



Society for Conservation Biology

A global community of conservation professionals

Policy Insider

December 2010

The Policy Insider is a newsletter of SCB policy work.
It presents opportunities for you to participate in that work –
Calls to action are marked with an asterisk * - Please Read These First

The Policy Insider also features work by others that is of interest to SCB.
The Insider often covers policy issues earlier and in greater detail than does the SCB Newsletter.
To read the Policy Insider online, go to www.conbio.org/resources/policy.
For a printer-friendly pdf version, go to this link.

You may also enjoy contributing to the discussion through SCB's Policy Blog
Moderated by Carlos Carroll, SCB North America Section Policy Chair at
www.conbiopolicy.org

In this issue:

Climate News

Cancun Can? ... Did!

Secretarial Order Strengthens National Landscape Conservation System

**SCB Urges California to Emphasize Ecosystem Restoration, Conservation over
Offsets In State Cap and Trade Rules –
Cites Pacific Temperate Rainforests as Prime Example**

Scientific Integrity

*** Senate Considering Waiving Science, Law and Delisting Gray Wolves
Out of Frustration in Montana, Idaho and Wyoming –
SCB Proposes Alternative: Seek Societies' Advice as ESA Suggests**

**SCB Urges Secretary Salazar to Take Six Steps
To Save the Mexican Wolf -- The Secretary Announces Reforms**

*** House Vote on Whistleblower Protection Law Expected Soon**

**Department of Interior Makes Progress on Spotted Owl Recovery Plan
But the Plan Remains Deficient Says SCB Peer Review**

Biological Security

*** Comment on Draft Action Plan from FWS to Address
White-Nose Syndrome**

More Treaty News

**SCB Delegation at the Conference of the Parties
To The Convention on Biological Diversity**

**The Society Comments on the Convention for the
Conservation of Antarctic Marine Living Resources' (CCAMLR)
Process to Designate Southern Ocean Marine Protected Areas (MPAs)**

Investment and Procurement

**SCB, EU, UNEP, "TEEB", World Bank Up to Advance Green Accounting
and Investing**

As the Policy World Turns -- Overview of the Mid-Term Elections

Section and Chapter Policy Highlights

*** We Need You – For Policy Task Forces**

Let Your Voice Be Heard

Climate Change

Courts Deny Challenge to EPA Climate Rules, Will Consider Whether GHGs Can Also Be Controlled as Public Nuisance Under States' Common Law

In recent weeks the US EPA has won victories in Federal Court confirming its power to proceed with climate gas regulations. The Supreme Court is likely to be asked to review any decision made in a case calling for curtailing greenhouse gases under the oldest legal doctrine applicable – that of common law nuisance in which one may not carry out private actions that unduly harm the community or present grave risks. One question will be whether legislation has preempted this traditional common law protection. These highlight the many avenues that we hope will remain available and be used as necessary for combating climate change.

Meanwhile SCB is acting to strengthen proposed rules and the scientific basis for them in the states and internationally --

SCB Urges California to Emphasize Ecosystem Restoration, Conservation over Offsets In State Cap and Trade Rules – Cites Pacific Temperate Rainforests as Prime Example

On December 15th, SCB submitted comments on California's proposed regulations for a cap on greenhouse gas emissions and market-based compliance mechanisms ("cap and trade"). These are among the first such regulations in the United States, following similar regulations enacted by the European Union. SCB's letter communicates the importance of achieving the most rapid reduction possible in human-caused greenhouse gases and other forcing agents, such as black carbon or soot, and combined with measures for ecosystem conservation and restoration. Nothing short of this combination will be likely to avoid accelerating losses in biodiversity and ecosystem services due to climate change. The second point we make in the letter is that California's mitigation efforts should not rely upon carbon offsets when other approaches are available. In the US system, states have a great array of regulatory tools available under the Constitution, and California is the prime example of a state that uses this capacity to lead in the process, even when the Federal government lags, e.g., in controlling air pollution.

The full SCB comment letter, which cited our Climate Policy letters (www.conbio.org/resources/policy) to the UNFCCC COPs and supporting research, is [here](#).

Cancun Can? ... Did!

The results of the Conference in Cancun were many, so we focus here first on letter to Conference leaders and delegates on what Cancun Could. Then we provide a short summary of what Cancun Did, and zero in on REDD+.

SCB Addresses Decision-Makers Convened in Cancun—

SCB Urges Negotiators to Recognize the Diversity of Ecosystems Combating Climate Change and Says – Ensure Biodiversity Safeguards and Do Not Destroy Ecosystems With Excess Pollution Permitted Through Offsets.

On December 6, 2010, SCB sent to the conveners and the delegates at the climate conference in Cancun our recommendations in brief with full citations to the supporting literature: excerpts follow:

The Honorable Christiana Figueres
Executive Secretary
United Nations Framework Convention on Climate Change
P.O. Box 260124
D-53153 Bonn
Germany

The Honorable Patricia Espinosa
Secretary of Foreign Affairs for Mexico
President of Conference of the Parties
Secretaría de Relaciones Exteriores, Ave.
Juárez #20, Col. Centro, CP 06010, Cuauhtémoc

Delivered by E-Mail

Dear Ms. President and Madam Secretary:

I am writing on behalf of the Society for Conservation Biology, a global organization of conservation professionals. This letter continues the dialogue we began with the UNFCCC delegates and Secretariat before CoP15 in Copenhagen. We address you but we are also speaking to the delegations that you have convened for this meeting and ask your assistance in conveying our concerns to them as well.

Since SCB's President wrote one year ago to the hosts of the negotiations in Copenhagen, advancing science around the world has confirmed the essence of our message of 2009, which we again commend to you and your colleagues.:

Moreover, in the past year the policy landscape has changed significantly, but the problem of climate change has increased in severity. Scientists have also added significant new findings (including those noted below) that should affect your decisions in Cancun.

Many expect that progress can be made in Cancun on forest conservation and on a variety of greenhouse gases beyond carbon. We hope that you can do so in a manner that preserves and restores the biological integrity of earth's ecosystems.

In your negotiations in Cancun, we therefore urge you to consider the following:

1) Recent research shows that temperate and (to a lesser extent) boreal rain forests sequester carbon at higher rates than tropical rainforests and currently store more carbon per acre than any other ecosystem type on earth.ⁱⁱ These forests occur in ten locations around the world, yet most of this acreage is not in developing countries. These forests have not been recognized and supported accordingly in climate policy discussions, such as the REDD-plus programme of the United Nations.

2) Research continues to suggest that current climate policy mechanisms may unwisely and unnecessarily pit carbon storage against biodiversity conservation and restoration. Avoid replacing native forests with non-native fast growing trees or sacrificing biologically diverse forests if someone pays to spare carbon intense peat.ⁱⁱⁱ

3) Human-caused emissions, particularly those from deforestation (which currently amount to about 17% of fossil fuel emissions globally) continue to increase with no agreement in place that is sufficient to sustain the biological diversity and ecosystem services that underpin our current *modi vivendi*.^{iv}

4) Current levels of climate-driven heat and drought are harming most forests in several ways and are threatening to degrade and convert large areas, for example, of tropical forests, to savannahs. This process would emit large amounts of greenhouse gases and destroy our best protection against climate change.^v

5) The Convention on Biological Diversity already requires its 190+ Parties to regulate any activity that is found to be harmful to biodiversity.^{vi} The CBD's Conference of the Parties has agreed for the time being to defer addressing climate mitigation to the UNFCCC negotiations, but has asked the UNFCCC to protect biodiversity in any land-based mitigation efforts.^{vii} It has also asked the CBD Secretariat to report back after UNFCCC CoP16 on steps that can be taken in cooperation with the Parties to the other Rio Conventions on climate and desertification.^{viii}

Therefore, we urge you to ensure in your deliberations in Cancun, that you:

1) Do not pit the health of ecosystems and biodiversity against what may

appear to be carbon sequestration gains. Implement ecosystem-based measures and all other climate mitigation and adaptation steps in accordance with the CBD, the Convention to Combat Desertification and other relevant conservation treaties.

2) Do not fund forest conservation and restoration primarily through the sale or trading of offsets for the continued use of polluting technologies when better alternatives or controls are available. Support and require ecosystem conservation and restoration in addition to rapid reductions in industrial and other human-caused emissions.

3) Do not pit “developed” and “developing” countries against each other in a new agreement. Reward or discipline specific behaviors, technologies and practices wherever they appear.

4) Invoke the many legal duties and mechanisms that already exist to control climate change polluters while you work to develop new and additional measures that address climate change and protect the living systems that in turn protect us all.^{ix} For example, the French government is deferring carbon taxes only briefly in order to work with the EU to explore a unified carbon tariff. As we noted in 2009, such a tariff might be used to fund ecosystem restoration and transitions to cleaner production methods.

5) In REDD-plus and other relevant negotiations, include the significant contribution of biologically diverse, carbon-dense primary forests in temperate and boreal regions to climate stabilization. Include other carbon-dense systems such as mangroves, salt marshes, kelp forests and other carbon-dense marine life^x, as well as safeguards sufficient to ensure biological and operational integrity.^{xi}

We thank you for your attention and look forward to working with you.

Sincerely,

John M. Fitzgerald, J.D.
Policy Director

Cc: Delegates, Interested Parties

[for a pdf with endnotes, go to www.conbio.org/resources/policy.]

What Cancun Did, With a Focus on REDD +

By Christine Real de Azua

Ms. Real de Azua was a member of the SCB CBD Delegation and was the coordinator of a coalition of US NGOs on the run up to, at, and in following up in 1992-93 on the first Earth Summit.

What Cancun did:

- Restored hope in the UNFCCC and re-affirmed the multilateral approach for this key international environmental negotiation process, even though the big decisions are bumped to COP17 in Durban in 2011. In Copenhagen in 2009 it seemed prospects for a multilateral climate agreement with binding commitments were dead.
- Demonstrated pragmatism in the multilateral negotiation process: the Cancun decisions were adopted in spite of the opposition from Bolivia, showing that while it strives for consensus the international community can under UNFCCC's auspices reach a decision supported by the vast majority.
- Demonstrated pragmatism in adopting a package of decisions. The package is far from the steps needed to significantly reduce global emissions, but keeps work going and includes:
 - A process for collecting mitigation pledges by developed and developing countries, combined with technical work to better understand them and continued work on procedures for measurement, reporting and verification (MRV) and international consultation and analysis (ICA);
 - The establishment of a Green Climate Fund to provide funding for developing countries for adaptation as well as mitigation, along with other financial mechanisms under the Convention;
 - A Technology Mechanism for technology transfer, and a Climate Technology Centre to facilitate a network of national, regional, sectoral and international technology networks, organizations and initiatives;
 - A Cancun Adaptation Framework that invites Parties to enhance actions on adaptation.
 - An agreement on reducing emissions from deforestation and forest degradation (REDD+) which outlines activities that developing countries are encouraged to take "in the context of the provision" of financial resources and technical support.

Funding sources remain unresolved for REDD and for most of the items in the Cancun decisions.

Focus on REDD +

REDD is a key area where the UNFCCC and the Convention on Biological Diversity (CBD) and other multilateral environmental agreements overlap, and where synergy between these agreements can help make sure that biodiversity is protected even as carbon emissions are mitigated. In Nagoya, the COP-10 made it clear that CBD would leave REDD decisions to the UNFCCC. It is therefore worth taking a close look at the decision and the "safeguards" the UNFCCC Parties agreed to in Cancun.

The REDD decision is located in the Cancun decision document entitled "**Decision /CP.16 Outcome of the Work of the AdHoc Working Group on Long-term Cooperative Action under the Convention**" (http://unfccc.int/files/meetings/cop_16/application/pdf/cop16_1ca.pdf), Section C, pages 10-12. The

safeguards, reproduced below in full, are in Paragraph 2 of Annex 1 to this same document (pages 24-25).

In summary, the REDD decision document section encourages developing country Parties to undertake activities, “as deemed appropriate by each Party” and “in the context of the provision of adequate and predictable support,” such as:

- (a) A national strategy or action plan;
- (b) A national forest reference emission level and/or forest reference level or, if appropriate, as an interim measure, subnational forest reference emission levels and/or forest reference levels;
- (c) A national forest monitoring system for the monitoring and reporting of the emissions activities mitigation actions in the forest sector;
- (d) A system for providing information on safeguards.

The safeguards include the key provision that actions be consistent with other environmental conventions and agreements. We reproduce here in full the decision text on safeguards, and highlight in bold the most important provisions with respect to protection of biodiversity:

When undertaking activities referred to in paragraph 70 of this decision, the following safeguards should be promoted and supported:

- (a) Actions complement or are consistent with the objectives of national forest programmes **and relevant international conventions and agreements**;
- (b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;
- (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;
- (d) The full and effective participation of relevant stakeholders, in particular, indigenous peoples and local communities, in actions referred to in paragraphs 70 and 72 of this decision;
- (e) **Actions are consistent with the conservation of natural forests and biological diversity, ensuring that actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits**;
- (f) Actions to address the risks of reversals;
- (g) Actions to reduce displacement of emissions.

For a full report on the negotiations in Cancun, including useful background, see *Earth Negotiations Bulletin*, Vol 2 #498, “SUMMARY OF THE CANCUN CLIMATE CHANGE CONFERENCE: 29 NOVEMBER – 11 DECEMBER 2010”

<http://www.iisd.ca/download/pdf/enb12498e.pdf>

The cornerstone victory here is that REDD+ must be done in compliance with the CBD and using natural ecosystems. Over the next year, SCB and its allies will want to work to ensure that the delegations to the UNFCCC related meetings understand and take into account more fully the important information conveyed to them this year.

Secretarial Order Strengthens National Landscape Conservation System

Reprinted with permission from The Wildlife Society's *Wildlife Policy News*.

Italics added by SCB.

Over the past few years SCB and some of its senior members, such as Paul Beier, our President-Elect, have been working on improving connectivity between areas of lands and waters so that the biological functions of the connected areas can be enhanced and even multiplied as species' movements are made possible again leading to greater genetic diversity and ecological richness and resilience.

In October of 2009 at the request of Rep. Rush Holt (D-NJ) we offered a number of suggestions for his bill on the subject, which he incorporated before introducing it. His main idea was to require agencies to support and implement connectivity in their work. Early in 2010, during meetings set up by the Wildlands Coalition SCB's Policy Director offered the White House and the Appropriations Committee staff language that could be used in a Secretarial or Executive Order or in a Committee Report to advance this process without new authorizing legislation. SCB Executive Director, Alan Thornhill, at the same time was advising the Secretary's task force on climate adaptation.

In a Secretarial Order released 15 November 2010, Management of the National Landscape Conservation System (NLCS), Secretary of the Interior Ken Salazar promoted the NLCS to the level of directorate within the Bureau of Land Management (BLM). Previously, the NLCS was an office of the BLM. This organizational change reflects greater priority for the NLCS within the larger mission of the BLM.

In addition to this reorganization, the order (S.O. 3308) directs that the original purposes of the NLCS be fulfilled; maintaining land connectivity and biodiversity in the changing climate are at the top of this list. To achieve these conservation goals, S.O. 3308 calls on science-based management, engagement of volunteers for restoration and maintenance of the lands, and input of diverse opinions from stakeholders like tribes, other federal agencies, and private landowners.

The NLCS is composed of 27 million acres of land representing National Monuments, National Conservation Areas, Wilderness Areas, Wilderness Study Areas, Wild and Scenic Rivers, National Scenic and Historic Trails, and Conservation Lands of the California Desert, designated for their significance to America's natural and cultural heritage. The NLCS recently reached its 10-year anniversary; it was first established as an administrative designation in 2000 by President Clinton and received legislative authority when President Obama signed the Omnibus Land Management Act of 2009.

Sources: E&E News, LLC (E&E News PM), Bureau of Land Management, Department of the Interior, Secretarial Order 3308.

Scientific Integrity

*** Senate Considering Waiving Science, Law and Delisting Gray Wolves Out of Frustration in Montana, Idaho and Wyoming – SCB Proposes Alternative: Seek Societies' Advice as ESA Suggests**

The issue of how best to manage gray wolves is causing considerable debate. Some Members of Congress and Senators have proposed enacting legislation, even as a “rider” to the final appropriations bill being considered in mid-late December, to remove some or all of this species’ populations and subspecies from the threatened and endangered list. Congress is normally reluctant to place itself in the position of either courts or expert agencies or to act until it has heard the facts and the reasons why existing law cannot be used to accomplish a reasonable solution.

** As we prepare to publish this Insider the Senate has so far not added such a rider to any bill scheduled for floor consideration but it could happen at any time before they adjourn in the next few days. SCB members may want to call their members of Congress now, and again early next year to discuss this issue 202-224-3121.*

Given that two courts have asked the Secretary of the Interior to review the situation and given that Congress has not had time to hold hearings on the issue, SCB and others have suggested that the Secretary invoke provisions of the ESA designed for just such difficult decisions about listing and delisting and who should manage such species and how.

Many have noted with appreciation Salazar’s adoption of principles for scientific integrity across the Department and the appointment of scientific advisors at agencies throughout the Department. It is all the more fitting then that he consider the following approach to help resolve this issue.

Section 4 of the Act requires that delisting determinations be based upon the best scientific and commercial data available and it provides one way to do that very efficiently. Section 4(b)(5)(C) directs the Secretary to give notice of the proposed (delisting) regulation to such professional scientific organizations as he deems appropriate.

Several societies have demonstrated expertise on such issues in the context of the Act, and in regard to wolf recovery, in particular. These include the Society for Conservation Biology, the American Society of Mammalogists, The Wildlife Society and The Ecological Society, among others. In order to help all resolve these issues, policy staff of the SCB, The Wildlife Society and others suggested in discussions with Congressional staff, agency staff and NGOs that the Secretary invite these societies, in consultation with his science advisors, to review the wolf recovery plans, the delisting proposals, management options that could apply both pending and following any delisting and any other support or consideration that may be useful for any of the stakeholders.

Such a group could report back within six months of its being empanelled and well within the next year. That review would also necessarily entail a review of the capacity of the affected states to conserve

listed species in accordance with Section 6 and Section 4 before and after delisting and to help with post-delisting monitoring under Section 4(g). We also suggested that both the Secretary and the societies provide legal advisors to assist such a panel. The panel could also suggest additional measures beyond the scope of the Endangered Species Program that can be taken to resolve conflicts between the interested parties. These could be surveyed in consultation with others, such as the Secretary of Agriculture.

It is important to consider information that all stakeholders –hunters, ranchers, farmers, outdoor guides, conservationists, tourists and scientists -- may be able to provide. The Secretary could use his authority to cover expenses of any person whose particular scientific and commercial data and expertise would not otherwise be available to the review panel.

We would expect that the courts would grant any continuance or stay that may be necessary for such a review to take place.

SCB Urges Secretary Salazar to Take Six Steps to Save the Mexican Wolf – The Secretary Announces Reforms

The Society sent a letter to the Secretary of the Interior on November 23rd, recommending the six steps toward recovery for the highly endangered Mexican wolf in the American Southwest. That same day he announced changes to the Mexican wolf recovery program.

The full letter can be read [here](#), and the summary of the six recommended steps is available [here](#).

Department of Interior Makes Progress on Spotted Owl Recovery Plan But the Plan Remains Deficient Says SCB Peer Review

Together with The American Ornithologists' Union, in response to a request from the US Fish and Wildlife Service, SCB requested reviews of the Northern Spotted Owl Draft Revised Recovery Plan of 2010 from four leaders in the fields of avian management and conservation biology.

Overview:

Reviewers from three scientific societies judged the 2008 Northern Spotted Owl (NSO) recovery plan to be weakened both by 1) lack of the analyses necessary to support planning, as well as 2) bias in the management interpretations of what science was presented. In contrast, many of the analyses supporting the 2010 draft recovery plan are innovative, and in many respects offer a model for recovery planning for other species of concern. We are pleased and encouraged that the USFWS took seriously many of the constructive criticisms offered by peer reviewers. The current plan exhibits an earnest and legitimate attempt to incorporate science into this plan. USFWS is to be commended and encouraged for their efforts in preparing this document.

Importantly it withdraws the inadequate MOCA network as the basis of Northern

Spotted Owl (NSO) recovery. It is unfortunate that full details on how this would be done are not yet available. However, the details given in Appendix C seem reasonable for as much as is given, and the modeling and advisory teams seem well qualified. The Draft also features much better treatment of fire, fire risk, and fire management; it deals more comprehensively with foraging and dispersal habitat. The Draft recognizes and stresses the importance of maintaining all existing NSO habitat, which is vital given the continuing population declines of the NSO and the increasing threat posed by expanding barred owl populations. The Draft is also strengthened by strongly endorsing the use of active, as opposed to passive, adaptive management as the preferred way of reducing gaps in knowledge.

However, some aspects of the 2010 plan remain problematic and require revision before the document can be expected to adequately support NSO recovery planning. The most problematic issue is that, by releasing a draft plan for review before major elements of the habitat and viability analyses were completed, the USFWS effectively precluded detailed peer review of the analyses. Additionally, this incomplete science necessarily makes it difficult to review any management interpretations of that science....

Read the letter and review [here](#).

*** House Vote on Whistleblower Protection Law Expected Soon**

From the Government Accountability Project

After being unanimously approved by the Senate on December 10th, the House is expected to take up the Whistleblower Enhancement Act (S. 372) the week of December 20th. According to the Government Accountability Project (GAP), the bill “makes significant progress in affording millions of federal workers the rights they need to protect all Americans.” The law will provide, among other things, normal access to appeals courts for whistleblowers, and the right to trial *on such issues as whether a Federal agency has retaliated against an employee for reporting violations of law or gross mismanagement or abuses of authority in carrying out the laws and programs of the Government. The current process is very slow and skewed in favor of the agencies and against the employees according to all statistical analysis of the results of the Merit Systems Protection Board and related processes. The new bill would give employees a right of judicial review after a limited period of time if the MSPB does not act. (Italics added by SCB’s Policy Director, who prevailed after two years of litigation as a Federal whistleblower before the MSPB in 2004. The MSPB appeals panel reversed the initial decision on all counts.)*

Please review the issue and let your Congressman know your point of view on this legislation by calling 202-225-3121.

To read more, go to [the GAP website](#).

Biological Security

*** Comment on Draft Action Plan from FWS to Address White-Nose Syndrome**

The U.S. Fish and Wildlife Service (FWS) is proposing a coordinated national plan to address White-nose Syndrome. According to FWS, White-nose syndrome has killed more than a million bats and has spread to 11 states since it was first discovered four years ago.

The FWS website states that the plan “includes an overall strategy for investigating the cause of WNS and finding a way to manage it. The plan identifies key actions and the roles of federal and state agencies and other entities in addressing WNS nationally. It identifies seven focus areas of responsibility – communications, scientific and technical information dissemination, diagnostics, disease management, research coordination, disease surveillance, and conservation and recovery of affected species.”

Public comments on the plan will be accepted through December 26, 2010. The plan and additional background information are available online. www.fws.gov/WhiteNoseSyndrome.

Treaties

“The Scientists Are Here At Last” – SCB Delegation Interventions Help Improve Decisions at the Conference of the Parties to the Convention on Biological Diversity in Nagoya, Japan

The Society’s Executive Office and that of the Society for Ecological Restoration worked informally with IUCN in the summer as IUCN prepared its extensive recommendations for the Conference of the Parties to the Convention on Biological Diversity. Building on a letter prepared by the SCB Europe Section, SCB prepared and sent recommendations for the Conference of the Parties in advance of the COP. We were represented in person by a delegation of Policy Director Fitzgerald, and four others who paid their own way. (See most recent SCB Newsletter for short bios.)

Our delegation consisted of:

- John Fitzgerald, J.D.;
- Dorothy Zbicz, Ph.D.; experienced environmental negotiator and former US State Department delegate;
- Christine Real de Azua, former Director of Accounting for the Environment and Coordinator of US conservation groups in Rio;
- Thomas Tremaine Moore, M.S., Instructor at Indiana University School of Public and Environmental Affairs and an expert in Japanese black bears and wildlife response to climate change; and
- Halley Allaire, third year environmental law student and e-researcher, tweeter, and blogger extraordinaire.

We found SCB members on several delegations of party states and NGOs all of whom welcomed SCB's presence. In daily morning meetings with NGOs, including the German Federation of Scientists, two formal meetings with the US delegation, which we helped to arrange, and informal meetings throughout, we worked through two weeks of intensive negotiations. We highlight some of what we successfully proposed or demonstrably advanced here but we also achieved the goal of being a helpful presence within and between several different venues (e.g., negotiating sessions called Working Groups and Contact Groups) in the conference.

But first, an objective summary of the whole, confirming its overall success, is provided by the Earth Negotiations Bulletin whose reporters cover major treaty meetings throughout the world:

The tenth meeting of the Conference of the Parties (COP 10) to the Convention on Biological Diversity (CBD) was held from 18-29 October 2010, in Nagoya, Japan. Over 7,000 delegates representing parties and other governments, UN agencies, intergovernmental, non-governmental, indigenous and local community (ILC) representatives, academia and industry attended the meeting.

CBD COP 10 considered a series of strategic, substantive, administrative and budgetary issues, and adopted 47 decisions. Delegates also continued negotiations on an international ABS protocol; and considered: a new strategic plan, targets and a multi-year programme of work (MYPOW) for the Convention; issues related to cooperation with other conventions, organizations and initiatives; and substantive issues, including marine and coastal biodiversity, climate change, forest biodiversity, biofuels, and Article 8(j) (traditional knowledge).

Following intense, late-night sessions marked by numerous parallel deliberations, and down-to-the wire negotiations on ABS, the strategic plan and the Strategy for Resource Mobilization, an impressive "package" was adopted, making COP 10 one of the most successful meetings in the history of the Convention: the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable

Sharing of Benefits Arising from their Utilization, which, after seven years of negotiations, sets out rules and procedures for implementing the Convention's third objective; the CBD Strategic Plan for the period 2011-2020, including a mission, and strategic goals and targets aiming to inspire broad-based action by parties and stakeholders; and a decision on activities and indicators for the implementation of the Strategy for Resource Mobilization adopted at COP 9. Last but not least, the meeting: adopted a decision amounting to a *de facto* moratorium on geo-engineering; took a stance on the issue of synthetic biology, urging governments to apply the precautionary approach to the field release of synthetic life into the environment and acknowledging parties' right to suspend it; affirmed the role of CBD in reducing emissions from deforestation and forest degradation in developing countries, and forest conservation, sustainable forest management and enhancement of forest carbon stocks (REDD+); adopted the Tkarikwaí:ri code of ethical conduct; and established clear steps to increase cooperation among the Rio Conventions leading up to the Rio+20 Summit. (<http://www.iisd.ca/vol09/enb09544e.html>.)

While the working and contact groups were not webcast, the plans and guidance documents negotiated and finally approved at the COP were updated daily on the CBD website and coverage daily was available from the Earth Negotiations Bulletin (<http://www.iisd.ca/vol09/enb09544e.html>) Together these enabled delegates and observers to keep tabs on the negotiations and suggest accurately targeted amendments without lining up for printed versions of most documents or even being in the negotiating room in some cases. *This opens the door for SCB expert task force members to help delegates and observers in this process wherever they are on the globe in nearly real time by emailing or texting ideas. If that process is used with discretion and if we combine the best science and appropriate legal drafting, it could greatly enhance our ability to assist SCB observers and delegates decision-makers in this process.*

The most important outcome of this meeting was probably its success on many fronts, compared with the failure within the UN system at Copenhagen which saw a few big nations negotiate a non-binding agreement whose targets are driven not by current science nor by a process that will use future science, but by what was politically acceptable to each at that moment. Our progress at the CBD helps keep us on track to build a system of binding laws that respond to science as it evolves and protect vulnerable biodiversity while we improve our understanding of it. In agreeing on a Protocol on Access and Benefits Sharing the parties broke the logjam and allowed for agreement on a new and more practical strategic plan and other decisions that may have been held hostage by negotiators, intentionally or by default, to the ABS protocol.

Success in Nagoya may have helped to inspire delegates to the UN Framework Convention on Climate Change COP in Cancun where they recognized that the Copenhagen Accord was merely a step toward what was needed and produced decisions that can lead to binding international obligations based on science funded more fairly and conserving and restoring ecosystems as primary answers along with pollution reduction rather than simply substitutes for responsible energy and industrial policy now. (See "Cancun Can".)

The COP produced 47 decisions and work plans on different subjects. These are available on the website of the Secretariat at <http://www.cbd.int/nagoya/outcomes/>. Additional decisions were made at earlier meetings and side events during the COP.

The CBD and its protocols set out reporting procedures and dispute resolution mechanisms along with forms of benefit sharing – that is, trading of access for responsible conditions and compensation. Together these systems will now be asked to move all the nations on earth directly, and the US and Andorra indirectly, to the objectives set out in these decisions and on these schedules or face consequences ranging from simple embarrassment to trade sanctions or actions for damages brought in different *fora*. These objectives should not be seen as the extent of the duties of the parties but as general expectations for acute situations can require more intense responses, particularly if a failure to act harms your neighbors’ natural resources or human health. (See articles 3 and 14 of the CBD for example, and 20(b) and (g) of the General Agreement on Tariffs and Trade.)

Thanks in part to SCB, this new plan includes more than one reference to the laws or policy instruments which parties must report to the future Conferences of the Parties that they have put in place in order to achieve the conservation targets and the overall implementation of the Conventional.

- 1) We prompted the EU to insert “and the precautionary approach” as the final phrase in the single paragraph on the Mission of the 2010-20 Strategic Plan (See excerpt below). Near the final day, we noticed that “decisions based on sound science” had been added to this key paragraph. Before Rio that phrase had been used to stop precautionary conservation measures in the absence of definitive data. At Rio, in Agenda 21 and in the preamble to the CBD, in non-binding form, all nations agreed to err on the side of caution in such cases. The EU has adopted this principle in law and is rightly proud of it. We immediately brought this issue to the attention of the EU delegation and they succeeded in inserting the precautionary approach in our contact group on the final day of our work in that group after several parties grumbled but none dared oppose it on the record.
- 2) Costa Rica’s delegate, an environmental lawyer and former Minister, successfully advanced our suggestion that the plan specifically include reports to the Conferences of the Parties (implying every two years hereafter and not just by 2015) on “policy instruments” as well as strategic plans overall.
- 3) Our delegation member Christine Real de Azua, who led the effort to persuade the World Bank to publish green GDP figures for each country in the mid-1990s, rose to the defense of the EU and spoke with authority on the proposal that all nations be expected to incorporate the values of biodiversity and ecosystem services into the systems of national accounts (such as having accounts that complement their standard Gross Domestic Product to reflect natural capital (forests, fish, ecosystem services, etc. - stewardship or lack thereof). (See story below.)
- 4) We provided copies of the SCB/Africa Section’s position paper on Agro-fuels to a grateful African delegation and others who were working hard to maintain precautionary approaches in the statement on Bio-fuels as Brazil and others sought to weaken them.
- 5) We defended references to IPBES in several documents, including the formal statement on the Science Policy Interface, so that the request of Venezuela and others that it be discussed at this

CBD COP has been fulfilled positively and it should now proceed to approval in the UN General Assembly and in the UNEP Governing Council meetings over the next year. All five SCB delegation members watched out for IPBES in parallel discussions.

6) After we spoke with several delegations, key phrases in the statement on Biodiversity and Climate Change were moved so as to indicate, we hope, that the Executive Secretariat and the CBD's working bodies will not defer indefinitely to the UNFCCC with regard to climate mitigation, especially through ecosystem management (e.g. REDD+), but work with the other conventions, cooperate on the road to "Rio plus 20" in 2012, and report back at the next COP (in India in 2012) on what more the CBD can contribute to climate change mitigation. The US delegation spoke in opposition to directing the CBD Secretariat to work with the other Rio Conventions (Climate and Desertification) on a joint program of work on climate change, reflecting, among other things, a desire to maintain its control over binding reductions in a forum where it exercises the near veto power of withholding consensus.)

7) Our delegate Dorothy Zbicz ably represented SCB in the discussions on marine conservation and protected areas (while our Sections called upon another Convention's governing body to protect the Ross Sea as a Marine Protected Area in a meeting immediately following the CBD COP.

An excerpt from Dr. Zbicz' report demonstrates the complexity of reaching just one major decision and work plan--

Participated in negotiations of the Marine decision

- Offered SCB services to Chair of the Contact group
- Worked through Parties to ensure inclusion of support for IPBES within the marine context and in the Marine decision.
- Worked with Parties and other NGOs on sections related to marine areas beyond national jurisdiction and on securing a place within CBD for providing scientific and technical advice in the identification of ecologically and biologically sensitive areas.
- Worked with Parties and other NGOs to provide a strong role for scientific research and expertise throughout the Marine work under CBD.
- Supported provisions regarding scientific and technical workshops recommended under the Marine decision.
- Worked on provisions promoting inter-operability of marine datasets.

Given the widespread welcome we received and our progress there we hope we can offer continued involvement at a strategic level in CBD meetings. SCB is considering how to set the schedules for its meetings so as to enhance and not conflict with such major international decision-making meetings.

The Society Comments on the Convention for the Conservation of Antarctic Marine Living Resources' (CCAMLR) Process to Designate Southern Ocean Marine Protected Areas (MPAs)

In 2009, CCAMLR designated its first MPA in an area located near the Antarctic Peninsula at the South Orkney Island. This year, SCB urged CCAMLR to focus its attention on the Ross Sea shelf and slope.

According to a report by the Antarctic and Southern Ocean Coalition (ASOC), the Ross Sea's unique characteristics, ecological importance, fragility, productivity, and diversity, easily qualify it for protection under the Convention for Biological Diversity and as a World Heritage Site under the UN Educational, Scientific and Cultural Organization program.

Read the full comment [here](#).

Investment and Procurement

SCB, EU, UNEP, “TEEB”, World Bank Up to Advance Green Accounting and Investing

Green investment is one of SCB's five policy priorities, along with Climate Change, Scientific Integrity, Treaties, and Biological Security. Ms. Christine Real de Azua, mentioned below, was a member of SCB's delegation to the Conference of the Parties to the Convention on Biological Diversity in Nagoya, Japan in October 2010. This article is based on her work there for SCB and research on opportunities for SCB in this arena since the meeting.

The good news from 2010 on the “Green Investment” front is that biodiversity and ecosystem services are moving up in the awareness scale of companies and groups promoting responsible investing. A number of internationally-oriented reports and decisions issued this year may help SCB and its members find ways to shape “green investment” and inform those making investment decisions concerning the impacts on biodiversity of their investment choices.

The United Nations Environment Program (UNEP) Finance Initiative (FI) organized “CEO briefings” in Nagoya at the COP-10 of the Convention on Biological Diversity in October and in Cancun for the IPCC climate negotiations in November. The Nagoya UNEP FI briefing and report on “hardwiring biodiversity and ecosystem into finance” was right on target in identifying the need for such “hardwiring” but also revealed how far the finance, economic and scientific worlds are from this goal (read this report [here](#)). As initial steps forward, UNEP's FI suggested the development of a set of

principles to embed “natural capital” into finance, and called on credit rating agencies to establish criteria for evaluating country-based biodiversity and ecosystems service risks.

Another relevant and widely publicized report is “[The Economics of Ecosystems and Biodiversity](#)” or [TEEB](#). Convened by UNEP and funded largely by European countries, TEEB aims to make apparent to decision-makers of all kinds the vital but hidden economic value of biodiversity and ecosystem services, and the benefits of investing in and protecting such natural capital. For example, one of the many ecosystem service calculations cited in the report reminds us that New York saved US\$6.5 billion by investing in payments to maintain natural water purification services in the Catskills watershed (US\$1- US\$1.5 billion) rather than build a filtration plant (US\$ 6-8 billion plus US\$300-500 million/year operating costs) (Perrot-Maitre and Davis 2001). The TEEB report surveyed current work on indicators and ecosystem service valuation, and developed initial guidance for international, national and local policy makers, businesses, and individual citizens.

TEEB opens up a host of avenues for implementation, including several where possible involvement by SCB and SCB members would be appropriate and beneficial. Regarding basic indicator research, for example, the TEEB report notes that in the collection of biodiversity indicators currently identified under the CBD to monitor progress in its implementation, “the most important gap [...] concerns the ecological condition of ecosystems (biotopes and habitats).”

One promising decision is featured in the CBD COP-10 Strategic Plan (Target 2) and recommended in the TEEB report: it calls on countries not only to improve the monitoring and measurement of biodiversity and ecosystem services, but also to integrate such measures into national systems of accounts and macroeconomic measures for use by decision-makers and investors. Such accounting would mean, for example, that planners could see that issuing a permit to fell a forest might result in loss of income streams for people dependent upon forest products, in loss of watershed purification services and other losses, and that such losses are weighed in the nation’s balance and income sheets for all to see.

In Nagoya, at the CBD COP-10 negotiations, the SCB delegation helped preserve the CBD Strategic Plan target on national accounts against weakening and elimination. Delegation member Christine Real de Azua, who led the effort to persuade the World Bank to publish figures adjusted for natural capital depletion for each country in the mid-1990s, rose to the defense of the EU to speak authoritatively about the proposal that all nations be expected to incorporate the values of biodiversity and ecosystem services into the systems of national accounts (such as having accounts that complement their standard Gross Domestic Product accounts to reflect natural capital (forests, fish, ecosystem services, etc. - stewardship or lack thereof). Her interventions persuaded the EU to continue to fight to require that Parties include biodiversity and ecosystem services in national accounts AND in other reporting. As a result Target 2 reads (bold added):

“Target 2: By 2020, at the latest, biodiversity values have been integrated into national and local development and poverty reduction strategies and planning processes **and are being incorporated into national accounting, as appropriate, and reporting systems.”**

This is a formidable undertaking, whose time has come. Several key players, including UNEP and the World Bank, are stepping up to the plate. UNEP and the World Bank announced a joint initiative in Nagoya on pilot programs in several interested developing countries to integrate ecosystem valuation into nations’ systems of national accounts. The joint initiative will also develop guidelines for the practical implementation of ecosystem valuation that can be applied around the world. Such

information is precisely the type that can be readily used by credit rating agencies, as well as planners and decision-makers. The initiative also dovetails with the effort that is under way to update the UN Guidelines on Integrated Environmental and Economic Accounting with a view to include such biodiversity and ecosystem service valuation guidelines.

Alas, funding for such research and initiatives on biodiversity and ecosystem services is limited and primarily carried out by NGOs. Even where national accounts are concerned, governments facing dire deficits and barely able to compute their basic GDP will not be hiring new accountants to develop “experimental” accounts, even if guidelines are provided by the UN and other relevant international agencies.

The TEEB report suggests that “a strong case can be made for more use of approaches based on the polluter pays principle to contribute to better monitoring” of biodiversity and ecosystem health. One place to start here in the U.S. is with the BP oil spill case, which should secure funding for the necessary research not only on the impact of the spill itself, but also on the monitoring of species and ecosystem health going forward.

SCB and SCB members may want to work with UNEP FI to identify which credit rating agencies would be interested, and work with UNEP FI to recommend sound and effective criteria. SCB could also identify current efforts to reform credit rating agencies both in the U.S. and at the international level (in the wake of their poor performance (e.g., overrating certain derivatives and other unusual securities as AAA) on the run up to the recent financial and economic crisis), to make sure that such reforms address environmental stewardship.

SCB may want to work with UNEP and the World Bank to make sure their joint initiative proceeds with scientific integrity and with practical effectiveness. For example, circling back to credit rating agencies with such information would be a key step in ensuring that the agencies better account for the environment in their ratings. In turn, the feedback from the rating agencies would help sharpen focus on the measures that would be most “rating-relevant “and “policy-relevant.” In time, much of this activity could ideally be addressed as well under the auspices of an effective and independent IPBES, which could help ensure that objective data is delivered transparently to the international agencies and actors seeking to translate biological science into measurable indicators to help guide investment and procurement in policy and practice.

Section and Chapter Policy Highlights

The sections and chapters continue to expand their policy activities and impact.

- North America Policy Committee Chair Carlos Carroll launched a policy blog with graphics, maps and links to and coverage of SCB policy actions and those of sister societies across North America and beyond – www.conbiopolicy.org

- Chapter Policy Coordinator Cameron Kovatch, between classes at Vermont Law School, coordinated cooperation between chapters and the Marine and Oceania Section leading to a formal recommendation from SCB for the creation of a Marine Protected Area encompassing the Ross Sea in the Antarctic Ocean. (See story above.)
- The North America Section worked with senior SCB wolf specialists to craft a set of six steps toward recovery that they asked Secretary Ken Salazar to take for the highly endangered Mexican wolf. He began appointing new recovery team members the very day he received the letter. (See story above).
- These are just a few selected highlights of Chapter work and Section Cooperation from recent months.

As the Policy World Turns

SCB often works with its sister societies – from coordinated peer reviews of recovery plans to initiatives to protect the ability of government employee members to participate in society governance to shaping the policies of government that protect scientific integrity and the scientists who practice it.

Our friends at The Wildlife Society shared their recounting of changes in Congress this year. The following is adapted and expanded from their article – our additions are in italics:

Mid-Term Election Results

Adapted and Reprinted by permission from The Wildlife Society's Wildlife Policy News

The 2010 mid-term elections resulted in significant gains for Republican candidates in the House of Representatives, shifting the balance of power to a Republican majority; this shift will be seen in the significant leadership changes identified below. Several ballot measures critical to wildlife were also brought forward in the mid-term elections; the most relevant of these are given at the end of this article.

Changes to Congressional Committee Leadership

Changes in Congressional leadership following the 2010-midterm elections *will* have impacts on the progress of critical legislation for wildlife. Leadership changes to Senate Committees with implications for wildlife include:

Senator Blanche Lincoln (D-AR) was defeated by Congressman John Boozman (R-AR) in her re-election bid. Debbie Stabenow (D-MI) is expected to replace Sen. Lincoln as Chair of the Senate Committee on Agriculture.

Senator Byron Dorgan (D-ND) announced his retirement in 2010; his seat was subsequently won by John Hoeven (R-ND). Maria Cantwell (D-WA) is expected to fill Dorgan's position as Chair of the

Senate Committee on Indian Affairs.

Leadership changes to House Committees which may hold implications for wildlife include:

Congressman Collin Peterson (D-MN), who won his bid for re-election, may be replaced as Chair of the House Committee on Agriculture by Ranking Member Frank Lucas (R-OK). The loss of Peterson, who has overseen 2010 hearings on updates to the Farm Bill, may mean a shift in the Committee's approach to agricultural reform. In 2009, Lucas sent a letter to White House officials protesting plans to limit farm subsidies.

Congressman David Obey (D-WI) announced his retirement in 2010. Top candidates to replace him as Chair of the House Committee on Appropriations are Jerry Lewis (R-CA) and Hal Rogers (R-KY). Obey was a strong pro-conservation voter... *Dave Obey also played a key role in ensuring conservation programs had adequate funding and most importantly in many cases helped fend off "riders" that some attempted to add to his funding bills that would have weakened the underlying authorization laws such as the Endangered Species Act.*

Congressman Henry Waxman (D-CA), a *chairman* whose legislative priorities included health and environmental issues, won his re-election bid. Top candidates to replace him as Chair of the House Committee on Energy and Commerce include Joe Barton (R-TX), Fred Upton (R-MI), and John Shimkus (R-IL). *This may result in a near 180 degree change in the approach to climate and pollution law in this key committee of the House leading to very interesting engagement with a very different Senate committee.*

Congressman Nick J. Rahall (D-WV) ... has a strong history of support for conservation and wildlife, but will be replaced as Chair of the House Committee on Natural Resources by Richard "Doc" Hastings (R-WA). *The new Ranking Democrat on the Committee will be environmental champion Ed Markey (D-MA).*

Congressman James Oberstar (D-MN) was defeated in a re-election bid by Chip Cravaack (R-MN). His position as Chair of the House Committee on Transportation and Infrastructure may potentially be filled by John Mica (R-FL). In addition to Oberstar's defeat, the Committee saw the departure of 14 Democrats – a shift of power that may stall or delay multiple infrastructure (*sewage treatment plants, wildlife crossings, etc.*) and other environment projects.

Sources: Grist, *New York Times*, VoteSmart.org, the *Ottawa Citizen*, *Great Falls Tribune*.

We Need You – For Policy Task Forces

Initial team assignments for Policy Task Forces in our Issue Priority Areas will be going out early next year. If you are interested in joining or helping to lead a task force on please write. Many task forces will have sub-task forces to tackle specific issues. Let us know if you would like to participate by writing to taskforce@conbio.org.

Tell Us What You Think

We want to be sure we are producing the best possible articles and updates for our readers. What can we do better? Would you like to see more in-depth articles? More links to related issues? We welcome your input. Please let us know what you would like to see in future issues of the Policy Insider. Write us at feedback@conbio.org and please indicate “Policy Insider Feedback” in the subject line.
