# 2

# The International Legal Framework on Biodiversity and Nature Conservation

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## 2.1 INTRODUCTION

This chapter examines the international legal framework on biodiversity, reflects on the scope of its implementation in the Middle East and North Africa (MENA) region, and highlights the way forward for enhancing coherent, holistic, and integrated implementation of biodiversity treaties in the region.

Nature and its contributions are essential to human survival due to their wide-ranging economic, social, and cultural benefits. The value of nature-derived ecosystem services is estimated at US$125–140 trillion per year.[1] These vital services include anything from provision of food, water, medicines, genetic resources, and energy, to the regulation of environmental processes such as climate change and ocean acidification and pollination, to the creation of livelihood opportunities and the facilitation of recreational, cultural, and spiritual well-being.[2] Yet the variety of nature, collectively known as "biodiversity," faces multiple threats that continue to intensify.[3] It is no wonder that in 2023, biodiversity and ecosystem loss ranked fourth as the most severe global risk for the coming decade.[4]

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[1] Organization for Economic Co-operation and Development, "Biodiversity: Finance and the Economic and Business Case for Action" (May 2019) www.oecd.org/environment/resources/biodiversity/Executive-Summary-and-Synthesis-Biodiversity-Finance-and-the-Economic-and-Business-Case-for-Action.pdf accessed January 12, 2023, 4. See also M. Grooten and R. E. A. Almond (eds), *Living Planet Report – 2018: Aiming Higher* (WWF 2018) 6.

[2] K. A. Brauman, L. A. Garibaldi, and S. Polasky et al., "Chapter 2.3. Status and Trends – Nature's Contributions to People (NCP)" in S. Díaz, J. Settele, E. S. Brondízio et al. (eds), *Global Assessment Report of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem* (IPBES 2019) 313.

[3] S. Díaz, J. Settele, E. S. Brondízio et al. (eds), *Global Assessment Report of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem* (IPBES 2019) 5.

[4] World Economic Forum (WEF), *The Global Risks Report 2023*, 18th edition (WEF 2023) 6.

Biodiversity loss is one of the three contributors to the triple planetary crisis, along with climate change and pollution.[5] Human activity is a driver of this loss and it has the potential to cause permanent damage to about 75 percent and 66 percent of land- and marine-based environments, respectively.[6] Already, a record number of one million animal and plant species are threatened by extinction,[7] with wildlife populations having declined by an average of 69 percent since 1970.[8] Every year that biodiversity loss persists, the global gross domestic product drops by US$2.7 trillion.[9] Unfortunately, this loss and degradation disproportionately affects marginalized populations.[10] Of additional concern is the linkage between the degradation and the emergence of zoonotic diseases, such as the COVID-19 pandemic that wholly disrupted the world.[11]

Certainly, a rich and healthy biodiversity is integral to the attainment of the 2030 Agenda for Sustainable Development. While all Sustainable Development Goals (SDGs) are connected to biodiversity, Goal 15 especially calls for the protection, restoration, and promotion of sustainable use of terrestrial ecosystems and the halting of biodiversity loss.[12] This goal is complemented by Goal 14 on marine ecosystems. The progress is falling behind expectations.[13] The 2022 SDG report notes that the risk of species extinction continues to rise, yet biodiversity was largely neglected in COVID-19 recovery spending.[14]

[5] United Nations, *The Sustainable Development Goals Report 2022* (UN 2022) 50; UN Framework Convention on Climate Change (UNFCCC), "What Is the Triple Planetary Crisis" (UNFCCC.int, April 13, 2022) https://unfccc.int/blog/what-is-the-triple-planetary-crisis accessed January 12, 2023.

[6] Olivia Lai, "UN Reports Animal Species Extinction Rates Are Record High and 'Accelerating'" (Earth.org, July 28, 2021) https://earth.org/un-reports-animal-species-extinction-rates-are-record-high-and-accelerating/ accessed January 12, 2023; S. Díaz, J. Settele, E. S. Brondízio et al. (eds), *Global Assessment Report of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem* (IPBES 2019) 15.

[7] S. Díaz, J. Settele, E. S. Brondízio et al. (eds), *Global Assessment Report of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem* (IPBES 2019) 16.

[8] R. E. A. Almond, M. Grooten, D. Juffe Bignoli et al. (eds), *Living Planet Report 2022 – Building a Nature-Positive Society* (WWF 2022) 4. The period of the study in relation to a decline of wildlife population was from 1970 to 2018.

[9] J. Justin Andrew, R. Giovanni, U. Baldos et al., "The Economic Case for Nature" (June 2021) https://openknowledge.worldbank.org/handle/10986/35882 accessed January 12, 2023, 6.

[10] IUCN, "Post-2020 Global Biodiversity Framework Emphasizes 'All-Hands-on-Deck' approach" (Crossroads blog, September 5, 2021) www.iucn.org/crossroads-blog/202109/post-2020-global-biodiversity-framework-emphasises-all-hands-deck-approach accessed January 12, 2023.

[11] In 2016, the United Nations Environment Programme (UNEP) forewarned of a heightened increase in zoonotic diseases, such as Corona viruses, due to human-created ecological disturbances that enable pathogenic spill overs from wildlife to livestock and human beings. UNEP, *UNEP Frontiers 2016 Report: Emerging Issues of Environmental Concern* (UNEP 2016) 18; also see Secretariat of the Convention on Biological Diversity, *Global Biodiversity Outlook 5* (Secretariat of the Convention on Biological Diversity 2020) 176.

[12] UN General Assembly (UNGA), "Transforming Our World: The 2030 Agenda for Sustainable Development" (October 21, 2015) UN Doc A/RES/70/1, 14.

[13] UN (n 5).

[14] UN (n 5) 56.

The MENA region is not exempt from the global trends in biodiversity loss. This region boasts a wealth of terrestrial and marine habitats that include mangrove stands, productive wetlands, and endangered species such as dugongs.[15] While MENA countries have adopted numerous and varied measures to protect nature and safeguard biodiversity, more needs to be done to advance the kind of implementation required to fulfill the biodiversity-related SDGs.[16] The Fifth Global Biodiversity Outlook (GBO5) underscores the urgency for measures to slow down and end biodiversity loss for the benefit of, among other things, climate action, long-term food security, and health.[17] As Mrema, the immediate former executive secretary for the Secretariat to the Convention on Biological Diversity (CBD) rightly notes, "nature is the backbone for maintaining and restoring balance within planetary boundaries."[18]

The effective implementation of biodiversity-related international treaties is a powerful approach to responding to the biodiversity crisis. Worryingly, weak implementation and enforcement is a global trend that is exacerbating environmental threats, despite prolific growth in environmental laws and agencies worldwide over the last four decades.[19]

This chapter therefore examines current progress made in implementing biodiversity and nature conservation treaties in the MENA region. The chapter is divided into five sections. After this introduction, Section 2.2 outlines the key international law instruments on biodiversity and nature conservation. Section 2.3 evaluates the MENA countries' approach to implementation of the CBD. Section 2.4 proffers recommendations on how to advance a more coherent, holistic, and integrated implementation of biodiversity and nature conservation treaties in the MENA region, based on the Global Biodiversity Framework (GBF), and Section 2.5 conclusion.

## 2.2 INTERNATIONAL AND REGIONAL FRAMEWORK ON BIODIVERSITY AND NATURE CONSERVATION

Humankind, particularly indigenous communities, have conserved nature and biodiversity for eons, equipped by a diversity of ancient traditions and knowledge. With the advent of the agricultural and industrial revolutions in the eighteenth and nineteenth centuries, however, a concerning rise in the destruction of nature occurred. Early legal attempts to address this phenomenon were observed in the twentieth century at both national and international levels, through the enactment of frameworks such as the colonial 1933 Convention relative to the Preservation of Fauna and Flora

[15] UNEP, *Global Environment Outlook GEO-6, Regional Assessment for West Asia* (UNEP 2016) 57.
[16] UN (n 5) 54–57. The report refers to "Northern Africa and West Asia," which is geographically inclusive of part of the MENA region.
[17] Secretariat of the Convention on Biological Diversity, *Global Biodiversity Outlook 5* (Secretariat of the Convention on Biological Diversity 2020) 14.
[18] IUCN (n 10).
[19] UNEP, *Environmental Rule of Law: First Global Report* (UNEP 2019).

in their Natural State.[20] Since then international environmental law has exponentially grown, albeit in an unstructured and ad hoc manner, into a distinctive complex legal system. That an international legal framework to protect biodiversity and conserve nature is needed is not in question, given the transboundary dimensions of biodiversity loss and the migratory nature of some species. The development of this framework, however, suffers a disordered trajectory attributable to the several phases of its development. As aptly put by one commentator in the 1990s: "Internationally, biodiversity law possesses [other] obstacles. Not only must it deal with the interdisciplinary challenges of biodiversity itself, but it is also stuck with the inherently diffuse and sometimes chaotic character of international law generally."[21]

Modern international biodiversity law was largely influenced by the birth of international environmental governance institutions such as the United Nations Environment Programme (UNEP),[22] in the 1970s, building on earlier frameworks such as the Food and Agriculture Organization, United Nations Educational, Scientific and Cultural Organization (UNESCO), and the International Union for Conservation of Nature (IUCN). International biodiversity law is further informed by soft law instruments, mostly emanating from famed conferences, such as the Stockholm Declaration and Action Plan for the Human Environment (1972), the World Charter for Nature (1982), Our Common Future (Brundtland Report) (1987), the Rio Declaration on Environment and Development and Agenda 21 (1992),[23] and the 2030 Agenda for Sustainable Development (2015). Early on, the international legal framework on biodiversity took a sectoral approach by focusing on the protection of specific species, for example wildlife or migratory birds. Over the years, this has shifted to a general focus on conservation as well as their natural habitats, underpinned by the concept of sustainable development.[24]

As discussed in Chapter 1, when talking about the origin, scope, and sources of international biodiversity law, reference must be made to Article 38 of the International Court of Justice, which sets out the sources of international law.[25] These are primarily *international conventions*, whether general or particular, *international custom*, as evidence of a general practice accepted as law, *general principles*

[20] Convention relative to the Preservation of Fauna and Flora in their Natural State (adopted November 8, 1933, entered into force January 14, 1936).

[21] William J. Snape, III, "Biodiversity and the Law: An Introduction" (1994) 8 *Tulane Environmental Law Journal* 5.

[22] Definition provided in Law and National Biodiversity Strategies and Action Plans' (UNEP 2018).

[23] UN Conference on Environment & Development, "Agenda 21" (June 1992) 149. Chapter 15 of the agenda is wholly dedicated to biological diversity. The agenda calls on states to ratify the CBD and to develop corresponding national strategies.

[24] See for instance discussions in: UN, "Plan of Implementation of the World Summit on Sustainable Development" (2002) www.un.org/esa/sustdev/documents/WSSD_POI_PD/English/WSSD_PlanImpl.pdf accessed January 17, 2023, para 44; UNGA, "The Future We Want" (September 11, 2012) UN Doc A/RES/66/288, paras 197–204.

[25] United Nations, Statute of the International Court of Justice www.un.org/en/about-us/un-charter/statute-of-the-international-court-of-justice accessed January 17, 2024.

*of law*, and the *judicial decisions and teachings of the most highly qualified publicists* of the various nations as subsidiary means for the determination of rules of law. The modern international biodiversity law, like other bodies of international law, derives from these sources.[26]

### 2.2.1 *Key International Multilateral Environmental Agreements on Biodiversity and Nature Conservation*

There is a multiplicity of international biodiversity and nature conservation treaties. By becoming parties to these agreements, states agree to be bound by the legal obligations therein and are expected to do so in good faith based on the Vienna Convention on the Law of Treaties (1969).[27] Biodiversity multilateral environmental agreements (MEAs) stipulate the definite rules and mechanisms to protect and conserve biodiversity and some of the key MEAs are explored in more detail in Section 2.2.1.1, with a focus on the MENA region.

#### 2.2.1.1 Convention on International Trade in Endangered Species of Wild Fauna and Flora

The 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) entered into force in 1975.[28] It regulates international trade in endangered and threatened specimens of wild animals and plants in their natural habitats, currently protecting more than 40,900 species of animals and plants from overexploitation. CITES classifies species into three appendices based on their conservation status. Appendix I includes species that are at the highest risk of extinction. Commercial trade of these species is prohibited. Appendix II includes species that are not currently endangered but could become so without trade restrictions. Trade of these species is allowed but only with a permit from the exporting country and only if the specimens were legally obtained and the trade will not harm the species or its environment. Appendix III includes species for which a country has asked for help from other CITES parties in regulating international trade. Trade of these species is regulated through CITES export permits and certificates of origin. MENA parties to CITES are Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Syria, Tunisia, Turkey, United Arab Emirates, and Yemen.[29]

[26] North Sea Continental Shelf Cases (*FRG v Denmark*; *FRG v Netherlands*).

[27] Vienna Convention on the Law of Treaties (adopted May 23, 1969, entered into force January 27, 1980) 1155 UNTS 331 (Vienna Convention) Art 26.

[28] Convention on International Trade in Endangered Species of Wild Fauna and Flora (signed March 3, 1973, entered into force July 1, 1975) (Washington Convention).

[29] CITES, "List of Contracting Parties" https://cites.org/eng/disc/parties/chronolo.php accessed November 8, 2023.

#### 2.2.1.2 Convention on the Conservation of Migratory Species of Wild Animals

Also known as the Bonn Convention, the 1979 Convention on the Conservation of Migratory Species of Wild Animals (CMS) aims to conserve, and to ensure the sustainable use of, migratory animals and their habitats.[30] It entered into force in 1983, and covers a wide range of migratory animals and their habitats, which can include wetlands, forests, grasslands, marine areas, and migration routes. Appendix I of the CMS lists migratory species that are in danger of extinction throughout all or a significant portion of their range. Appendix II lists migratory species that have an unfavorable conservation status or would benefit from international cooperation to conserve them. Numerous MENA countries are party to the CMS, namely: Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Israel, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Syria, Tunisia, United Arab Emirates, and Yemen.[31]

#### 2.2.1.3 Convention on Wetlands of International Importance Especially as Waterfowl Habitat

The 1971 Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar Convention) took effect in 1975 and aims at safeguarding, preserving, and responsibly overseeing wetlands.[32] It fosters collaboration at both national and international levels to ensure the sustainable utilization of wetlands. It has a broad definition of wetlands, including all "lakes, rivers, aquifers, swamps, marshes, wet grasslands, peatlands, oases, estuaries, deltas, tidal flats, mangroves, other coastal areas, coral reefs, and human-made sites such as fishponds, rice paddies, reservoirs, and salt pans." The Strategic Plan is the central document directing the Ramsar Convention's implementation. Among the contracting parties are Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Syria, Tunisia, Turkey, United Arab Emirates, and Yemen.[33]

[30] Convention on the Conservation of Migratory Species of Wild animals (adopted June 23, 1979, entered into force November 1, 1983) (Bonn Convention).

[31] "Parties and Range States" (Convention on Migratory Species) www.cms.int/en/parties-range-states accessed November 8, 2023.

[32] Convention on Wetlands of International Importance especially as Waterfowl Habitat (adopted February 2, 1971, entered into force December 21, 1975) 996 UNTS 245 (Ramsar Convention).

[33] "List of the Contracting Parties and date of entry into force of the Convention" (Convention on Wetlands) www.ramsar.org/document/list-contracting-parties-and-date-entry-force-convention-each accessed November 8, 2023.

#### 2.2.1.4 United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa

The 1994 United Nations Convention to Combat Desertification (UNCCD) took effect in December 1996.[34] Its objectives, as highlighted in Article 2, are to combat desertification and mitigate the effects of drought, through effective action at all levels, supported by international cooperation and partnership arrangements. This is reinforced by Article 4, which sets out general obligations for contracting parties, requiring them to, among other things, adopt an integrated approach addressing the physical, biological, and socio-economic aspects of desertification and drought, increase strategies for poverty eradication in combating desertification and mitigating drought, and promote cooperation among affected countries, at subregional, regional, and international levels and within relevant intergovernmental organizations. Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Syria, Tunisia, Turkey, United Arab Emirates and Yemen are parties.[35]

#### 2.2.1.5 Convention Concerning the Protection of the World Cultural and Natural Heritage

Adopted in 1972 and effected in 1975, the Convention Concerning the Protection of the World Cultural and Natural Heritage calls on parties to do all they can to ensure the "identification, protection, conservation, presentation and transmission to future generations" of the cultural and natural heritage that is recognized under the convention.[36] Regarding heritage, the convention requires them to, among other things, take appropriate legal, scientific, technical, administrative, and financial measures necessary for the identification, protection, conservation, presentation, and rehabilitation of this heritage. Notably, the convention establishes the World Heritage Fund to support countries in its implementation. It is administered under UNESCO and enjoys near universal membership with 195 parties, including Algeria, Bahrain, Djibouti, Egypt, Iran, Jordan, Kuwait, Lebanon, Libya Morocco, Qatar, Tunisia, Turkey, United Arab Emirates, and Yemen.[37]

[34] The UNCCD in those countries experiencing serious drought and/or desertification, particularly in Africa (adopted June 17, 1994, entered into force December 26, 1996) 1954 UNTS 3.

[35] "Depository" (United Nations Treaty Collection) https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XXVII-10&chapter=27&clang=_en accessed November 8, 2023.

[36] Convention Concerning the Protection of the World Cultural and Natural Heritage (adopted November 16, 1972, entered into force December 17, 1975) Article 4.

[37] "States Parties" (UNESCO World Heritage Convention) https://whc.unesco.org/en/statesparties/ accessed November 8, 2023.

#### 2.2.1.6 Convention on Biological Diversity

In 1992, at the United Nations Conference on Environment and Development in Rio de Janeiro, states adopted the CBD.[38] The CBD entered into force in 1993 and has since remained the principal framework international law instrument on biodiversity, counting 196 parties, including: Algeria, Bahrain, Djibouti, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Palestine, Syria, Tunisia, Turkey, United Arab Emirates, and Yemen.[39] The CBD begins by recognizing the value, importance, and benefits of biological diversity and expressing the need to protect it. Its preamble encompasses several international and environmental law principles including sovereignty over resources, sustainable development, intergenerational equity, prevention, and the precautionary principles. The preamble also underscores the declining nature of biological diversity and the role of human intervention as an accelerating factor.

Grounded in the preambular context, Article 1 sets outs key objectives as: conservation of biological diversity and the sustainable use of its components; and fair and equitable sharing of the benefits arising out of the utilization of genetic resources. This article embodies the equal importance that the CBD places on its two core themes, that is, conservation and benefits sharing. The CBD is further supplemented by the 2000 Cartagena Protocol,[40] and by the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits.[41]

### 2.2.2 *Key Regional MEAs on Biodiversity and Nature Conservation*

#### 2.2.2.1 Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean

The 1976 Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) entered into force in 1978.[42] Its objectives include combating pollution, protecting marine ecosystems,

[38] Convention on Biological Diversity (adopted June 5, 1992, entered into force December 29, 1993) 1760 UNTS 79 (CBD).

[39] "List of Parties" (Convention on Biological Diversity) www.cbd.int/information/parties.shtml accessed November 8, 2023.

[40] Cartagena Protocol on Biosafety to the CBD (adopted January 29, 2000) 2226 UNTS 208 (Cartagena Protocol).

[41] Convention on Biological Diversity, "About the Nagoya Protocol" (CBD.int) www.cbd.int/abs/about/ accessed January 15, 2023. See also https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVII-8-b&chapter=27&clang=_en accessed January 17, 2024.

[42] Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (adopted February 16, 1976, entered into force April 15, 1978) (Barcelona Convention).

and ensuring that their natural marine and coastal resources are sustainably managed.[43] Article 10 requires contracting parties to *take all appropriate measures* to protect biological diversity, rare or fragile ecosystems, and, among other things, endangered species and their habitats. Together with its seven protocols, the Barcelona Convention is heralded as the main regional legally binding MEA in the Mediterranean.[44] While the entire framework is relevant, one protocol explicitly addresses biodiversity: the Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean, adopted in 1995 and effected in 1999. The protocol creates obligations for parties to, among other things, establish specially protected areas, protect, preserve, and manage threatened and endangered species, cooperate, compile biological diversity inventories, and adopt relevant strategies, plans, and programs. Algeria, Egypt, Israel, Lebanon, Libya, Morocco, Syria, Tunisia, and Turkey are parties, both to the Barcelona Convention and to this protocol.[45]

#### 2.2.2.2 Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea Contiguous Atlantic Area

The 1996 Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea Contiguous Atlantic Area (ACCOBAMS) entered into force in 2001, with an aim to protect cetaceans in the Black Sea, Mediterranean Sea, and the nearby Atlantic area west of the Straits of Gibraltar.[46] Though, in 2010, the parties agreed to expand the geographic area to include the exclusive economic zones of Spain and Portugal. ACCOBAMS promotes the conservation and sustainable management of marine mammals and their habitats by, among other things, developing and improving the current knowledge on these animals. £It sets out conservation, research, and management measures to be adhered to by parties, in relation to the adoption and enforcement of national legislation; assessment and management of human-cetacean interactions; habitat protection; research and monitoring; capacity building, collection, and dissemination of information, training, and education;

[43] Article 1 of the Convention outlines its geographical scope as "the maritime waters of the Mediterranean Sea proper, including its gulfs and seas, bounded to the West by the meridian passing through Cape Spartel lighthouse, at the entrance of the Straits of Gibraltar, and to the East by the southern limits of the Straits of the Dardanelles between Mehmetcik and Kumkale lighthouses."

[44] "Barcelona Convention and its Protocols" (Mediterranean Action Plan – Barcelona Convention) www.unep.org/unepmap/who-we-are/barcelona-convention-and-protocols accessed November 8, 2023.

[45] "Contracting Parties" (Mediterranean Action Plan – Barcelona Convention) www.unep.org/unepmap/who-we-are/contracting-parties accessed November 8, 2023.

[46] Article 1 sets out the geographic scope of the agreement as, "by all the maritime waters of the Black Sea and the Mediterranean and their gulfs and seas, and the internal waters connected to or interconnecting these maritime waters, and of the Atlantic area contiguous to the Mediterranean Sea west of the Straits of Gibraltar."

and responses to emergency situations.[47] The MENA contracting parties are Algeria, Egypt, Lebanon, Libya, Morocco, Syria, Tunisia, and Turkey, while Israel is a signatory.[48]

#### 2.2.2.3 Agreement on the Conservation of African-Eurasian Migratory Waterbirds

The 1995 Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) entered into force in 1999,[49] under the Convention on Migratory Species (CMS), with the goal of protecting migratory waterbirds and their wetlands environment within Africa, Europe, the Middle East, Central Asia, Greenland, and the Canadian Archipelago, as they migrate across their habitats. It covers the conservation of 255 species of birds dependent on wetlands during some part of their yearly life cycle. They include a diverse array of birds, including divers, grebes, pelicans, cormorants, herons, storks, rails, ibises, spoonbills, flamingos, ducks, swans, geese, cranes, waders, gulls, terns, tropic birds, auks, frigate birds, and even the South African penguin. AEWA has in place an Action Plan that specifies various measures that parties must take to ensure the conservation of migratory waterbirds. The following MENA countries are party to AEWA: Algeria, Djibouti, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Saudi Arabia, Syria, and Tunisia.[50]

#### 2.2.2.4 Regional Convention for the Conservation of the Red Sea and the Gulf of Aden Environment

The 1982 Regional Convention for the Conservation of the Red Sea and the Gulf of Aden Environment (Jeddah Convention) entered into force in 1985. There are seven parties to the Jeddah Convention, including Djibouti, Egypt, Jordan, Saudi Arabia, and Yemen. It addresses environmental issues and the sustainable use of natural resources in the region, including pollution, overfishing, and habitat destruction. The geographical coverage is of the entire sea area, taking into account integrated ecosystems of the Red Sea, Gulf of Aqaba, Gulf of Suez, Suez Canal to its end on the Mediterranean, and Gulf of Aden, as bounded by rhumb lines (lines on the surface of the earth that cross all successive meridians at a constant angle).

[47] Article II (3) and Annex 2 of the Agreement.
[48] "Introduction" (ACCOBAMS) https://accobams.org/about/introduction/ accessed November 8, 2023.
[49] Agreement on the Conservation of African-Eurasian Migratory Waterbirds (adopted June 19, 1995, entry into force November 1, 1999) (AEWA).
[50] Parties and Range States (AEWA) www.unep-aewa.org/en/parties-range-states accessed November 8, 2023.

#### 2.2.2.5 Kuwait Regional Convention on Protection of Marine Environment Convention

The 1978 Kuwait Regional Convention on Protection of Marine Environment Convention (Kuwait Convention), which took effect in 1979,[51] aims to prevent, abate, and combat pollution of the marine environment and calls for parties to take all appropriate measures to prevent, abate, and combat pollution of the marine environment; to cooperate in taking necessary measures to deal with pollution emergencies, in scientific and technical research relating to marine pollution; and to establish appropriate roles and procedures for the determination of civil liability and compensation for damage related to the subject matter of the convention. Although focused on matters of pollution, the Kuwait Convention aims to protect, by extension, biodiversity in the marine environment. The Kuwait Convention is complemented by four Protocols: the 1989 Protocol concerning Marine Pollution resulting from Exploration and Exploitation of the Continental Shelf (in force since 1990); the 1998 Protocol on the Control of Marine Transboundary Movements and Disposal of Hazardous Wastes and Other Wastes (in force since 2005); the 1978 Protocol Concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency (in force since 1979); and the 1990 Protocol for the Protection of the Marine Environment against Pollution from Land-Based Sources (in force since 1993). The parties to the Kuwait Convention are Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, and United Arab Emirates. Most of the Kuwait Convention parties are also parties to the protocols.[52]

#### 2.2.2.6 Gulf Cooperation Council Wildlife Convention

The 2001 Convention on the Conservation of Wildlife and their Natural Habitats in Gulf Cooperation Council (GCC) Countries (GCC Wildlife Convention) entered into force in 2003 and aims at conserving ecosystems and wildlife, especially the species threatened with extinction through legislation, habitat protection and management, environmental impact assessment studies, environmental education, research cooperation, and training, among other things. The GCC Wildlife Convention also provides for the establishment of the Permanent Committee for Conservation of Wildlife and its Natural Habitats in the Gulf Co-operation Council of States formed by representatives from the GCC states, as an implementing body with the responsibility to establish requirements of

[51] Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution (adopted April 24, 1978, entry into force June 30, 1979) (Kuwait Regional Convention).
[52] Ibid.

wildlife conservation and evaluation of the effectiveness of the approved measures, monitoring, and research and data collection.[53]

#### 2.2.2.7 African Convention on the Conservation of Nature and Natural Resources

The 1968/2017 African Convention on the Conservation of Nature and Natural Resources (African Convention) entered in force in 1969. It aims to encourage the conservation, utilization, and development of soil, water, flora, and fauna for the present and future welfare of mankind, from an economic, nutritional, scientific, educational, cultural, and aesthetic point of view. The Organization of the African Union discharges the secretariat functions.[54]

## 2.3 IMPLEMENTATION OF BIODIVERSITY AND NATURE CONSERVATION TREATIES IN THE MENA REGION

MEAs share common structures and implementation mechanisms, whether institutional, capacity building, monitoring and review, or compliance mechanisms. Effective implementation, however, differs according to various variables, many of which depend on the capacity to implement the treaty obligations at the national level, and others referring to the clarity/severity of the treaty provisions and the treaty regime's capacity to promote implementation, such as resources available for technical assistance, implementation, reporting, and/or compliance mechanisms. As the global umbrella treaty on biodiversity, the following sections highlight implementation successes and challenges under the CBD, within MENA.

### 2.3.1 *Implementation under the CBD*

Through decision X/2, at the tenth CBD Conference of the Parties (COP), parties adopted the 2011–2020 Strategic Plan for Biodiversity, including the Aichi Biodiversity Targets (Strategic Plan).[55] The Strategic Plan was not only pertinent for the CBD but for other biodiversity-related conventions, the UN system, and biodiversity stakeholders at large.[56] It set out a collective vision of "Living in Harmony with Nature," where, "[b]y 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and

[53] Convention on the Conservation of Wildlife and their Natural Habitats in the Countries of the Gulf Cooperation Council (adopted December 30, 2001, entry into force April 2003).

[54] African Convention on the Conservation of Nature and Natural Resources (adopted September 15, 1968, entered into force June 16, 1969).

[55] Conference of the parties to the Convention on Biological Diversity (10th meeting) "The Strategic Plan for Biodiversity 2011–2020 and the Aichi Biodiversity Targets" (October 29, 2010) UNEP/CBD/COP/DEC/X/2.

[56] Ibid.

delivering benefits essential for all people."[57] The Strategic Plan had five strategic goals, accompanied by twenty Aichi Biodiversity Targets.[58]

In the same decision X/2, CBD parties agreed to translate this overarching international framework into National Biodiversity Strategies and Action Plans (NBSAPs), within two years, and to report on the plan's implementation.[59] NBSAPs are the primary instruments for the plan's implementation at the national level. The parties also set out general implementation guidance such as fostering inclusive participation at all levels, developing national and regional targets, mainstreaming gender considerations, updating NBSAPs and using them to integrate biodiversity targets into national development policies, and reporting on the plan's implementation progress.[60] The parties even agreed on indicators[61] and actions[62] for implementation. Additionally, the CBD itself provides mechanisms to support parties in effective implementation, including financial mechanisms (notably the Global Environment Facility), a clearing-house mechanism and partnerships.[63]

However, despite the Strategic Plan's ambition and the implementation mechanisms, none of its targets were achieved by 2020. The GBO5 estimates, with varying levels of confidence, that only six targets were partially achieved. The report suggests that there had been gaps in the ambition and commitment of countries to address nature loss over the past decade. It also indicates that the national biodiversity plans had generally been poorly aligned to, and are insufficient to meet, the Aichi Targets.[64] Together with the parties' national reports, NBSAPs are great sources of information on respective parties' national targets and their progress on the Strategic Plan.[65]

#### 2.3.1.1 National Biodiversity Strategies and Action Plans

Article 6 (a) of the CBD requires parties to "[d]evelop national strategies, plans or programmes for the conservation and sustainable use of biological diversity." Target 17 of the Strategic Plan stipulates that, "[b]y 2015, each Party has developed, adopted

[57] Ibid., Annex para 11.
[58] Ibid., Annex para 13.
[59] Convention on Biological Diversity, "National Biodiversity Strategies and Action Plans (NBSAPs)" (CBD.int) www.cbd.int/nbsap/ accessed January 15, 2023.
[60] Convention on Biological Diversity, "Implementation of Strategic Plan for Biodiversity 2011–2020, including the Aichi Biodiversity Targets" (CBD.int) www.cbd.int/sp/implementation/ accessed January 16, 2023.
[61] Convention on Biological Diversity, "Strategic Plan Indicators" (CBD.int) www.cbd.int/sp/indicators/ accessed January 16, 2023.
[62] Convention on Biological Diversity, "Actions to Enhance Implementation of the Strategic Plan for Biodiversity 2011–2020" (CBD.int) www.cbd.int/sp/actions.shtml accessed January 16, 2023.
[63] Convention on Biological Diversity, "Mechanisms for Implementation" (CBD.int) www.cbd.int/mechanisms/ accessed January 16, 2023.
[64] Secretariat of the Convention on Biological Diversity (n 17) 10; see also IUCN, "Post-2020 Global Biodiversity Framework" (IUCN.org, November 2022) www.iucn.org/resources/issues-brief/post-2020-global-biodiversity-framework accessed January 16, 2023.
[65] Secretariat of the Convention on Biological Diversity (n 17) 35–37.

as a policy instrument, and has commenced implementing an effective, participatory and updated national biodiversity strategy and action plan."[66] This is one of the few Aichi targets that was partially achieved by 2020. NBSAPs are integral to national biodiversity planning in that they provide a roadmap on how parties will fulfill the CBD's objectives and the corresponding steps to be taken.[67]

Overall, 99 percent of CBD parties have developed at least one NBSAP,[68] including a majority of the MENA countries. About fourteen of the MENA parties revised or updated their NBSAPs following the inception of the 2011–2020 Strategic Plan.[69] However, of the fourteen, only the United Arab Emirates and Jordan had prepared or updated their NBSAP by the December 2015 cut-off date. Morocco, Tunisia, and Turkey have submitted three versions of their NBSAPs so far.[70] Israel, Oman, Syrian Arabic Republic, and Saudi Arabia all submitted their last NBSAP prior to the Strategic Plan in 2010, 2004, 2006, and 2008, respectively.[71] From the CBD's repository, Libya and Palestine do not appear to have submitted any pre- or post-2011 NBSAPs, at the time of writing this chapter (Table 2.1).[72]

Notably, the number of parties that have adopted their NBSAPs as policy instruments is limited.[73] While the development of the NBSAPs reflects positive efforts toward achieving the objectives of the CBD, the delay between adoption of the Strategic Plan and the NBSAPs may have slowed down actions to achieve Aichi targets.[74]

It is a challenge to provide a neat analysis of the NBSAPs given that parties adopt different national targets and apply national indicators in an uneven way that may not correspond to the global targets.[75] Nonetheless, it is worth noting that, unlike the first generation of NBSAPs, several of the revised/updated NBSAPs were developed through a consultative process. This is shown, for instance, in the Bahrain 2016–2021 NBSAP, where the NBSAP project team engaged national stakeholders from the public and private sectors, academia, research institutions, civil society, and

[66] Conference of the parties to the Convention on Biological Diversity (10th meeting) (n 55) Annex para 13.

[67] Convention on Biological Diversity, "Latest NBSAPs" (CBD.int) www.cbd.int/nbsap/ accessed January 16, 2023.

[68] Convention on Biological Diversity, "What Is an NBSAP?" (CBD.int) www.cbd.int/nbsap/introduction.shtml accessed January 16, 2023.

[69] Convention on Biological Diversity, "Strategic Plan for Biodiversity 2011–2020, including Aichi Biodiversity Targets" (CBD.int) www.cbd.int/sp/ accessed January 15, 2023 (according to the record at this date).

[70] Turkey's 2018–2028 NBSAP is an addendum to its 2007–2017 NBSAP, which remains in place.

[71] This is based on the information provided on the CBD website at the time of writing the chapter. Convention on Biological Diversity, "National Reports and NBSAPs" (CBD.int) www.cbd.int/reports/search/?country=bh accessed January 16, 2023.

[72] Ibid.

[73] Secretariat of the Convention on Biological Diversity (n 17) 16.

[74] Ibid., 110.

[75] Ibid., 32.

TABLE 2.1 *MENA countries that have submitted post-2011 NBSAPs*

| Item no. | Country | NBSAP | Date of submission/ publication (2011–2022) |
|---|---|---|---|
| 1 | Algeria | Version 2 (2016–2030) | November 23, 2016 |
| 2 | Bahrain | Version 2 (2016–2021) | July 14, 2016 |
| 3 | Djibouti | Version 2 (2014–2017) | May 21, 2017 |
| 4 | Egypt | Version 2 (2015–2030) | April 25, 2016 |
| 5 | Iran | Version 2 (2016–2030) | November 24, 2016 |
| 6 | Iraq | Initial (2015–2020) | February 3, 2016 |
| 7 | Jordan | Version 2 (2015–2020) | March 17, 2015 |
| 8 | Kuwait | Version 2 (2011–2020) | January 9, 2019 |
| 9 | Lebanon | Version 2 (2016–2030) | June 3, 2016 |
| 10 | Morocco | Version 3 (2016–2020) | July 13, 2016 |
| 11 | Qatar | Version 2 (2015–2025) | April 20, 2016 |
| 12 | Tunisia | Version 3 (2018–2030) | December 22, 2017 |
| 13 | United Arab Emirates | Version 1 (2014–2020) | October 28, 2014 |
| 14 | Yemen | Version 2 (2015–2025) | November 6, 2017 |
| 15 | Turkey | Version 3 (2018–2028) | April 16, 2019 |

*Source:* Secretariat of the Convention on Biological Diversity, *Global Biodiversity Outlook 5* (Secretariat of the Convention on Biological Diversity 2020) 32.

media, through consultative workshops, focus group discussions, and one-on-one sessions.[76] Other countries that took a similar approach include Egypt (2015–2030 NBSAP), which set up a National Biodiversity Committee of stakeholders, supported by national and international consultants, and informed by stakeholder consultations.[77] In Djibouti, the NBSAP was developed in consideration of Vision Djibouti 2035, which recommends that populations should be consulted and participate in policy processes.[78] For Iraq, stakeholders were consulted, including the State Ministry for Women's Affairs, Ministry of Oil, Ministry of Planning, provincial councils, media and communications agencies, private sector, celebrities, indigenous and local communities, and religious leaders.[79] Looking ahead, the Jordan 2015–2020 NBSAP prioritizes a national consultation process for the review of the next iteration of the NBSAP.[80]

[76] Kingdom of Bahrain, "The National Biodiversity Strategy and Action Plan 2016 2021" (February 2016) www.cbd.int/doc/world/bh/bh-nbsap-v2-en.pdf accessed January 16, 2023, 2.

[77] Arab Republic of Egypt, "Egyptian Biodiversity Strategy and Action Plan 2015–2030" (January 2016) www.cbd.int/doc/world/eg/eg-nbsap-v2-en.pdf accessed January 16, 2023, 7 and 56.

[78] Republic of Djibouti, "Stratégie et programme d'action nationaux pour la biodiversité" (March 2017) www.cbd.int/doc/world/dj/dj-nbsap-v2-fr.pdf accessed January 16, 2023, 12.

[79] Republic of Iraq, "Iraq's National Biodiversity Strategy and Action Plan 2015–2020" (April 2015) www.cbd.int/doc/world/iq/iq-nbsap-01-en.pdf accessed January 16, 2023, 42.

[80] Jordan, "The National Biodiversity Strategy and Action Plan 2015–2020" (March 2017) www.cbd.int/doc/world/jo/jo-nbsap-v2-en.pdf accessed January 16, 2023, 60.

This consultative aspect is closely complemented by a whole-of-government approach adopted by about sixty-nine NBSAPs globally, including within the MENA region. For instance, in Algeria, about ten sectors, such as transportation, public works, education, and fisheries, have prepared biodiversity action plans.[81] The country's 2016–2030 NBSAP encourages the integration of biodiversity into sectoral action plans and local policies.[82]

The MENA parties have adopted diverse national goals and targets within their NBSAPs. Most of the goals are aligned to the goals under the global Strategic Plan. From a sample of the NBSAPs, one major area that has been prioritized by the countries is good governance and the mainstreaming of biodiversity into national and sectoral planning and the wider society.[83] Another emerging theme is that of prevention through goals to minimize anthropogenic pressures on biodiversity, conserve terrestrial aquatic and coastal ecosystems, and promote sustainable use of natural resources.[84] As such, several parties aim to establish or enhance protected areas, safeguard ecosystem services, and protect priority species and genetic resources.[85] Others, such as Jordan, Tunisia, Egypt, and Djibouti, recognize the linkages between protecting biodiversity and addressing climate change through goals on enhancing climate resilience and adaptation, among others.

[81] The Algerian NBSAP indicates that the action plans were undergoing approvals at the time of drafting the NBSAP.

[82] Algeria, "Stratégie et plan d'action nationaux pour la biodiversité 2016–2030" (November 2016 [date of submission]) www.cbd.int/doc/world/dz/dz-nbsap-v2-fr.pdf accessed January 16, 2023.

[83] Examples include Kingdom of Morocco, "Stratégie et Plan d'Actions National pour la Diversité Biologique du Maroc, 2016–2020" (July 2016 (date of submission)) www.cbd.int/doc/world/ma/ma-nbsap-v3-fr.pdf accessed January 16, 2023; Jordan, "The National Biodiversity Strategy and Action Plan 2015–2020" (March 2017 [date of submission]) www.cbd.int/doc/world/jo/jo-nbsap-v2-en.pdf accessed January 16, 2023; Kingdom of Bahrain, "The National Biodiversity Strategy and Action Plan 2016 2021" (February 2016) www.cbd.int/doc/world/bh/bh-nbsap-v2-en.pdf accessed January 16, 2023. (This list is not exhaustive and is based on a sample.)

[84] See for instance Jordan, "The National Biodiversity Strategy and Action Plan 2015–2020" (March 2017 [date of submission]) www.cbd.int/doc/world/jo/jo-nbsap-v2-en.pdf accessed January 16, 2023; Republic of Yemen, "National Biodiversity Strategy and Action Plan II 'Achieving a Resilient, Productive and Sustainable Socio-ecosystem by 2050'" (November 2017 [date of submission]) www.cbd.int/doc/world/ye/ye-nbsap-v2-en.pdf accessed January 16, 2023; Kingdom of Bahrain, "The National Biodiversity Strategy and Action Plan 2016 2021" (February 2016) www.cbd.int/doc/world/bh/bh-nbsap-v2-en.pdf accessed January 16, 2023; Tunisia Republic, "Actualisation de la stratégie nationale et du plan d'action nationaux sur la biodiversité" (November 2017) www.cbd.int/doc/world/tn/tn-nbsap-v3-fr.pdf accessed January 16, 2023; Islamic Republic of Iran, "Revised National Biodiversity Strategies and Action Plan (NBSAP2 2016–2030)" (November 2016 [date of submission]) www.cbd.int/doc/world/ir/ir-nbsap-v2-en.pdf accessed January 16, 2023. (This list is not exhaustive and is based on a sample.)

[85] For instance, see Jordan, "The National Biodiversity Strategy and Action Plan 2015–2020" (March 2017 [date of submission]) www.cbd.int/doc/world/jo/jo-nbsap-v2-en.pdf accessed January 16, 2023; Arab Republic of Egypt, "Egyptian Biodiversity Strategy and Action Plan 2015–2030" (January 2016) www.cbd.int/doc/world/eg/eg-nbsap-v2-en.pdf accessed January 16, 2023; Qatar, "Qatar National Biodiversity Strategy and Action Plan 2015–2015" (April 2020) www.cbd.int/doc/world/qa/qa-nbsap-v2-en.pdf accessed January 16, 2023. (This list is not exhaustive and is based on a sample.)

Moreover, the sampled MENA countries give prominence to enhanced awareness, knowledge, and understanding of biodiversity by different facets of society, including through capacity-building initiatives, communication outreach, bridging gaps between scientists, citizens, and decision-makers, and developing traditional knowledge.[86] Some countries, such as Tunisia, Yemen, and Morocco, have mainstreamed gender considerations into their NBSAPs, recognized women, rural communities, and indigenous peoples as guardians of nature, and encouraged their participation in national biodiversity planning. Lastly, several NBSAPs highlight enhancing monitoring and reporting of implementation as a strategic goal.

The broad strategic goals or prioritization areas are complemented by the national targets, and the envisaged implementation measures toward these targets are enumerated in the NBSAPs.[87] Such measures include resource mobilization strategies, establishment of stakeholder and governmental coordination committees, stakeholder engagement and partnership building, capacity-building initiatives, research studies, development of local and regional biodiversity plans, media and communication campaigns, and development of legislation. The common anticipated challenges included limited resources to implement the NBSAPs, lack of proper indicators to measure use of the NBSAPs as policy instruments,[88] and limited biodiversity expertise and scientific knowledge.

The progress of implementation of the NBSAPs is further explored in the latest, sixth round of national reports.

#### 2.3.1.2 National Reports

Article 26 of the CBD calls for parties to report measures taken for implementation of the CBD and their effectiveness in meeting the CBD's objectives.[89] Many of the MENA parties to the CBD have adhered to Article 26 by submitting their latest round of reports, the sixth national reports. From the CBD repository, Bahrain,

[86] See e.g. Republic of Iraq, "Iraq's National Biodiversity Strategy and Action Plan 2015–2020" (April 2015) www.cbd.int/doc/world/iq/iq-nbsap-01-en.pdf accessed January 16, 2023; Islamic Republic of Iran, "Revised National Biodiversity Strategies and Action Plan (NBSAP2 2016–2030)" (November 2016 [date of submission]) www.cbd.int/doc/world/ir/ir-nbsap-v2-en.pdf accessed January 16, 2023; Qatar, "Qatar National Biodiversity Strategy and Action Plan 2015–2015" (April 2020) www.cbd.int/doc/world/qa/qa-nbsap-v2-en.pdf accessed January 16, 2023; Tunisia Republic, "Actualisation de la stratégie nationale et du plan d'action nationaux sur la biodiversité" (November 2017) www.cbd.int/doc/world/tn/tn-nbsap-v3-fr.pdf accessed January 16, 2023; Kingdom of Bahrain, "The National Biodiversity Strategy and Action Plan 2016 2021" (February 2016) www.cbd.int/doc/world/bh/bh-nbsap-v2-en.pdf accessed January 16, 2023, etc.

[87] For a quick search of the targets, see Convention on Biological Diversity, "Online Reporting Search" (CHM.CBD.int) chm.cbd.int/search/reporting-map?filter=nationalTarget accessed January 16, 2023.

[88] Secretariat of the Convention on Biological Diversity (n 17).

[89] Convention on Biological Diversity, "What Is an NBSAP?" (CBD.int) www.cbd.int/nbsap/introduction.shtml accessed January 16, 2023.

TABLE 2.2 *MENA countries that have submitted national reports for the sixth reporting cycle*

| Item no. | Country | Sixth national report | Year of submission |
|---|---|---|---|
| 1 | Algeria | Report | 2018 |
| 2 | Bahrain | Not available | Not available |
| 3 | Djibouti | Report | 2019 |
| 4 | Egypt | Report | 2019 |
| 5 | Iran | Report | 2020 |
| 6 | Israel | Report | 2020 |
| 7 | Jordan | Report | 2019 |
| 8 | Kuwait | Report | 2020 |
| 9 | Lebanon | Report | 2019 |
| 10 | Libya | Not available | Not available |
| 11 | Morocco | Report | 2018 |
| 12 | Oman | Report | Not available |
| 13 | Qatar | Report | 2019 |
| 14 | Syria | Not available | Not available |
| 15 | Tunisia | Report | 2019 |
| 16 | United Arab Emirates | Report | 2019 |
| 17 | Yemen | Report | 2019 |
| 18 | Iraq | Report | 2018 |
| 19 | Saudi Arabia | Report | 2019 |
| 20 | Turkey | Not available | Not available |
| 21 | Palestine | Not available | Not available |

*Source:* Authors.

Libya, Palestine, Turkey, and Syria had not submitted their sixth national reports by the time of writing this chapter (Table 2.2).[90]

A random sampling of four national reports (Iraq, Egypt, Yemen, and Jordan) suggests that there is a breadth of national targets and corresponding activities carried out in the region. The following subsections provide a summary of some of the key matters reported.[91]

LEGISLATIVE ASPECTS During the reporting period, the sampled MENA countries put in place legislative measures to implement the national biodiversity targets. For instance, Iraq changed its forestry laws, introduced legislation for the control and dispersal of nonnative species, and drafted a decree to establish protected areas.[92] The country also took steps to assess the effectiveness of existing laws and to

[90] Convention on Biological Diversity, "National Reports" (CBD.int) www.cbd.int/reports/ accessed January 16, 2023.

[91] Disclaimer: As the reports are from several years back, the situation may have changed.

[92] Iraq, sixth national report of Iraq to the Convention on Biological Diversity (December 2018) www.cbd.int/doc/nr/nr-06/iq-nr-06-en.pdf accessed January 19, 2023, 38 and 67–68.

determine legal gaps with the aim of developing relevant environmental standards.[93] Similarly, Egypt either amended or drafted new laws dealing with matters such as protected areas, fisheries, and waste management,[94] while Jordan developed a new environmental protection law, among others.[95] Some gaps were also identified, for example, the lack of a law on access to genetic resources and on traditional knowledge in Jordan and the absence of a regulatory framework on safe distribution and use of pesticides in Yemen.[96]

Nonetheless, the countries faced challenges regarding legislative processes. A recurring challenge was the delay occasioned by different arms of government involved in the process, particularly parliament, and the lack of prioritization of biodiversity legislation. Other specific obstacles included inadequate legal capacity and experience in drafting legislation for the conservation of threatened species or biodiversity-related pollution,[97] and limited awareness of the importance of forest biodiversity by communities among others.[98] The countries are also grappling with weak enforcement of the existing and newly enacted or amended laws.

INSTITUTIONAL ASPECTS Effective institutions are necessary for the implementation and enforcement of legislation and policies.[99] Four MENA countries have active ministries and regulatory authorities that advocated for biodiversity considerations. The countries also put in place various committees or working groups either at the governmental or sectoral levels. In Iraq, there was a committee of ministries to develop the laws on protected areas. In Egypt, a national committee was established to implement the Egypt Initiative, an initiative tasked with rolling out a coherent approach for addressing biodiversity loss, climate change, and land ecosystem degradation. The countries were also keen on improving the institutional landscape: For example, Jordan carried out a review of the roles and capacities organizations working on genetic resources. Further, there were initiatives established to encourage partnerships with nonstate actors within the conservation space.

The reports indicated poor coordination within different sectors of government and among relevant stakeholders. The response rate and engagement of

[93] Iraq, sixth national report of Iraq to the Convention on Biological Diversity (December 2018) www.cbd.int/doc/nr/nr-06/iq-nr-06-en.pdf accessed January 19, 2023, 72.

[94] Egypt, Sixth National Report (June 30, 2019) https://chm.cbd.int/database/record?documentID=246662 accessed January 19, 2023.

[95] Jordan, Sixth National Report (April 9, 2019) https://chm.cbd.int/database/record?documentID=243506 accessed January 19, 2023, 6.

[96] Yemen, Yemen Sixth National Report to Convention on Biological Diversity (CBD) (March 2019) accessed January 19, 2023, 20.

[97] For example, see Iraq, sixth national report of Iraq to the Convention on Biological Diversity (December 2018) www.cbd.int/doc/nr/nr-06/iq-nr-06-en.pdf accessed January 19, 2023, 73.

[98] Iraq, sixth national report of Iraq to the Convention on Biological Diversity (December 2018) www.cbd.int/doc/nr/nr-06/iq-nr-06-en.pdf accessed January 19, 2023, 68.

[99] Damilola Olawuyi, *Environmental Law in Arab States* (Oxford University Press 2022) 55–83.

governmental entities was also a challenge in gathering important data and developing policies and laws, for instance. The lack of interest by decision-makers in policy coherence was another obstacle. Additionally, the security situation in some of the countries also adversely affected governmental operations.

TECHNICAL ASPECTS All the countries presented technical needs that slowed their biodiversity action. Largely, limited awareness and understanding of biodiversity across government, communities, and relevant stakeholders was a recurring theme. A selection of the identified areas of support includes fundraising and proposal writing, biodiversity awareness campaigns, capacity building for legal drafters, capacity building for youth, women, rural communities, indigenous peoples, and other vulnerable communities, development of knowledge-based platforms and means for recording traditional knowledge, and biodiversity needs assessments.

FINANCIAL ASPECTS All the reports indicated limited financial resources as a major impediment to implementation of their NBSAPs. Yemen reported insufficient government funding coupled with low level of Official Development Assistance from international sources and a lack of partnerships with the private sector, nongovernmental organizations, and local communities in the management of biodiversity resources.[100] In instances where finances were available, for example, for some targets in Jordan, late disbursement delayed the NBSAP's activities.[101] Overall, nearly all activities were contingent on financial support, which implied a delay in or lack of implementation if no such support was forthcoming.

Although the findings here are indicative based on four countries, they illustrate common challenges in the region relating to a lack of policy coordination, dependence on funding, and lack of awareness in appreciating the value of the measures required. Globally, countries have recently adopted the Kunming-Montreal GBF to address these and other implementation shortcomings. This framework is addressed in Section 2.4.

## 2.4 PROMOTING COHERENCE: REFLECTIONS ON THE WAY FORWARD

### 2.4.1 *Kunming-Montreal GBF*

Evidently, the Strategic Plan for Biodiversity 2011–2020, including the Aichi targets, did not achieve the level of success that was intended. There was a need for a successor framework that would bring about the required transformational change for reduction of biodiversity loss. During the 14th Conference of Parties (COP14) in

[100] Yemen, Sixth National Report to Convention on Biological Diversity (CBD) (March 2019) accessed January 19, 2023, 20.

[101] Jordan, Sixth National Report (April 9, 2019) https://chm.cbd.int/database/record?documentID=243506 accessed January 19, 2023, 74.

2018, the CBD parties agreed to develop a post-2020 GBF.[102] The GBF would be prepared through a comprehensive, consultative, and participatory process based on a set of agreed principles (participatory, inclusive, gender responsive, transformative, comprehensive, catalytic, visible, knowledge-based, transparent, efficient, results-oriented, iterative, and flexible).[103] Numerous opinions and suggestions were provided on the best way to craft a suitable and effective GBF, with a common desire being the need for the GBF to focus on implementation and to have an enhanced monitoring and review process.[104]

During COP15, CBD parties adopted a package of six decisions on the post-2020 GBF,[105] its monitoring framework, resource mobilization, digital sequence information, capacity building, and mechanisms for planning, monitoring, reporting, and review.[106] The GBF is now the overarching global strategy and roadmap toward the previous 2011–2020 Strategic Plan's vision of living in harmony with nature.[107] It builds on the achievements, gaps, and lessons learned from the Strategic Plan and is to be used as the plan for the implementation of the CBD and its protocols, its bodies, and its secretariat over the period 2022–2030.[108] The GBF embodies a whole-of-society and whole-of-government approach, with many subnational governments, cities, and local authorities having pledged their support through a declaration called "the Edinburgh Declaration."[109]

The GBF's four long-term goals on safeguarding and restoring all ecosystems, sustainably using and managing nature's resources, fair and equitable sharing of monetary and nonmonetary benefits from the utilization of genetic resources and digital sequence information on genetic resources, and equitable access to adequate means of implementation, including closing the annual biodiversity

[102] Conference of the parties to the Convention on Biological Diversity (14th meeting) "Comprehensive and Participatory Process for the Preparation of the Post-2020 Global Biodiversity Framework" (November 30, 2018) UN Doc CBD/COP/DEC/14/34.

[103] Convention on Biological Diversity, "Preparations for the Post-2020 Biodiversity Framework" (CBD.int) www.cbd.int/conferences/post2020 accessed on January 17, 2023; Preparation for the Post-2020 Global Biodiversity Framework, "Post-2020 Global Biodiversity Framework; discussion paper" (January 25, 2019) UN Doc CBD/POST2020/PREP/1/1, para 3.

[104] Convention on Biological Diversity, "Thematic Consultation on Transparent Implementation Monitoring Review and Reporting" (CBD.int) www.cbd.int/convention/mechanisms/thematic-consultation.shtml accessed January 17, 2023.

[105] Conference of the parties to the Convention on Biological Diversity (15th meeting, Part II) "Kunming-Montreal Global Biodiversity Framework" (December 19, 2022) CBD/COP/DEC/15/4.

[106] Ibid., para 2.

[107] Convention on Biological Diversity, "X/2. Strategic Plan for Biodiversity 2011–2020" (CBD.int) www.cbd.int/decision/cop/?id=12268 accessed January 17, 2023.

[108] Conference of the parties to the Convention on Biological Diversity (n 106) paras 3 and 8.

[109] Subnational governments, cities, and local authorities on the post-2020 global biodiversity framework, "Edinburg Declaration" (August 31, 2020); IUCN, "Post-2020 Global Biodiversity Framework Emphasizes 'All-Hands-on-Deck' Approach" (Crossroads blog, September 5, 2021) www.iucn.org/crossroads-blog/202109/post-2020-global-biodiversity-framework-emphasises-all-hands-deck-approach accessed January 12, 2023.

finance gap of US$700 billion, are to be achieved by 2050 in alignment with the 2050 vision for biodiversity.[110]

The four goals are to be fulfilled through the attainment of twenty-three targets by 2030.[111] The targets cover a variety of issues and appear to have more quantitative markers than the previous targets. One of the GBF's main highlights is the agreement to protect 30 percent of terrestrial, inland water, and coastal and marine ecosystems by 2030 as encapsulated in Targets 2 and 3, respectively. The 30 percent is up from the 17 percent of terrestrial and inland water and 10 percent of coastal and marine areas provided for in the 2011–2020 plan. While this seems like a promising start, some stakeholders have decried the lack of ambition and the vague wording of some of the provisions, which would likely contribute to ineffective implementation.[112]

Notably, the GBF's provisions on biodiversity-related pollution and climate change are more pronounced in scope, with specific measures to be taken such as working toward eliminating plastic pollution and adopting nature-based solutions, respectively. The framework is also relatively stronger and more active on the integration of gender considerations, having not only mainstreamed gender, for example, in Target 22 on inclusion and participation, but also dedicated a whole target, Target 23, to a demand of gender equality in its implementation.

Further, the obligations imposed on states in relation to businesses, particularly multinational corporations and financial institutions, are fairly elaborate, including requirements for measures to enable assessment and disclosure of biodiversity risks, to provide relevant consumer information, and to report on compliance.[113] Another notable target is Target 18, which unlike in the predecessor Strategic Plan,[114] quantifies the amount of harmful subsidies to be reduced by 2030 to US$500 billion per year. Other noteworthy matters covered by the targets include halting extinction of species, ensuring sustainable trade of wild species, minimizing biodiversity-related pollution risks, mitigating climate change, and building capacities for implementation.

Implementation of the GBF will benefit from support mechanisms and strategies existing under the CBD.[115] Adequate financial resources, effective capacity building, transfer of technologies, cooperation, and collaboration will provide an enabling environment for the framework's implementation.[116] As the CBD parties agreed at COP15, the framework's implementation would be mutually reinforced through implementation of the COP's decisions on the: monitoring framework for the GBF;

[110] Conference of the parties to the Convention on Biological Diversity (n 106) Annex para 30.
[111] Ibid., Annex para 31
[112] See for instance India Stephenson, "BES Response to the New Post-2020 Global Biodiversity Framework" (British Ecological Society, December 19, 2022) www.britishecologicalsociety.org/bes-response-to-the-new-post-2020-global-biodiversity-framework/ January 16, 2023.
[113] Conference of the parties to the Convention on Biological Diversity (n 106) Annex para 31, target 15.
[114] Ibid., Annex para 13, target 3.
[115] Ibid., Annex para 32.
[116] Ibid., Annex para 33.

planning, monitoring, reporting, and review; resource mobilization; long-term strategic framework for capacity building and development to support nationally determined priorities for the implementation of the GBF; digital sequence information on genetic resources; and cooperation.[117] These decisions enjoy an equal status to that of the GBF.

In terms of tools for implementation, the post-2020 GBF takes cognizance of the importance of legislative action in achieving the targets. In at least two targets, 13 and 15, the GBF requires parties to put in place effective legal measures to respectively ensure the fair and equitable sharing of, among other things, benefits arising from utilization of genetic resources, and to encourage and enable businesses to take an active role in progressively reducing negative impacts on biodiversity and promote sustainable use of resources.

Notably, NBSAPs remain the main vehicle for the implementation of the post-2020 GBF and parties have been called upon to revise or update their NBSAPs accordingly.[118] To foster effective implementation of MEAs within MENA, there is a need for the coordinated and coherent implementation of the applicable biodiversity MEAs. This should be coupled with improved approaches for implementation, most of which are encompassed in the Kunming-Montreal post-2020 GBF. The following subsections include some areas for consideration.

#### 2.4.1.1 Contribution and Rights of Indigenous Peoples and Local Communities

The GBO5 identifies a need to further integrate the role of indigenous peoples and local communities into biodiversity planning and implementation.[119] Indigenous peoples own, manage, or occupy at least a quarter of the world's land.[120] Together with local communities, they have a wealth of traditional knowledge and customary practices on conservation and sustainable use of natural resources. The framework's reference to these two groups is a result of deliberate efforts at the international level to ensure that their long-standing contribution to safeguarding biodiversity is recognized. Their consideration was a prevalent theme in stakeholders' submissions to the GBF development process.[121] In fact, one of the working groups, WG8J-11, focused on examining the role of collective actions of indigenous peoples and local communities to the GBF.[122]

[117] Conference of the parties to the Convention on Biological Diversity (n 106) para 2 and Annex para 32.
[118] Ibid., Annex para 34(a).
[119] Secretariat of the Convention on Biological Diversity (n 17) 11.
[120] P. Bates and P. Trakansuphakon, "Indigenous Peoples: Informed Custodians of Biodiversity" (UNESCO Courier 2021) https://en.unesco.org/courier/2021-3/indigenous-peoples-informed-custodians-biodiversity accessed January 17, 2023.
[121] Preparation for the Post-2020 Global Biodiversity Framework, "Post-2020 Global Biodiversity Framework; Discussion Paper" (January 25, 2019) UN Doc CBD/POST2020/PREP/1/1, para 9(m).
[122] Ibid., para 5(a).

The GBF cements the position of indigenous peoples and local communities as guardians of biodiversity and as partners in its conservation, restoration, and sustainable use.[123] The framework requires parties, including MENA parties, to ensure that the "rights, knowledge, including traditional knowledge, innovations, world views, values and practices of indigenous peoples and local communities are respected, documented, preserved with their free, prior informed consent."[124]

The concept of *prior informed consent* is a significant addition to the framework. It is associated with treaty norms such as under the UN Declaration on the Rights to of Indigenous Peoples,[125] and the Indigenous and Tribal Peoples Convention by the International Labour Organization (ILO),[126] and is also embodied in the CBD itself, which subjects access to genetic resources to prior informed consent,[127] as well as conventions such as the Basel[128] and Rotterdam[129] Conventions. The concept is also connected to the enjoyment of rights, primarily access to information and the right of public participation in environmental decision-making.

In other regions, namely Europe, the Biodiversity Strategy for 2030 calls for respect of the rights of, and the full and effective participation of, indigenous peoples and local communities.[130] The European Union has also called on its member states to ratify the ILO Convention on Indigenous and Tribal Peoples.

#### 2.4.1.2 A Human Rights-Based Approach

The right to a clean, healthy, and sustainable environment is universally recognized through a 2022 UN General Assembly resolution that was supported by several MENA countries, led by Morocco.[131] About eighty-eight countries globally, including Algeria, Egypt, Morocco, Palestine, Iraq, Turkey, and Tunisia have already enshrined a

[123] Conference of the parties to the Convention on Biological Diversity (n 106) Annex para 8.
[124] Ibid., Annex para 8.
[125] For a full definition see United Nations Declaration on the rights of indigenous people (adopted October 2, 2007) UNGA Res 61/295 (UNDRIP) art 19.
[126] Convention (No. 169) concerning indigenous and tribal peoples in independent countries (adopted June 27, 1989) 1650 UNTS (Indigenous and Tribal Peoples Convention).
[127] CBD, art 15 (5).
[128] Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (adopted March 22, 1989) 1673 UNTS 57 (Basel Convention).
[129] Stockholm Convention on Persistent Organic Pollutants (adopted May 22, 2001) 2256 UNTS 119 (Stockholm Convention).
[130] European Commission, "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Biodiversity Strategy for 2030, Bringing Nature Back into Our Lives" (May 20, 2020), 20 https://eur-lex.europa.eu/resource.html?uri=cellar:a3c806a6-9ab3-11ea-9d2d-01aa75ed71a1.0001.02/DOC_1&format=PDF accessed January 17, 2024, 20.
[131] UNGA "The Human Right to a Clean, Healthy and Sustainable Environment" (July 26, 2022) UN Doc A/76/L.75 following the Human Rights Council (HRC) "The Human Right to a Clean, Healthy and Sustainable Environment" (October 18, 2021) UN Doc A/HRC/RES/48/13.

variation of this right into their constitutions.[132] The right is related to other substantive rights, such as the right to life, right to water, right to culture, and right to a private family life, as well as procedural rights, such as the rights of access to information, public participation, access to justice, and nondiscrimination,[133] most of which are captured under the Universal Declaration on Human Rights,[134] and treaties such as the International Covenant on Civil and Political Rights.[135] Overall, environmental rights contribute to environmental rule of law as they provide a framework for enforcing laws and providing redress, especially for vulnerable populations.

While there are differing views on what a human rights-based approach means for biodiversity, especially in regard to conservation, the Office of the United Nations High Commissioner for Human Rights (OHCHR) describes it as an approach that promotes respect, protection, promotion, and fulfillment of the full range of human rights and emphasizes the obligation of duty bearers to fulfill their human rights obligations.[136] The full implementation of MEAs such as the CBD is a prerequisite for the right to a clean, healthy, and sustainable environment.[137] Practically, biodiversity plans, policies, and processes should be anchored in a system of rights and corresponding obligations where all persons are empowered to claim their rights.[138]

MENA countries may integrate human rights in the update and implementation of their NBSAPs. OHCHR provides guidance on how to do this through a 2022 brief that provides a step-by-step human rights lens on NBSAPs development, content, and implementation processes.[139] The brief encourages a participatory, bottom-up, consensus building in the NBSAP development phase, mainstreaming of international and domestic human rights obligations into the NBSAP content,

[132] An additional 62 countries have enshrined environmental protection in their constitutions in some form – a total of 150 countries from all over the globe now have constitutional rights and/or provisions on the environment. This is the estimate according to UNEP, *Environmental Rule of Law: First Global Report* (UNEP 2019) 2. The number may have changed since then.

[133] Human Rights Council (HRC) "The Human Right to a Clean, Healthy and Sustainable Environment" (October 18, 2021) UN Doc A/HRC/RES/48/13, 1–2.

[134] Universal Declaration of Human Rights (adopted December 10, 1948) UNGA Res 217 A(III) (UDHR) Art 5.

[135] International Covenant on Civil and Political Rights (adopted December 16, 1966) 999 UNTS 171 (ICCPR).

[136] United Nations Office of the High Commissioner for Human Rights, "Integrating Human Rights in National Biodiversity Strategies and Action Plans" (March 2022) www.ohchr.org/sites/default/files/2022-03/Integrating-Human-Rights-in-NBSAP.docx accessed January 19, 2023, 8.

[137] UNGA, "The Human Right to a Clean, Healthy and Sustainable Environment" (July 26, 2022) UN Doc A/76/L.75, 3.

[138] United Nations Office of the High Commissioner for Human Rights draft, "Integrating Human Rights in National Biodiversity Strategies and Action Plans" (March 2022) www.ohchr.org/sites/default/files/2022-03/Integrating-Human-Rights-in-NBSAP.docx accessed January 19, 2023, 9.

[139] United Nations Office of the High Commissioner for Human Rights draft "Integrating Human Rights in National Biodiversity Strategies and Action Plans" (March 2022) www.ohchr.org/sites/default/files/2022-03/Integrating-Human-Rights-in-NBSAP.docx accessed January 19, 2023.

and safeguarding of human rights procedural and substantive elements in NBSAP implementation. Another area that MENA countries could explore is the emerging notion of nature rights where distinct biodiversity elements are assigned rights as though they were living beings.[140]

#### 2.4.1.3 Consistency with International Agreements or Instruments

Article 22 of the CBD suggests consistency with other international conventions to the extent that such conventions do not cross purposes with the objectives of the CBD. The article further requires the parties to implement the CBD in line with the rights and obligations under the law of sea in regard to the marine environment.

Parties to the CBD hold value in promoting synergies between relevant conventions, particularly biodiversity-related conventions. Through a process known as the Bern process, UNEP fosters the engagement of other MEAs in the advancement of the GBF.[141] In the lead-up to the post-2020 GBF, and based on a request by CBD parties, a workshop was organized among the parties of biodiversity-related conventions to assess their contribution to the framework.[142] In fact, in the decision 15/13 on cooperation, the CBD COP invited the governing bodies of the other conventions to endorse the framework and support its operationalization. Among the numerous international and regional biodiversity-related conventions applicable in the MENA region, CITES is a good example of a convention that aims to synergize with the CBD. The CITES Strategic Vision 2008–2020 was mapped against the Aichi Targets in the 2011–2020 Strategic Plan for Biodiversity,[143] and now CITES COP19 has adopted a decision to strengthen cooperation, collaboration, and synergies at all relevant levels between CITES and the GBF.[144] Other MEAs have also taken similar steps: For example, the Ramsar Convention in COP

[140] IPBES, "Policy Instrument – Rights of Nature" www.ipbes.net/policy-support/tools-instruments/rights-nature-ron accessed November 8, 2023.

[141] The Bern III Conference took place from on January 23–25, 2024, with the objective to contribute to the efficient and effective implementation of GBF by identifying opportunities to drive and coordinate an inclusive collaborative approach towards implementation of the framework while respecting the respective mandates of biodiversity-related conventions and other relevant multilateral agreements and United Nations. www.unep.org/events/conference/bern-iii-conference-cooperation-among-biodiversity-related-conventions.

[142] Conference of the parties to the Convention on Biological Diversity (14th meeting) "Comprehensive and Participatory Process for the Preparation of the Post-2020 Global Biodiversity Framework" (November 30, 2018) UN Doc CBD/COP/DEC/14/34, para 12.

[143] CITES, "CITES Strategic Vision" (CITES.org) https://cites.org/eng/documents/Strategic_vision accessed January 19, 2023.

[144] CITES, "SG's Statement on Cooperation at CBD CoP15" (CITES.org) https://cites.org/eng/news/sg/sgs-statement-on-cooperation-at-cbd-cop15 accessed January 19, 2023.

Resolution XIV/26,[145] CMS COP Decision 13.4,[146] and the Decision 44 COM 7.2 of the World Heritage Committee.[147]

Paragraph 24 of the GBF envisages collaboration, cooperation, and synergies with other MEAs as well as international organizations and processes. Given the interlinkages between the triple planetary crises, it is important for MENA countries implementing the GBF to align to climate commitments and pollution- and waste-related processes. To provide an example of such alignment, two-thirds of nationally determined contributions under the Paris Agreement refer to nature-based solutions.[148]

Additionally, MENA parties should be conscious of relevant ongoing processes such as the development of a legally binding instrument on plastic pollution, including in the marine environment,[149] and the recent establishment of a treaty on high seas.[150]

#### 2.4.1.4 Science–Policy Interface

Effective policies to combat biodiversity loss must be based on the best available knowledge.[151] This is why the GBF requires that it is implemented based on "transformative, innovative and transdisciplinary education, formal and informal, at all levels, including science–policy interface studies and lifelong learning processes, recognizing diverse world views, values and knowledge systems of indigenous peoples and local communities."[152] The aspect of a science–policy interface is particularly important and was focused on in the lead-up to the GBF through an Ad Hoc Technical Expert Working Group on digital sequence information on genetic

[145] "Ramsar Convention" Resolution XIV.6 – Enhancing the Convention's visibility and synergies with other multilateral environmental agreements and other international institutions www.ramsar.org/sites/default/files/documents/library/xiv.6_synergies_e.pdf accessed November 8, 2023.

[146] "Decisions 13.4 to 13.5 – Options for a Follow-up to the Strategic Plan for Migratory Species 2015–2023" (CMS) www.cms.int/en/page/decisions-134-135-options-follow-strategic-plan-migratory-species-2015-2023 accessed November 8, 2023.

[147] "Decision 44 COM 7.2 – Conservation Issues" (UNESCO) https://whc.unesco.org/en/decisions/7678/ accessed November 8, 2023.

[148] IUCN (n 10).

[149] UNEP, "Intergovernmental Negotiating Committee (INC) on Plastic Pollution" (UNEP.org) www.unep.org/about-un-environment/inc-plastic-pollution accessed January 19, 2023.

[150] UN, "Intergovernmental Conference on an International Legally Binding Instrument under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction (General Assembly Resolution 72/249)" (UN.org) www.un.org/bbnj/ accessed January 23, 2023, also: www.unep.org/news-and-stories/story/marine-biodiversity-gets-lifeline-high-seas-treaty.

[151] N. Wagner, S. Velander, L. Biber-Freudenberger et al., "Effectiveness Factors and Impacts on Policymaking of Science-Policy Interfaces in the Environmental Sustainability Context" (2023) 140 *Environmental Science & Policy* 56.

[152] Conference of the parties to the Convention on Biological Diversity (n 106) Annex para 22.

resources.[153] A science–policy interface is beneficial as it's typically coupled with stakeholder consultations, diversity in experts and expertise, and the ability to break down complex issues for policymakers.[154] It is important for MENA countries to heed evidence-backed findings from credible institutions and traditional knowledge at a global and national level.

## 2.5 CONCLUSION

International law on biodiversity and nature conservation seeks to promote conservation and the sustainable use of biological resources as well as the equitable sharing of their benefits. It is a complex system, mostly weaved together by MEAs. UNEP recognizes this complexity and, as shown in Box 2.1, it has developed a wide range of initiatives aimed at supporting countries across the world and in the MENA region. UNEP's Law Division, particularly, supports the fields of environmental law, governance, and related policy issues, including those related to MEAs. It provides, in close collaboration with the MEA secretariats, technical legal assistance and capacity-building support to countries to develop/strengthen and implement environmental law, and to build capacity of various stakeholders and institutions with respect to the development and implementation of, compliance with, and enforcement of, environmental law, including commitments set out in MEAs.

### BOX 2.1 UNEP's Activities Related to Biodiversity and Nature Conservation Law and Policy in the MENA Region[155]

#### 1 ENVIRONMENTAL GOVERNANCE

UNEP promotes sound environmental governance, for example, by helping with the development of National Biodiversity Strategic Action Plans. Under UNEP's Fifth Montevideo Programme for the Development and Periodic Review of Environmental Law (Montevideo Environmental Law Programme), countries can make requests for technical legal support through the Law and Environment Assistance Programme. UNEP also provides law enforcement support through initiatives such as the Green Customs Initiative.

[153] Preparation for the Post-2020 Global Biodiversity Framework, "Post-2020 Global Biodiversity Framework; Discussion Paper" (January 25, 2019) UN Doc CBD/POST2020/PREP/1/1, para 5(b).

[154] Wagner et al. (n 151).

[155] The activities in the box are not exhaustive of all UNEP's activities related to protection of biodiversity.

### 2 ECOSYSTEMS SUPPORT AND COORDINATION WITH BIODIVERSITY-RELATED CONVENTIONS

UNEP hosts the CBD Secretariat that supports parties to implement the CBD's Program of Work and governing bodies' decisions.[156] The CBD's portfolio encompasses capacity building and knowledge management, monitoring, and review of implementation and policy and governance support, among other things. For instance, the secretariat, together with UNEP and other partners, has developed NBSAP training modules and tools such as the Data Reporting Tool for MEAs.[157] UNEP also works closely with and hosts the secretariats of the Bonn Convention and the CITES and the Intergovernmental Panel on Biodiversity and Ecosystem Services.[158] UNEP also administers the Regional Seas Programme for protection of marine and coastal biodiversity.

### 3 KNOWLEDGE PLATFORMS

UNEP hosts several comprehensive biodiversity knowledge hubs such as the UNEP's World Conservation Monitoring Centre. The center works with scientists and policymakers worldwide to place biodiversity at the heart of the environment and development decision-making to enable enlightened choices for people and the planet.[159] Another platform is the World Environment Situation Room, which collects, analyzes, and shares the world's best environmental science and research, as well as the mass of new data from satellites, drones, and citizen science. The platform includes critical tools to review progress toward the achievement of the SDGs. UNEP also supports knowledge platforms on ecosystems and biodiversity, such as the Great Apes Survival Partnership, Global Forest Watch, the Global Peatlands Initiative, and the Interfaith Rainforest Initiative.[160]

[156] Convention on Biological Diversity, "Welcome to the CBD Secretariat" (CBD.int) www.cbd.int/secretariat/ accessed January 19, 2023.

[157] CBD, art 7; Convention on Biological Diversity, "NBSAP Capacity Building Modules" (CBD.int) www.cbd.int/nbsap/training/ accessed January 17, 2023; Information Portal on Multilateral Environmental Agreements, "Welcome to DaRT" (dart.InforMEA.org) https://dart.informea.org/ accessed January 19, 2023.

[158] UNEP, "UNEP and Biodiversity" (UNEP.org) www.unep.org/unep-and-biodiversity accessed January 19, 2023.

[159] Ibid.

[160] Ibid.

### 4 LEGAL SCHOLARS' NETWORK IN THE MENA REGION

UNEP supports the establishment and strengthening of networks for environmental law scholars within MENA, primarily the Association of Environmental Law Lecturer in Middle East and North African Universities (ASSELLMU)[161] and the Association of Environmental Law Lecturers in African Universities. The support extends to the development of training-of-trainers programs, convening of scientific conferences, development of scientific publications, and drafting of training modules.

[161] Association of Environmental Law Lecturers in Middle East and North African Universities https://assellmu.org accessed January 19, 2023.