use the same language. Often agricultural production, such as the production of soy beans for European cattle production or palm oil for the European food industry, has led to intensive farming and monoculture in areas of the richest biodiversity. Resource development aimed at economic benefits often leads to destructive practices. The problem is often a lack of (functioning) mechanisms for sustainable assessments and decisions-making.

Another key aspect is that businesses with a high environmental impact traditionally take place at locations far from dense human settlement. This often means placement in areas of high biodiversity, widely recognized as 'savage lands'. Nowadays a process of changing values and valuations might attribute to rising awareness of the necessity of paying attention to biodiversity. It might make a difference if previously unexploited areas are being discussed as more than production grounds, such as oceans, for easily accessible oil wells. In particular, this might play a significant role when regulatory standards are missing and environmental protection is not internalized into business decision-making language and practice. This calls attention to a whole new challenge for biodiversity protection: rising company awareness and public disclosure of business decision-making and practice as the face of a new and more participatory approach to regulating environmental performance of businesses. The World Resources (2003:107) stresses public disclosure as a major and continuous challenge to speed the transition to greener business models.

However, there also are economical activities that use the biodiversity and at the same time have an interest in conservation. The most predominant is the pharmaceutical industry. They search areas of high biodiversity such as rainforests in order to find medicinal substances among the wide variety of plants there to create new products. This is known under the name 'bio prospecting' and is part of the use of genetic resources. If there are no areas of high biodiversity their source of new products disappears. While this is the case, bio prospecting does not lead to large scale conservation. One cause is that the benefits go to the pharmaceutical company, and not to the people that live in the area. Secondly, the short term economical interest of the company after developing such a new product is one of exploitation instead of exploration. And, as one area already is explored, the attention of the company will shift to other areas. Thirdly, the chances of finding a new exploitable product are very small.

These economic mechanisms show the strong incentive leading to destruction of areas of high biodiversity. It also shows that the private sector is instrumental in this process. This

chapter will therefore focus on the role of large multinationals in destruction and conservation of biodiversity. Below two cases will be presented. Shell is an example of a business with negative side effects on biodiversity. Incidents like the Brent Spar triggered Shell to take a more pro-active stand on biodiversity and company participation in international cooperation. The second example is that of the pharmaceutical industry. This industry potentially has much to gain from conservation on biodiversity, but it takes a far less proactive stand.

4.2.3 Business governance and biodiversity in practice: Shell

Introduction

The Royal Dutch Shell Group, a petrochemical company, names sustainable development as one of the cores of its policy. Shell is one of the worlds leading petrochemical companies, and has its roots in the UK and The Netherlands. In 2005, the company achieved a record profit of 23 billion USD and a total turnover of 380 billion USD. It operates in more than 140 countries. The company had some major clashes with environmental NGOs in the past, both on environmental themes and on social themes such as cooperation with dictatorial regimes. In practice its corporate social responsibility means the company developed an educational program on sustainable energy and the introduction of an award for exceptional research on sustainable energy. Outside the Netherlands the company mainly focuses on reducing the negative environmental and social impacts after oil production is depleted. The search of the local population for an alternative income often leads to destruction of habitats. This case study is based on a study of literature provided by Shell, mostly on their website. This information was used as a basis for an interview with Shell to achieve deeper knowledge of factors for failure and success.

Mission and activities concerning biodiversity

Shell is one of the major multinational companies producing oil, energy and petrochemical products. It is based in The United Kingdom and The Netherlands, but produces oil all around the world. Its business has large impact on the environment. Shell distinguishes two forms of environmental impact: environmental health (the environmental impact of its activities on humans) and biodiversity (the environmental impact of its activities on species and habitats). Shell publicly recognizes that its operations have impacts that if not addressed can result in the loss of biodiversity and cost the company in time, money and reputation. A failure to protect biodiversity could jeopardize the company's license to operate.

Shell claims it has adopted a practical approach to biodiversity conservation that is formulated in the Shell Group Biodiversity Standard (2001). In this Standard the company obliges itself to:

- Work with others to maintain ecosystems;
- Respect the basic concept of protected areas;
- Seek partnerships to enable the Group to make a positive contribution towards the conservation of global biodiversity.

The concrete activities resulting from these goals are:

- To conduct environmental assessments, including the potential impacts on biodiversity, prior to all new activities and significant modifications of existing ones;
- To bring focused attention to the management of activities in internationally recognized hotspots, including the identification of, and early consultation with, key stakeholders.

In 2003 Shell has enhanced its Standard by making four more commitments:

- Shell will not explore or drill for oil and gas resources in natural World Heritage Sites.

- Shell will further upgrade the operational practices wherever the company operates in IUCN Category I-IV protected areas or where an environmental, social, health impact assessment (ESHIA) indicates high biodiversity values. Shell will become involved in spatial/regional planning exercises; assess secondary impacts, the implementation of Biodiversity Action Plans, and conduct appropriate baseline and monitoring studies.
- Shell will publicly report on activities in IUCN Categories I-IV.
- Shell will work with IUCN and others to develop and pilot ways of strengthening the management effectiveness of protected areas through the provision of key skills, creation of sustainable livelihoods and by exploring options for sustainable financing.

Shell tries to achieve this by a number of measures. Firstly, it assesses potential biodiversity issues early in projects. Shell claims it has integrated biodiversity in all its assessments and monitor systems. Secondly, Shell has made biodiversity part of the performance monitor of managers, in order to internalize the values. Thirdly, the Shell corporate centre works with environmental advisers in order to provide the necessary knowledge for project managers. These advisors also actively participate in (Dutch) national and international policy processes concerning biodiversity. And last, Shell uses communication to raise internal awareness.

A number of years on from making these commitments, Shell is in the process of learning about the challenges and opportunities of contributing to sustainable development. A proactive attitude towards sustainable biodiversity is difficult to implement, despite the practical attitude of Shell. In the next paragraph some problems will be elaborated upon.

Alliances in corporate social responsibility

Shell is a member of the Energy and Biodiversity Initiative (EBI). The initiative brings together four energy companies and five conservation organizations to share experiences and develop tools and guidelines for integrating biodiversity into oil and gas development. Participants in the EBI include: BP, ChevronTexaco, Conservation International, Fauna & Flora International, IUCN, The Nature Conservancy, Shell International, The Smithsonian Institution and Statoil.

EBI published "Integrating Biodiversity Conservation into Oil and Gas Development" in 2003. This contains recommendations and tools for practical steps to integrate biodiversity protection into the entire lifecycle of oil and gas operations. The report results from dialogue between all participants in various working groups. Shell is now involved in Phase II of the EBI to test and refine the products and promote the ideas and practices outlined therein. The products are currently being spread in the oil and gas sector via the International Petroleum Industry Environmental Conservation Association (IPIECA) and the International Association of Oil & Gas Producers (OGP) Biodiversity Working Group (BDWG). These organizations use workshops to increase knowledge dissemination. IPIECA also provides guides to provide processes, such as a guide for biodiversity negotiations.

Shell also is involved in projects not directly concerning its own business. Shell is for instance working with FFI in a number of locations around the world on projects related to conservation, policy and education. Examples are the conservation of 'fynbos' in South Africa and environmental impact assessments in the Philippines. Shell International also supports Friends of Conservation in a tiger conservation project in India.

Shell has been working with IUCN in the following ways:

- 2001-3 An IUCN biodiversity expert seconded to Shell for two-years to increase mutual awareness, develop company biodiversity tools and Standard.

- 2001-3 IUCN and Shell worked with IUCN and others on the Energy and Biodiversity Initiative (see above) and are now using EBI products and helping to share the learning's more broadly through industry trade associations IPIECA & OGP.
- 2002 - Ongoing. Shell and IUCN working on protected area projects.
- 2004 - Ongoing IUCN providing technical guidance and convening experts e.g. improved biodiversity guidance for the Sakhalin - II Project (with high impact on whales).
- 2004-6 Shell senior employees seconded to IUCN Headquarters as a Business Advisor to help develop IUCN business strategy and assisting Shell implementing its Biodiversity Standard.

Shell has benefited from IUCN expertise and convening power, the provision of technical guidance for specific operations, development of management tools, and as a barometer to gauge latest conservation thinking, particularly around protected areas. IUCN has gained a better understanding of business and how it operates, benefited from sharing of business skills at its Asia regional office and in bringing its biodiversity conservation mission to the private sector. Other partners Shell cooperates with are: WWF, UNEP, Smithsonian Institution and NCC.

Environment as a driving force for Shell

Over the past decade, Shell has had some negative publicity concerning the effects of its activities on physical and social surroundings. The most prominent examples are: the sinking of the oil reservoir 'Brent Spar', human rights in Nigeria and the Dutch debate on mining for gas in the 'Wadden Sea'. This resulted in expensive and time consuming procedures, and the loss of customers. The importance of these matters is still rising because oil wells are increasingly situated in areas with more valuable uses (for instance, what used to be named savage lands is now often seen as natural habitat). Therefore Shell gives three reasons for its proactive attitude towards the issue of biodiversity:

The first and most important driver for acting upon biodiversity for Shell is to r*educing operational and financial risks*. International campaigns, protests and actions can impact existing operations in or near protected areas. If protests against a project become strong and concrete, this can interrupt cash flow, slow or halt operations and cause lasting damage to a company's reputation. It may make expensive short term solutions necessary, that wouldn't be if a long term view had dominated. In addition, environmental impacts from the operations, such as pollution, contaminated land and waste can affect the cost of the project in the long term. This reduction of operational risks is by far the most important driver for Shell. The company produces a product that is very common and visible in everyday life, but it is seen as a bulk product with limited intrinsic value.

The second driver for Shell is to e*nhance its reputation*. Shell has no ambition to be the foremost petrochemical company in reducing problems with biodiversity, but it does want to be among the top 25 percent. By being seen and being credible as a good corporate citizen whose performance matches its words, Shell wants to become the organization of first choice for customers, staff, investors, suppliers, partners and the communities in which Shell operates. Financial institutions, investment banks and export credit agencies are beginning to integrate biodiversity elements into conditions for lending to large infrastructure development, such as oil and gas projects. Therefore, this reputation is strongly linked to the first driver, the reduction of operational risks. The use of biodiversity to distinguish Shell from its competitors is not an important driver for the environmental adviser. Putting the emphasis on this leads to a reactive strategy, and does not lead to optimal long-term results, in their opinion. An important factor concerning the reputation of Shell is the fact that Shell has its headquarters in the Netherlands. The Dutch government and citizens are forerunners when it comes to

biodiversity and environmental issues, and environmental NGO's are very well established in the Netherlands. Shell and these NGOs share a history of decades of struggle, sometimes with large effects on the reputation en revenues of the company. Shell learned the hard way to be pro-active in these issues. This therefore is partly created by the institutional and cultural setting in which Shell operates, because of the location of its headquarters.

The third reason is to be able to *attract and motivate staff*, for employees and contractors are attracted to employers aspiring high environmental standards that in turn reflect their own values.

Constraints and their causes: Shell

Dependencies of Shell

In operating as a company and in working on projects Shell cooperates with many other parties. Below we will briefly comment on the roles they have:

- Governments are responsible for the public decisions that come with the high-impact projects of Shell. They do this by taking both economical and ecological interests into account. Shell has to comply with these decisions, but can also be pro-active in making the rules work for their objectives for the biodiversity.
- The local population usually has an ambiguous attitude towards Shell operations. On the one hand they are highly dependent on the local biodiversity, because of dependence on fisheries for food, which can be polluted by oil production. However, Shell is also a major employer.
- Shell makes extensive use of contractors in her projects. They will also have to work according to Shells biodiversity standard, if they want to reduce impact on biodiversity. The high number of employees forms the major problem, for instance because of their hunting and fisheries.
- Environmental NGO's are very keen on the operations of companies such as Shell, and the compliance to international and national standards. However, local environmental NGO's usually having a completely different set of priorities, based on their local needs.
- Financial institutions increasingly take biodiversity into account while deciding on whether or not to finance a specific project. Shell is highly dependent on these institutions because of the large investments needed for oil production.
- The exploitation of oil wells is often carried out by joint-ventures of two or more petrol chemical companies. They too will have to take the standards into account.

Organizational culture

Shell is a technical oriented organization. It is also very much focused on its primary production process. Although the company measures are implemented as intended by the company, it takes time to make them part of the daily routine. Shell employees tend to solve biodiversity problems with technical solutions, while the problem can be more of a social matter. An example is the drilling for gas in the 'Wadden Sea', where Shell engineers could not convince the Dutch population that it was possible to drill without negative side effects. At the moment Shell engineers still lack the sensitivity for a constructive dialogue with stakeholders. They do not yet acknowledge the fact that the problem can be felt differently in different (local) societies. The corporate organization of Shell tries to accomplish this cultural change by raising awareness and providing instruments. One way to try to accomplish this is by incorporating the subject in the decision chain. The other way is by capacity building. This is taken up at corporate level, to provide knowledge and methods. However, this also still mainly has a technical focus. Only recently the shift is made to providing social tools, such as workshops. Using local knowledge is instrumental in this.

The responsibility of the government

Shell sees a major role for the government in stimulating and facilitating biodiversity policies in businesses. This means that a major part of the energy that flows to biodiversity should focus on changing businesses. At the moment this is not the case. The major focus of governmental action lies on political processes, such as multilateral and bilateral agreements, while the majority of the companies is still not aware of what biodiversity means to them and what advantages go with it. Less energy on international cooperation and more energy on awareness razing among producers and consumers is needed. Shell learned the hard way because it has always been in the spotlights. The result is a 'talk-show' while the implementation falls back.

The focus on international cooperation and discussion can be explained by the amount of experts working on the subject of biodiversity in governments, and the lack of change managers. These experts are very capable on discussing problems and solutions in an international context. However, different competencies are needed to raise awareness and direct change in a business context. Public servants are in their policies focusing on solutions, while concentrating on the usual public instruments. They are not aware of the fact that creative instruments that motivate business could lead to a much more cost-effective solution to their problems. Legislative measures for instance do not stimulate positive action by companies, however it sometimes is necessary. A second effect is that they offer very far-reaching specialized solutions, while business first focus on the simple solutions with the most effect. This 'gap' in thinking prevents the parties from cooperating. Change managers, who are sensitive for creating an optimal environment for change and cooperation, could lead to a significant increase in business participation.

Another complicating factor is the difference in global scope between governments and multinationals such as Shell. Governments only have direct jurisdiction over activities within their borders. They have indirect jurisdiction on (the production of) goods crossing these borders. Because of the difference in scope national governments only have limited formal instruments to make arrangements with multinationals. However, there are many informal instruments. The history of Shell shows that being located in a country with much attention for biodiversity issues results in relative much attention for biodiversity, mainly outside the Dutch borders. Multinationals on the other hand have to deal with different priorities and regimes in every country where they operate. This makes implementing biodiversity policies very complicated.

Perception of possible solutions

Shell argues there are many simple measures with high impact. One is measures on the grounds surrounding pumping stations. Another is paying better attention to local knowledge on biodiversity. Their effects on risk management could even make them profitable. Instead of investing all their energy in international forums, government officials should focus on these quick wins. In order to do so governments will have to invest in capacity building in change management, facilitating incentives and legislation and awareness rising.

Other views of the Shell measures

The Dutch environmental NGO 'Milieudefensie' awarded Shell with the so-called 'Schone Schijn' award, an award for the largest mismatch between outward appearance with corporate social responsibility and the actions truly undertaken. Arguments for this is the large negative impact Shell processes still have, the lack of measures for some long term causes for pollution on several specific locations, despite repeating protests. The environmental reports are by Milieudefensie considered to be twisted versions of reality, with the goal to make Shell look better than its actual achievements. The NGO concludes with the remark that if Shell would

concentrate the energy now put into protecting their reputation towards actual measures for biodiversity, they could achieve great results. [58]

4.2.4 Business governance and biodiversity in practice: the pharmaceutical industry

Introduction

The pharmaceutical industry plays an interesting role with regard to biodiversity. The industry has a direct interest in biodiversity conservation and could possibly provide play a role in a transition process by for instance developing private financial mechanisms for protection of species. However, when it comes to corporate social responsibility the main focus of the pharmaceutical industry lies in health care in developing countries, there is no note of biodiversity issues in the annual report of the Dutch association of research based pharmaceutical industries[59]. In the Netherlands the pharmaceutical industries employ 15.000 people. They claim to invest 15 to 20% of their revenues in research and innovation. This case study is based on documents from the International Federation of Pharmaceutical Manufacturers & Associations and the Dutch organization Nefarma, and an interview for deepening. In general the pharmaceutical industry can be seen as a more closed industry. However, there are national and international platforms of cooperation, such as the Dutch Nefarma and IFPMA. They are a main partner for NGOs when it comes to corporate social responsibility issues and the protection of interests of the industry. The main focus is on promoting the industry by stressing the good that comes from medicines. Typical for the pharmaceutical industry is the importance of intellectual property, because of high knowledge based investments. This leads to a very protective attitude to knowledge and intellectual property, one of the issues concerning biodiversity (benefit sharing). However, some consider the pharmaceutical industry to have the highest profits of all industries[60], a profit of 18.6% on its revenues.

Mission and activities concerning biodiversity

The pharmaceutical industry acknowledges the importance of discoveries from natural resources that could be transformed into new medicines. Numerous companies are active in the resource area of bio prospecting. The global popularity of herbal and traditional medicine is on the rise, making it a growing market, especially in developed countries.

Many pharmaceutical companies have formed internal guidelines for methods of bio prospecting. At the local level, agreements of benefit sharing have been made between specific companies and national governments. The CBD and other international guidelines have been instrumental in stimulating the industry to take this step. However, the pharmaceutical industry sees biodiversity and the legislation formulated mainly as a threat to their processes, and not as an option for conservation of essential resources. When it comes to benefit sharing, the pharmaceutical industry argues that the main focus of international organizations should be detailing agreements in such a way that all parties exactly know the conditions under which benefit sharing should take place, so that equality for all pharmaceutical companies is guaranteed.

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58 http://www.milieudefensie.nl/globalisering/activiteiten/schoneschijn/schoneschijn_jury_shell.htm
59 http://www.nefarma.nl/gfx/content/NEFA_JV04_07jun.pdf
60 http://www.wemos.nl/nl-NL/Content.aspx?type=Archief&id=1574

Constraints and their causes: the pharmaceutical industry

The pharmaceutical industry has a very different reputation to that of Shell. The products are not as widespread as that of Shell, but they are highly appreciated and have high intrinsic value. However, the need for companies to be profitable with these products does lead to a huge amount of criticism, especially when it comes to medicines for poverty related diseases such as AIDS. On the subject of biodiversity the position is also different. While Shell actually damages biodiversity the pharmaceutical industry is mainly charged for not letting anyone else profit from their revenues based on biodiversity. On the one hand this reduces sympathy for the industry; on the other hand the discussion is less directly related to reduction of biodiversity. Thirdly, while Shell offers a very basic product, the pharmaceutical industry works with very innovative and knowledge intensive (and expensive to develop) products, that are very sensitive for industrial espionage. This results in a very closed industry, unwilling to share any information on their activities.

The interest of pharmaceutical companies in the biodiversity debate has several reasons. Legislation is being formulated and negotiations are currently taking place in international (CBD) and national forums about the rights and mechanisms for access to biological resources, contractual agreements and their contents, benefit sharing and intellectual property rights. The industry is worried that the debate could limit patentability and freedom of companies to develop new drugs.

Furthermore, the pharmaceutical industry has come into a negative perspective in the media when it comes to its bio prospecting activities. The industry is portrayed as taking advantage of indigenous communities and 'steal' samples for the purpose of creating new medicines. The industry denies this is the case, but has to acknowledge the contribution of this vision to harming the industries reputation and a general anti-intellectual property rights attitude. This can directly hurt its business.

Thirdly, the pharmaceutical industry acknowledges the opportunities for new medicine resulting from the conserved areas of high biodiversity. They want to contribute to the debate that will shape their operations for the coming decades. However, bio prospecting is considered by the pharmaceutical industry to be an expensive method for the discovery of new drugs, the cost effectiveness is debated. Many samples are needed to find one usable, and then this still has to be transformed into a useful medicine. Economic valuation of biodiversity therefore is very difficult. However, other experts stress that this is possible, but that the lack of sense of urgency for the sector leads to attempts to shift the focus to debates on definitions, and away to the question what they can do to achieve results.

A major constraint for the pharmaceutical industry is the vagueness of international agreements. Definitions are open for discussion, leading to uncertainty for the industry in negotiations. Therefore they stress the necessity to focus governmental interest in making agreements concrete. However, experts state that this is a proven strategy for diverting the responsibility for concretization away from the pharmaceutical industry, while they could also be pro-active. Secondly, benefit sharing now focuses on the benefits after a sample is developed into a medicine. However, in the eyes of the industry this does not acknowledge the fact that they add value to the sample by their research and development. Thirdly, some systems for the regulation of access and benefit sharing are too complicated, bureaucratic and time consuming to encourage the use of such systems and the research into the countries natural resources

The intention of NGOs and some developing countries to make additional requirements on patentability, such as the disclosure of origin and proof of prior informed consent for products

obtained or developed from genetic resources and traditional knowledge is in conflict with the TRIPS free trade Agreement. Given that guidelines are followed and that government agencies are established to monitor the use of such resources, such new requirements only serve to discourage the research and development into biological diversity in that region. The industry claims that companies are, willing to declare the origin of where their researchers obtained the samples. In some cases this is difficult due to the age of the sample or its collection from ex situ sources.

The industry states that, if the access to biological resources becomes too difficult, the industry may resort to other more efficient discovery methods, which would be detrimental to local communities and biodiversity protection, as these communities would lose possible sources of royalties and other benefits. Behind these statements lies the fact that, contrary to Shell, the discussion on biodiversity does not threaten the license to produce of the pharmaceutical industry, but mainly focuses on the amount of profit they can make. The sense of urgency is not so large because there is an alternative. However, there will be discussion on the position of the break even point.

Agreements on benefit sharing for bio prospecting are made between the company and the country where the sample originates from. The industry itself is usually based in developed countries, while samples originate from developing countries. This poses difficulties for developed countries to impose regulations on companies. Because the jurisdiction of a country does not go beyond its borders and the CBD does not have a direct legislative impact, the developing countries largely depend on the home countries of the companies to assure benefit sharing.

Perception of possible solutions: The pharmaceutical industry
The pharmaceutical industry provides a relatively simple solution for the constraints. Clarity about definitions, procedures and demands are crucial for the industry. Biodiversity, and the effect on the reputation of the companies, poses an uncertain threat to the companies and they seek reduction of the uncertainty by clarifying agreements.

The second major solution of the pharmaceutical industry is to formulate agreements and conditions in such a way that bio prospecting remains an economical profitable activity. Otherwise the organizations will transfer to other means of product development, creating no economic incentive for the conservation of areas of high biodiversity at all.

4.3 Reflections on business and biodiversity policy implementation

To a large extent, previous years have been dominated by goal seeking processes rather than finding ways of triggering biodiversity innovation. The terrain of biodiversity decision-making and operating is still premature. In a way, this is still the case. In both cases the companies are still seeking for specific goals, although Shell has progressed further and more pro-actively then the pharmaceutical industry. The view on the firm's responsibility differs very much between the cases. Shell has been confronted by NGOs with its own environmental effects and has strongly internalized this as a problem she is responsible for. This determines the actions of Shell strongly; because a responsible firm solves problems, and the very reputation of Shell as a responsible problem-solver is at stake. The pharmaceutical industry does acknowledge its (potential) influence on biodiversity and the fact that it is a (but not the only) valuable resource for them, but it does not see itself as a sector that is actually

damaging biodiversity and thus responsible for the direct problem. They feel themselves responsible for making their contribution to the solving of the problem, but not for creating the problem itself. This explains their anticipating attitude towards biodiversity policy, and their strong focus on the conditions under which they are willing to contribute.

Shell emphasizes the major dependency on governments and NGOs for raising the awareness of biodiversity among businesses during the goal seeking processes. The priority among governments and NGOs lies with the goal seeking elements, negotiations, compromises and priorities, but not with mobilizing the implementation power of businesses. Furthermore, both Shell and the pharmaceutical industry argue that they depend on governments and NGOs for facilitating their processes, both by reasonable legislation and the removal of legislative barriers.

The difference between the expectations of governments and NGOs on one side and businesses on the other is striking. Governments and NGOs formulated very high expectations in the CBD and other forums, and expect these to be reached by mostly legislative instruments at international and national level. At least, this is the view of Shell and the pharmaceutical industry. They characterize this as top-down thinking. However, Shell and the pharmaceutical industry strongly favor a bottom up approach. They don't focus on ambitious vistas but emphasize on quick wins with major effects on biodiversity.

Capacity building plays a major role in most current problems with biodiversity policy, as considered by Shell. Companies lack the knowledge and capacity to appreciate the advantages that can come with a pro-active stand to biodiversity policy. Governments and NGOs can be instrumental in this, but they lack the capacity to communicate this in a way that companies can internalize the knowledge and apply the insights. This leads to too much attention, by governments, to goal seeking processes on national and international levels instead of capacity building and the formation of partnerships. In this respect, companies also refer to the need for clear regulations as a tool to produce results. Clear and comprehensible regulations not only create a level playing field, but it also allows better planning. Companies are not as worried about a cry for international and national stringent regulations as they are for unclear and uncertain regulation.

The companies both argue that government policies are not tailor-made for integrating biodiversity in their operations. On the other hand they argue that the contribution they can and want to make is bigger then they make right now. This is a crucial finding for governments, because governments are in need of concrete results, which companies are willing to realize. According to the companies, to much government energy is still diverted to goals and to international processes. This illustrates the dependency between these parties. On the other hand, the case of the pharmaceutical industry shows that businesses also ascribe importance to international negotiations to come to a clear and equal international regime. A problem for multinationals is that they depend on many national governments and many levels of government, for their projects and their accountability, each with its own routines and priorities.

Shell has also to cope with specific environmental problems, for which she feels directly responsible. The problems are very clear to Shell and the company therefore makes a pro-active stand. The pharmaceutical industry does not consider biodiversity a major problem for its direct business, it being one of the sources of new medicines. However, this industry mainly entered the arena as a major contributor to a potential solution, namely that of creating value in areas of high biodiversity by creating cash flow to them. This implies that they take a

much more reactive attitude to its responsibility, and puts much more emphasis on the conditions under which it would be willing to make its contribution.

All parties clearly depend on each other to raise awareness on biodiversity. The more parties participate, the better, cheaper or more profitable biodiversity policy gets. Only then could it be rewarded by consumers or could governments focus on their core businesses.

Each party, both governments as well as companies, needs the capacity for internal and external communication. Every part of the organization needs to work with biodiversity in mind, if they really want to achieve results. Shell argued that change management needs to become a capacity better used by governments, but their case study shows that this also goes for Shell as well. Communication, however, does not yet seem to be the cornerstone of influencing perceptions in network settings.

4.4 Conclusion

Reflecting on the driving forces behind the decision-making by Shell and the pharmaceutical industry, one cannot help noticing that business arguments will always be the core of motivations and those companies always rely on governments for facilitation. In this paragraph we will reflect on the case studies by looking back at the theory and the analytical framework in chapter one. The question is how the goal seeking processes, the policy content processes and the communication processes interact with each other and with the variables (inter)dependencies, responsibilities, expectations and capacities. What can be said about trust in the business governance?

Shell approaches biodiversity first and foremost as a risk and tries to tackle this problem under the category 'risk management'. Its business drive is summarized as risk reduction and reputation enhancement. Shell is not striving for a role as a pro-active forerunner among businesses on biodiversity. On the other hand, the introduction of the Shell Biodiversity Standard is now a tool to support partnerships. Shell is also involved in many biodiversity projects. It is interesting to see how Shell to an increasing extent is getting into joint capacity building with conservationists like the IUCN. Combined with efforts to change the highly technical and little dialogue minded culture of Shell, this might be a tool to change. Shell is also involved in many policy processes throughout the world.

The pharmaceutical industry could take a much more positive approach to biodiversity, it being one of its resources. However, current agreements also lead to a threat for this industry, for procedures and benefit sharing may well put pressure on their results. We might say that Shell stands up to a challenge largely brought on by external pressure, while the pharmaceutical industry, who has no external pressure, flees to discussions about definitions and argues the industry will not use biodiversity at all if the consequences for the industry become too high. This illustrates that a sense of urgency is important to trigger biodiversity protection. A lack of acknowledgment and no internalization of the problem lead to defensive attitudes towards concepts such as biodiversity. The marked for bio prospecting is nevertheless growing and might change the field of forces. But growing awareness, knowledge and capacity building are needed to support the increasing process of creating internal guidelines. CBD has done and can do more to facilitate on this point. Of great concern is the capacity of national governments, especially in the developing world, to make strong deals and do the following up. The trend towards more experience with local agreements on benefit sharing should be further supported.

According to Shell, governments have a major role in raising awareness, because many companies are not aware of threats and opportunities. Shell emphasizes the need for a bottom-up approach, while governments, in the view of Shell, still focus on a more or less top down approach. This is partly a matter of poorly developed mutual awareness building and capacity shortage. According to Shell, it leads to poor governance. Shell wants governments to aim for the quick wins to generate energy. The pharmaceutical industry, from her defensive stand, wants further discussion about international standards and procedures. Concluding, one business wants concrete action, while the other wants more precise international discussions. The strategic position of the organization therefore determines their preferences on the subject of biodiversity. With regard to the short-term relationship between business and government, Shell argues that organized partnerships are necessary, and these activities should be accompanied with SMART agreements.

On a global scale, one could conclude that there are high potentials in including multi-national business in the CBD work. There are more than 65.000 multi-nationals in the world carrying large amounts of resources. At the same time, they are for a large part dependent of reputations and vulnerable to public disclosure. And the work on biodiversity standards, working procedures, awareness building and joint partnerships has only just begun. That is what we might call a window of opportunity.

5 Conclusions

5.1 Introduction

As stated in chapter one, the topic here is how the Netherlands is implementing the biodiversity policy. The goal is to provide insight into the policy processes concerning biodiversity. It is meant for reflection on how to cope with biodiversity issues for policy makers and for policy researchers. The research has been directed towards the barriers and opportunities for the implementation of the global convention CBD. The main question is

Which barriers and opportunities exist with respect to the implementation of the CBD?

The main question covers two underlying questions:
1. *Policy choices*: which strategies and arrangements have been chosen and how have they been applied in The Netherlands (which barriers and opportunities are there to the implementation?
2. *Policy priorities*: which policy impulses are useful and achievable for the Netherlands? Is change in existing approaches needed in 2006 (to overcome barriers and stimulate opportunities)?

The findings here presented in the next two sections. At the end a research question is formulated, based on the findings in the study.

5.2 Governance of biodiversity and policy choices

At the outset of this study, we expected that the government of the Netherlands would show willingness to involve in interaction with other parties, as far as the biodiversity policy issue is concerned. But at the same time, we stated that it would probably struggle with the ability to actually do so. We expected it to be a hard game, producing workable partnerships and shaping up the implementation capacity.

In fact, it seems that this hypothesis to a certain degree is verified by the findings. But there are important nuances to report on. In general, and slightly surprising, it seems clear that the approach in the Netherlands officially is based on a governance-approach, as discussed in chapter one about governance versus government. But institutional restraints are indeed present, persistent and powerful.

One of the most important findings is that the main choice of policy strategy and policy arrangements (BBI) is widely accepted and supported by for instance NGO's and business. This is a sign of a successful build up of the policy framework. In particular, this is the case if we consider cooperation as an important variable. Friends of Earth even called the BBI impressive; IUCN used the term 'fantastic'. The government of the Netherlands also have showed willingness to transgress established institutional borders by introducing the project Transition Biodiversity. The conclusion is that the policy formation has been quite successful, partly due to the mobilization around the plan. Many of the participants seem to identify with the line of thought and the initial choices. The high ambitions are reflected in the policy plan.

The transition project is a particularly interesting piece of innovation. It is a strong concept, which is built on eye-to-eye deliberations with no room for scapegoating and stalling. It seems like an exciting tool for innovation.

However, in both the BBI and the Transition Biodiversity project, the ability to produce intentional attuned behaviour has not corresponded with the intentions. The main barriers seem to be a lack of concrete commitment for the functioning of the partnerships, in combination with an insufficient empowerment of the follow-up. The transition project seems to have been rather limited equipped with manpower and means. This will probably decide the future of the project.

Another interesting finding is that many of the barriers of implementation at the regional level, as experienced by many regional actors around the turn of the century, now seem to be vanished, or at least reduced. Major improvements are made, like for instance on the active species protection policy. Also here, a weak capacity building and a lack of empowerment in the follow up phase might be a vulnerable factor. In general, the major barrier is that biodiversity is not very well internalized among the relevant actors. This is the case within many of the ongoing regional processes, like the National Landscapes and National Parks. The awareness and the knowledge have not been very much blooming.

There has been a tendency to think that planning instruments themselves produce results, whereas these only can be instrumental to the building of partnerships and cooperation. Planning instruments are no substitutions to partnerships. And fragmented institutions are still counterproductive to progress, although variety in itself should be cherished. At this point, it will remain a continuing puzzle how to balance these two attributes of diversity.

An interesting aspect in general is that the multi-level character of the policy development is clearly visible in for instance the follow-up of the Malahide Message. 'Malahide' is a result of a successful global agenda building and achievements on monitoring, resulting in an EU broad warning, which must be translated into national strategies and regional as well as local action. They do not come more 'multi-level' than that.

Interesting is also the developments within the private business sector. The rise of environmental management systems and reporting facilities is promising. Also the growing interest in benefit sharing is important, although it is rather premature to conclude anything on the future of this device.

5.3 Governance of biodiversity and policy priorities

With regard to research question two, the expectation was that the government should put more effort into producing workable partnerships based on a programmatic approach, and spending more time on how to approach the challenges, instead of formulating more policy goals.

With regard to the BBI, the findings fully support this expectation. Many of the involved stresses the need for a more 'programmatic approach'. They express a need for an improved relationship between goals and means, accompanied with sufficient manpower and commitment. In short, this can be summarized to a need for a more empowered partnership. The BBI partnership in the Netherlands even seems to be at a threshold: the start-up went well, and the partners expect a follow-up with SMART-agreements and commitments. The responsible ministry, or actually plural: ministries should take a close look at the manpower

involved and the team-building within the ministries. If biodiversity is important, and the BBI is the major tool, then these signals of insufficient empowerment are of paramount importance. This also goes for the interdepartmental capacity building and commitment.

The Transition Biodiversity is doing fine on its own, and will probably do so as long as it is provided with means and support, and central government officials are not putting claims on the direction of action or ways of communication. The project is first of all a process of social learning, an innovative effort to produce behaviour beyond traditional and institutional borders.

A general conclusion on cooperation is that the task is not so much about producing partnerships anymore, because there seem to be quite enough of them. The challenge is the maintenance of these relations. We believe it is necessary to strengthen the approach considerably, in order to keep up with the initial expectations and to deliver more results. Again, we emphasize that a more programmatic way of dealing with the intentions and ambitions is needed. A national program on for instance corporate social responsibility would be welcome.

The interdepartmental efforts should also be streamlined, better coordinated, up-graded and the question of institutional capacity to move biodiversity governance further also deserves more attention. Lack of manpower on strategic issues like facilitating BBI progress should trigger a discussion on how to improve the effort. Is manpower the real issue?

From 2007 on, many of the relevant policy parts in the Netherlands will begin an integration process through the National Rural Investment plan[61]. It is an attempt to fight fragmentation and increase integration and cooperation at the national scale. Biodiversity should be onboard, but that is by no means a certainty.

With a view to 2010, which is an important reference point for the CBD strategy, it is striking to observe that a considerable amount of the success achieved has been on issues of building up institutional frameworks and monitoring progress. This is not only the case at the global level, but also very much at other levels. The CBD acknowledges this feature of the progress and these concerns have found their way into the strategic 2010 CBD goals. Annex four contains an overview of these targets, but it is of paramount importance to highlight this trend in the CBD 2010 target setting. As we can see, most of the targets are strongly geared up to the promotion and up-grading of capacity for implementation and building partnerships. Key actors and stakeholders, public as well as private ones, must be engaged in partnerships to implement the convention. The CBD emphasize that this is vital to a better understanding of the importance of biodiversity and how results can be reached.

The CBD states that more investments in communication, education and public awareness strategies must be a vehicle to this development. Eventually, this will also lead to broader engagement across society, at the international, national, regional and local level. Biodiversity concerns will then be better integrated into relevant sectoral and cross-sectoral plans, programmes and policies.

61 In Dutch it is called ILG (Investeringsbudget Landelijk Gebied).

Further research

It is worth mentioning that at the 9th Special Session of the United Nations Environment Programme (UNEP) in Dubai 7-9 February 2006[62], many speakers highlighted the importance of strengthening the scientific base of global environmental governance. The UNEP stated that multidisciplinary social science research can shed light on processes of global change negotiations. Researchers of the IHDP core science project Institutional Dimensions of Global Environmental Change (IDGEC) are exploring these international negotiation processes in order to better understand why some institutional responses to global environmental change are more efficient than others, and why some institutions contribute to the problem rather than the solution. The question of international environmental governance, which was also raised at the UNEP Governing Council, is of high relevance. For the effective implementation of goals and principles, the institutional architecture of international environmental governance has to be reformed and strengthened.

We underline this call for improvement of the science-policy relation. We also would like to add a need for a similar program in the Netherlands, directed towards the multi-level and multi-actor character of the challenges.

[62] IHDP – The International Human Dimensions Programme on Global Environmental Change - Press Release (6 March 2006), UNEP Governing Council: Strengthening the Scientific Base of Environmental Governance is Essential

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Dr. Martin van der Graaff, Manager Biotechnical and Environmental Issues, Nefarma

Sylvia Goddijn, Agriculture Research Institute (LEI), Wageningen UR

Ge Backus, Agriculture Research Institute (LEI), Wageningen UR

Annex 2 Working definition of biodiversity

The working definition for biodiversity:

The variety of life forms: the different plants, animals and microorganisms, the genes they contain, and the ecosystems they form. It is usually considered at three levels: genetic diversity, species diversity and ecosystem diversity.In more detail:

Biological diversity or biodiversity refers to the variety of life forms: the different plants, animals and microorganisms, the genes they contain, and the ecosystems they form. This living wealth is the product of hundreds of millions of years of evolutionary history. In places as ancient as Australia, this history can still be seen today in 'living fossils' whose origins date back hundreds of millions of years. Living structures called stromatolites which can be seen in Shark Bay, Western Australia, represent one of the longest continual biological lineages known, some 1900 million years.(1) The process of evolution means that the pool of living diversity is dynamic: it increases when new genetic variation is produced, a new species is created or a novel ecosystem formed; it decreases when the genetic variation within a species decreases, a species becomes extinct or an ecosystem complex is lost. The concept emphasises the interrelated nature of the living world and its processes. Biological diversity is usually considered at three different levels: genetic diversity, species diversity and ecosystem diversity.

Genetic diversity refers to the variety of genetic information contained in all of the individual plants, animals and microorganisms. Genetic diversity occurs within and between populations of species as well as between species.

Species diversity refers to the variety of living species.

Ecosystem diversity relates to the variety of habitats, biotic communities, and ecological processes, as well as the tremendous diversity present within ecosystems in terms of habitat differences and the variety of ecological processes.

Source: http://www.deh.gov.au/biodiversity/publications/series/paper1/index.html#1

Annex 3 The Strategic 2010 CBD Goals and Objectives

Goal 1: The Convention is fulfilling its leadership role in international biodiversity issues. 1.1 The Convention is setting the global biodiversity agenda. 1.2 The Convention is promoting cooperation between all relevant international instruments and processes to enhance policy coherence. 1.3 Other international processes are actively supporting implementation of the Convention, in a manner consistent with their respective frameworks. 1.4 The Cartagena Protocol on Biosafety is widely implemented. 1.5 Biodiversity concerns are being integrated into relevant sectoral or cross-sectoral plans, programmes and policies at the regional and global levels. 1.6 Parties are collaborating at the regional and subregional levels to implement the Convention.	*Goal 2: Parties have improved financial, human, scientific, technical, and technological capacity to implement the Convention.* 2.1 All Parties have adequate capacity for implementation of priority actions in national biodiversity strategy and action plans. 2.2 Developing country Parties, in particular the least developed and the small island developing States amongst them, and other Parties with economies in transition, have sufficient resources available to implement the three objectives of the Convention. 2.3 Developing country Parties, in particular the least developed and the small island developing States amongst them, and other Parties with economies in transition, have increased resources and technology transfer available to implement the Cartagena Protocol on Biosafety. 2.4 All Parties have adequate capacity to implement the Cartagena Protocol on Biosafety. 2.5 Technical and scientific cooperation is making a significant contribution to building capacity.
Goal 3: National biodiversity strategies and action plans and the integration of biodiversity concerns into relevant sectors serve as an effective framework for the implementation of the objectives of the Convention. 3.1 Every Party has effective national strategies, plans and programmes in place to provide a national framework for implementing the three objectives of the Convention and to set clear national priorities. 3.2 Every Party to the Cartagena Protocol on Biosafety has a regulatory framework in place and functioning to implement the Protocol. 3.3 Biodiversity concerns are being integrated into relevant national sectoral and cross-sectoral plans, programmes and policies. 3.4 The priorities in national biodiversity strategies and action plans are being actively implemented, as a means to achieve national implementation of the Convention, and as a significant contribution towards the global biodiversity agenda.	*Goal 4: There is a better understanding of the importance of biodiversity and of the Convention, and this has led to broader engagement across society in implementation.* 4.1 All Parties are implementing a communication, education, and public awareness strategy and promoting public participation in support of the Convention. 4.2 Every Party to the Cartagena Protocol on Biosafety is promoting and facilitating public awareness, education and participation in support of the Protocol. 4.3 Indigenous and local communities are effectively involved in implementation and in the processes of the Convention, at national, regional and international levels. 4.4 Key actors and stakeholders, including the private sector, are engaged in partnership to implement the Convention and are integrating biodiversity concerns into their relevant sectoral and cross-sectoral plans, programmes and policies.

Annex 4 Obstacles to the implementation of the Convention of Biological Diversity, according to the CBD

- **Political/societal obstacles**
  - Lack of political will and support to implement the Convention on Biological Diversity
  - Limited public participation and stakeholder involvement
  - Lack of mainstreaming and integration of biodiversity issues into other sectors, including use of tools such as environmental impact assessments
  - Political instability
  - Lack of precautionary and proactive measures, causing reactive policies.
- **Institutional, technical and capacity-related obstacles**
  - Inadequate capacity to act, caused by institutional weaknesses
  - Lack of human resources
  - Lack of transfer of technology and expertise
  - Loss of traditional knowledge
  - Lack of adequate scientific research capacities to support all the objectives.
- **Lack of accessible knowledge/information**
  - Loss of biodiversity and the corresponding goods and services it provides not properly understood and documented
  - Existing scientific and traditional knowledge not fully utilized.
  - Dissemination of information on international and national level not efficient
  - Lack of public education and awareness at all levels.
- **Economic policy and financial resources**
  - Lack of financial and human resources
  - Fragmentation of GEF financing
  - Lack of economic incentive measures
  - Lack of benefit-sharing.
- **Collaboration/cooperation**
  - Lack of synergies at the national and international levels
  - Lack of horizontal cooperation among stakeholders
  - Lack of effective partnerships
  - Lack of engagement of scientific community.
- **Legal/juridical impediments**
  - Lack of appropriate policies and laws
- **Socio-economic factors**
  - Poverty
  - Population pressure
  - Unsustainable consumption and production patterns
  - Lack of capacities for local communities.
- **Natural phenomena and environmental change**
  - Climate change
  - Natural disasters.

Annex 5 The Malahide Goals

FINAL MESSAGE FROM MALAHIDE:
HALTING THE DECLINE OF BIODIVERSITY - PRIORITY OBJECTIVES AND TARGETS FOR 2010
27 May 2004

SECTOR 1: CONSERVATION AND SUSTAINABLE USE OF NATURAL RESOURCES

OBJECTIVE 1: To ensure conservation of Europe's most important wildlife habitats and species within a thriving wider environment.

1.1 Natura 2000 network completed on land by 2005, marine sites by 2008 and management objectives for all sites agreed and instigated by 2010.
1.2 Natura 2000 contributes to the establishment of effectively managed, comprehensive and ecologically representative networks of protected areas at land and at sea, integrated into a global network.
1.3 Arrangements established which ensure adequate and guaranteed community co-financing for the Natura 2000 network. This should include inter alia the enhancement of Life-Nature funding in the new Financial Instrument for the Environment alongside enhanced funding from the structural and rural development funds. These funds should be accessible to all those who manage Natura 2000 sites. Funds should also promote awareness raising and networking initiatives.
1.4 Appropriate protection status, management and adequate financial support identified and provided to areas of biodiversity importance in parts of the EU not covered by the Habitats and Birds Directives.
1.5 Action plans prepared and implemented to enhance the status of those species under particular threat, with a view to establishing their favourable conservation status.
1.6 Scientific review of the annexes of the Birds and Habitats Directives initiated in 2008 following the next periodic reports of these Directives.
1.7 Article 6 (avoidance of damages to Natura 2000 sites) of the Habitats Directive fully transposed into national legislation and planning policies, and routinely implemented; where development proposals cannot avoid damage to sites, special effort given to the adequate design and implementation of compensation measures.
1.8 Protected areas integrated into broader landscapes and seascapes by applying the ecosystem approach, and where appropriate, developing tools for ecological connectivity, such as ecological corridors.
1.9 Support strengthened for *ex situ* conservation programmes which are operated in line with best practice.

OBJECTIVE 2: To ensure that biodiversity concerns are fully recognised in the conception and implementation of community legislation and instruments in both environment and other sectors.

2.1 Integration of biodiversity concerns in the further development and implementation of horizontal environmental legislation and instruments ensured, in particular regarding water, soils, marine, liability, eco-labelling, Environmental Monitoring and Audit Schemes (EMAS), IPP, Precautionary Principle, Environmental Impact Assessment, Strategic Environmental Assessment, Århus, chemicals and GMOs.

2.2 In the conception and development of broader EU policies, assessment of the likely impacts on biodiversity carried out so as to ensure that these policies do not prejudice achievement of the Gothenburg target.

OBJECTIVE 3: To develop and implement measures for the prevention and control of invasive alien species and alien genotypes.

3.1 Strategy on IAS adopted by 2005, taking into account the CBD's guiding principles on IAS, considering potential legal instruments, and identifying priorities for eradication programmes and measures capable of the prevention of further intentional or non-intentional introductions of potential IAS.
3.2 MS encouraged to develop national strategies by 2007 and implement them fully by 2010.
3.3 Adequate funding provided in the 7th Framework Programme and from national sources for research on the extent and scale of IAS and possible solutions to the problems they cause.
3.4 Ratification by MS of the International Convention for the Control and Management of Ship's Ballast Water and Sediments under the IMO encouraged.
3.5 Early warning system established for the prompt exchange of information between neighbouring countries on the emergence of IAS and cooperation on control measures across national boundaries.

OBJECTIVE 4: To prevent or minimise the negative impacts on biodiversity and optimise opportunities to benefit biodiversity, in relation to climate change adaptation and mitigation.

4.1 Commitments made under the Kyoto Protocol respected, and further ambitious measures agreed in line with the long-term Intergovernmental Panel on Climate Change (IPCC) assessments.
4.2 All climate change adaptation and mitigation measures assessed to ensure they have no negative impacts and, wherever possible, provide positive benefits to biodiversity.
4.3 The ecological connectivity of Natura 2000 network supported in order to achieve or maintain favourable conservation status of species and habitats in the face of climate change, including the promotion of cross-border ecological corridors between the EU and neighbouring states.
4.4 Habitats and species most at risk from climate change assessed by 2007, and appropriate management plans subsequently prepared.

SECTOR 2: AGRICULTURE

OBJECTIVE 5: To further integrate biodiversity issues into the Common Agricultural Policy in order that the agricultural sector can fulfil its contribution to the 2010 biodiversity target

Within the Rural Development context

5.1 The Rural Development Regulation strengthened within the Financial Perspectives 2007-2013 including its funding and in particular those measures including Less Favoured Areas and areas with environmental restrictions and agri-environment that contribute to the delivery of biodiversity.
5.2 High Nature Value areas (including the Natura 2000 network) threatened with loss of biodiversity and abandonment identified, and measures to address those threats provided.

5.3 Habitats and species in other agricultural areas also at risk of biodiversity loss identified and support for their protection provided.
5.4 High-Nature Value areas and traditional farming systems included in Less Favoured Areas and their continued support provided for.
5.5 Rural Development support underpinned by identified Good Farming Practices that provide a basic level of protection for biodiversity.
5.6 Agri-environmental schemes – in addition to their other tasks – specifically targeted to provide positive incentives for biodiversity conservation in the longer-term;
5.7 Extension services and farm advisory system broadened, and biodiversity training for farmers, land owners and farm workers strengthened.

Within the market pillar
5.8 Provisions of the 2003 CAP reform (eg. decoupling, national envelope, Single Farm Payment) implemented in such a way as to benefit biodiversity.
5.9 Cross-compliance effectively implemented in ways that benefit biodiversity, including possible extension of scope following its evaluation in 2007.

Genetic resources
5.10 Measures in place to ensure the conservation and availability for use of genetic resources, and in-situ conservation (varieties, breeds and races)[63] promoted.

Monitoring and evaluation
5.11 Effectiveness of rural development and key market policy reform measures (single farm payment, cross-compliance, national envelopes etc) for biodiversity monitored and evaluated.

SECTOR 3: FORESTRY

OBJECTIVE 6: To conserve and enhance biodiversity through sustainable forest management at national, regional and global levels.

National and EU level
6.1 Biodiversity considerations fully integrated with economic and social considerations in implementation of sustainable forest management.
6.2 Forest species and habitats listed under the Birds and Habitats Directives in favourable conservation status.
6.3 Adequate financial support secured for the conservation of forest biodiversity both inside and outside Natura 2000 sites by 2007.
6.4 Biodiversity of all ancient and semi-natural woodland of significant importance secured.
6.5 No overall long-term negative impact of afforestation and deforestation on biodiversity in EU from 2004.

Global level
6.6 Wood imported by the EU derived only through sustainable forest management.
6.7 EU imports driving deforestation identified and reduced.
6.8 Bilateral agreements made between the EU and the major timber exporting countries with the aim of supporting forest law enforcement, governance and trade (FLEGT).

[63] This includes the Community commitment to the International Treaty on Plant Genetic Resources for Food and Agriculture.

SECTOR 4: FISHERIES

OBJECTIVE 7: To further promote conservation and sustainable use of commercial stocks and to continue reduction of adverse impacts of fishing and aquaculture on species and habitats making full use in particular of the CFP instruments.

7.1 New Regulation on Structural Funds in the field of fisheries, with an increased allocation of funds for investments aiming at environmentally-friendly management adopted by 2006.
7.2 Recovery plans prepared and implemented as soon as needed for any stocks outside safe biological limits.
7.3 Technical measures, including marine protected areas, effectively implemented to help ensure favourable conservation status of marine habitats and species not commercially exploited, in line with the process initiated at the Dundalk Conference[64] including measures aimed at the reduction of unwanted by-catch and of damage to the benthos.
7.4 Community Plans of Action on sharks and seabirds adopted by 2006 with progressive implementation thereafter.
7.5 Fishery protection measures required for Natura 2000 implementation adopted following CFP procedures.
7.6 Restoration programmes for diadromous species (eg. eel, trout, salmon, sturgeon) designed and adopted in collaboration with the appropriate authorities and in close consultation with relevant stakeholders.
7.7 Appropriate environmental impact assessment techniques applied to new aquaculture and new fisheries to identify impacts on biodiversity and these assessments acted on from 2004.
7.8 Funds made available regularly to undertake assessments of the short- and long-term effects on marine ecosystems of principal fishing and aquaculture techniques and practices.
7.9 A strategic plan for making operational the ecosystem-based approach to fisheries management developed and adequately funded as soon as possible.
7.10 Reports on progress of environmental integration in the CFP made available by 2005, 2007 and 2009.
7.11 Regional Advisory Councils (which will be instrumental for the delivery of biodiversity objectives) established, adequately funded and fully operational by 2005 in order to strengthen stakeholder participation in fisheries management and promote biodiversity awareness.

Footnote to targets: There was discussion of a potential further target to be worded: 'Reduction of fishing capacity facilitated where the exploitation rate exceeds the sustainability of the resource.' There was, however, no agreement on inclusion of such a target.

SECTOR 5: REGIONAL POLICY & SPATIAL PLANNING

OBJECTIVE 8: To ensure that Cohesion policy and spatial planning support conservation and sustainable use of biodiversity.

8.1 Substantial proportion (10%) of structural funds guaranteed under Financial Perspectives 2007-2013 for positive measures for the conservation and sustainable use of biodiversity, in particular to enhance ecological connectivity.
8.2 Projects co-financed by structural funds not causing significant negative impact on biodiversity and complying with Community nature and environmental legislation.

[64] 'Fast-tracking the development of environmentally-friendly fishing methods', Dundalk, Ireland, 2004.

8.3 All territorial plans subject to Strategic Environmental Assessment Directive take full account of impacts on biodiversity from July 2004.
8.4 Spatial plans have ensured the maintenance and enhancement of the ecological functioning of landscapes and of the coherence of the Natura 2000 network.
8.5 An Environment Objective established within the Structural Funds to address nature conservation issues in regions of high biodiversity value implemented through the new Regulation for 2007-2013.

SECTOR 6: ENERGY & TRANSPORT, CONSTRUCTION & EXTRACTIVE INDUSTRIES

OBJECTIVE 9: To prevent, minimise and mitigate negative impacts on biodiversity of construction, infrastructure and extractive industries, or related to the use of infrastructure.
9.1 All environmental assessments of transport, energy, urban, industrial and extractive projects under the EIA Directive and/or Art. 6 of the Habitats Directive, take full account of impacts on biodiversity in the authorisation procedure, whether or not the project receives EU financing.
9.2 All environmental assessments of transport, energy, urban and industrial and extractive programmes and plans under the SEA Directive take full account of impacts on biodiversity from July 2004.
9.3 All new Trans-European Networks (TENs) provide for environmental assessment, taking full account of biodiversity impacts.
9.4 All EU pollution and accident prevention legislation and post-Prestige measures fully implemented to schedule.

SECTOR 7: TOURISM

OBJECTIVE 10: To make all tourism sustainable.
10.1 All Natura 2000 management arrangements ensure that recreation and educational use of the site is sustainable.
10.2 CBD guidelines on sustainable tourism promoted, adopted and implemented as appropriate by key stakeholders.

SECTOR 8: ECONOMIC AND DEVELOPMENT COOPERATION

OBJECTIVE 11: To ensure an improved and measurable contribution of EU economic and development cooperation to achieving the global target 'to significantly reduce the current [2002] rate of biodiversity loss by 2010' in support of the Millennium Development Goals.
11.1 EU Regional and Country Strategy Papers and Sectoral Strategy Papers have integrated implementation of the CBD by 2007.
11.2 Partner countries65 have integrated implementation of the CBD in national development strategies, including Poverty Reduction Strategies by 2007.
11.3 EC and Member States funding for supporting implementation in partner countries of the CBD, its work programmes and its Biosafety Protocol, significantly increased by 2007.
11.4 Adequate dedicated EU funding secured to support international implementation of the CBD where these actions fall outside development cooperation.

[65] The term "Partner countries" includes Overseas Territories

11.5 All programmes and projects funded by the EU in partner countries have ex ante strategic environmental assessments and environmental impact assessment, and actions are taken to prevent and mitigate negative impacts on biodiversity in a timely manner.
11.6 Adequate long term capacity has been established in EU delegations and development cooperation agencies to sustainably achieve the above targets by 2006.
11.7 EC and Member States cooperate and coordinate their efforts to support the above targets, with corresponding reporting mechanisms by 2006.
11.8 Effective mechanisms are in place to enable NGOs and local communities to access EU funding and to increase synergies between governments, NGOs and the private sector.

SECTOR 9: INTERNATIONAL TRADE

OBJECTIVE 12: To contribute to the global 2010 target by promoting ecologically sustainable international trade.
12.1 Major negative impacts of trade on third countries' and EU's biodiversity identified, and mechanisms proposed and adopted and action taken to significantly reduce them.
12.2 All trade agreements between the EU and third countries avoid or at least mitigate negative effects on biodiversity.
12.3 All trade in CITES species effectively controlled to ensure that it is not detrimental to their conservation and sustainable use.
12.4 Biodiversity conservation and sustainable use fully integrated into EC trade-related technical assistance and capacity-building activities.
12.5 Mutual supportiveness between biodiversity-related agreements and the WTO and other trade-related agreements ensured, consistent with the precautionary principle.

THEME 1: CONSERVATION OF NATURAL RESOURCES
No objective – see Policy Area

THEME 2: SHARING OF BENEFITS, TRADITIONAL KNOWLEDGE

OBJECTIVE 13: To ensure the fair and equitable sharing of benefits arising out of the use of genetic resources while promoting their conservation and sustainable use.
13.1 Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of Benefits Arising out of their Utilisation fully applied in the EU by 2006.
13.2 Capacity built in developing countries for the implementation of the ABS provisions of the CBD.
13.3 International regime on ABS concluded according to the mandate adopted at COP7.
13.4 International Treaty on Plant Genetic Resources for Food and Agriculture effectively implemented by 2007.

OBJECTIVE 14: To ensure the implementation of CBD decisions on knowledge, innovations and practices of indigenous and local communities embodying their traditional lifestyles.
14.1 Ensure application of the principle of prior informed consent when commercially using traditional knowledge.
14.2 Apply the CBD Akwe-Kon Guidelines for projects affecting terrestrial lands of indigenous and local communities both within the EU Member States and in third countries.

THEME 3: RESEARCH, MONITORING AND INDICATORS

OBJECTIVE 15: To implement an agreed set of biodiversity indicators to monitor and evaluate progress towards the 2010 targets, with the potential to communicate biodiversity problems effectively to the general public and to decision-makers and provoke appropriate policy responses.

15.1 Indicators: biodiversity headline indicators adopted in 2004, tested, optimised, finalised by 2006; biodiversity indicator adopted in list of Sustainable Development Indicators for reporting on Sustainable Development Strategy by 2004; interim biodiversity structural indicator developed by 2005 and finalised by 2006.

15.2 Monitoring: use, and if necessary develop, monitoring frameworks (building on existing monitoring approaches and methods including those of civil society) in order to establish adequate harmonised data flows for the biodiversity headline and structural indicators to reveal and communicate key trends from 2006.

15.3 Reporting: adopt best approaches to streamline national reporting to European Community, pan-European and international agreements from 2006 onwards; headline indicators applied for reporting on progress in implementation of the ECBS and BAPs 2007 and 2010.

15.4 Funding: adequate financial resources allocated to biodiversity indicators, monitoring, reporting and their coordination.

Note: The Malahide Conference endorsed the first set of biodiversity headline indicators for testing, optimising and finalising in line with target 15.1 (Annex 1)

OBJECTIVE 16: To improve and apply the knowledge base for the conservation and sustainable use of biodiversity.

Knowledge outcomes

16.1 Status[66], trends and distribution of all habitats and species of Community Interest and of additional habitats and species of policy relevance known.

16.2 Impacts of the most significant pressures[67] on biodiversity for each key sector of the European Community Biodiversity Strategy discriminated, ranked and quantified where possible, and prevention and mitigation options developed and tested.

16.3 Tools for measuring, anticipating and improving the effectiveness of the most important policy instruments for conservation and sustainable use of biodiversity in each of the sectors of the European Community Biodiversity Strategy developed and applied.

Enabling outcomes

16.4 Adequate financial resources (to achieve knowledge and enabling outcomes) allocated by 2006 to European and national biodiversity research and to the dissemination of its results, including sufficient funding under the Community's FP7.

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[66] Here 'status' is used to refer to the abundance of species, extent of habitats and the favourable conservation status of habitats and species of Community Interest. Composition and function to be included here.

[67] Pressures include sea- and land-use change, habitat fragmentation, connectivity and destruction, climate change, pollution, including eutrophication and nitrogen deposition, harvesting and hunting pressure, natural and anthropogenic catastrophes, non-indigenous and invasive organisms and emergent diseases, globalisation, trade, consumption patterns, business practices and social conflicts, institutional structures and property rights, loss of genetic diversity and key functional groups (e.g. pollinators and bio-turbators), policy conflicts, and new technologies including GMOs and renewable energy.

16.5 Effective and inclusive European Research Area for biodiversity established, research capacity in key disciplines (e.g. taxonomy) with interdisciplinary and participatory science strengthened by 2008.
16.6 Institutional arrangements in place to ensure essential policy-relevant research is done and research outcomes are assimilated by policy-makers.
16.7 Common data standards and quality assurance procedures established and promoted to enable interoperability of key European and national biodiversity databases and inventories by 2008.

Note: The Malahide Conference endorsed the Killarney Declaration and EPBRS recommendations on research priorities (Annex 2).

THEME 4: EDUCATION, TRAINING & AWARENESS, PARTICIPATION

OBJECTIVE 17: To reinforce measures for public communication, awareness and participation.
17.1 "El Teide Declaration" implemented through the development of partnerships, involving the broad range of stakeholders in the conservation and management of Natura 2000 sites, the sharing of experience and good practice in managing the Network, the sustainable use and management of Natura 2000 areas for educational and recreational purposes.
17.2 Positive dialogue with Member States and stakeholders continued through charters, guidance documents, to improve efficiency of communication channels on the implementation of the Natura 2000 Network and Birds and Habitats Directives.
17.3 Ten thematic conferences under the "Countdown 2010" initiative (launched at Malahide in 2004) to halt the loss of biodiversity supported from 2004 to 2010, and parallel processes in other regions, or by other partners encouraged.
17.4 Public participation and related access to justice requirements of the Århus Convention applied to projects, and plans and programmes, relating to or having an impact on biodiversity conservation.

THEME 5: INTERNATIONAL ENVIRONMENTAL GOVERNANCE

OBJECTIVE 18: EU contributes to improved international environmental governance to increase implementation of the CBD and other biodiversity related agreements
18.1 Coordinated and effective compliance and dispute settlement mechanisms established for all biodiversity related international agreements.
18.2 Effectiveness and synergy of implementation of biodiversity-related agreements strengthened through the global partnership for biodiversity.

[Note: while there was preliminary agreement on the need for this objective, the Conference felt there was a need for more thorough examination of the issues and legal context]

WOt-onderzoek

Verschenen documenten in de reeks Werkdocumenten van de Wettelijke Onderzoekstaken Natuur & Milieu – vanaf mei 2005

Werkdocumenten zijn verkrijgbaar bij het secretariaat van Wettelijke Onderzoekstaken Natuur & Milieu, Lumengebouw, te Wageningen.

T 0317 – 47 78 44
F 0317 – 42 49 88
E info.wnm@wur.nl

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