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Emerging Countries and the Convention on Biological Diversity

Amandine Orsini and Rozenn Nakanabo Diallo

Introduction

A chapter on the Convention on Biological Diversity (CBD) fits perfectly in an edited volume dedicated to multilateral institutions. Indeed, the CBD is not an international organization, if one defines international organizations strictly as demonstrating autonomy and permanence. It rather follows the definition of an international regime, organized around a core framework Convention. More precisely, the CBD was adopted during the 1992 Earth Summit in Rio, as the twin-sister convention to the climate convention (see chapter X to this volume). While the CBD is not an international organization *stricto sensu*, it presents at least three features that are of particular interest and places the CBD in the category of noteworthy multilateral institutions. Firstly, while in theory just a treaty, the CBD has gained autonomy over time, with a small but active Secretariat based in Montreal (and consequently distant from UNEP headquarters) described as a “lean shark” (Siebenhüner 2009). Secondly, the CBD is one of the most dynamic global environmental treaties (with nearly universal membership, a notable exception being the United States), in contrast to the climate convention. Indeed, the CBD has deepened its work on biodiversity and regularly adopted new protocols, such as the Cartagena Protocol in 2000 or the Nagoya Protocol in 2010, one of the latest multilateral environmental agreements to have been adopted worldwide. Thirdly, the CBD demonstrates dynamism by also recently engaging in the establishment of its own policy-science platform (following the model of the IPCC – Intergovernmental Panel on Climate Change) that was created in April 2012 as the IPBES (Intergovernmental Platform on Biodiversity and Ecosystem Services).

The CBD deals with global biodiversity governance according to three objectives (article 1 of the treaty): (i) the conservation of biological diversity; (ii) its sustainable use; (iii) and the equitable sharing of the benefits arising from this use (also known as the access and benefit sharing (ABS) objective). Looking at these objectives, one specificity of the Convention is to integrate both the conservation of biological diversity (the usual objective to create protected areas), and its economic use that is all the more relevant that the CBD covers genetic diversity (and therefore commercialization occurs for the development of cosmetics, medicines, biotechnology applications, etc. derived from plants, animals or parts thereof). This means that the Convention has adopted some key regulations that stand at the crossroads of issues as diverse as the environment, trade, intellectual property rights, and agriculture.

While the CBD is a dynamic and comprehensive treaty, it has been less studied in the academic literature than the climate convention. Moreover, to our knowledge, while there has been one study of the role of developing countries in the Convention (Rosendal 2000),

there have been no studies of the particular category of emerging countries¹ in the CBD. This confirms the observation made by other specialists of environmental issues that “despite their growing importance, the question of their role (of emerging countries) in sustainable development diplomacy has been largely overlooked” (Papa and Gleason 2012: 915).

Because emerging countries were never studied in relation to the CBD, there is no established definition of this category of countries in relation to this treaty. As a result, we choose to include in this category Brazil, India, South Africa and China (with the first section of this chapter showing to which extent they are emerging countries in biodiversity governance), while excluding Russia because it presents different biodiversity features (linked to its continental climate), and in particular does not host any biodiversity hotspot. Moreover the selected countries have formed the BASIC coalition in global climate negotiations, showing their common concerns on environmental issues. To compare the role of emerging countries to the role of more established developed countries, we systematically compare the performance of our emerging countries category to key players in global biodiversity governance, which are the United States, Switzerland, Canada, and Japan². Our research covers the period 1992-2013.

Conceptually, our starting point is to offer insights on the leadership of emerging countries in the context of the CBD. In particular, we aim at assessing to which extent emerging countries have leadership skills that enable analysts to distinguish them from other categories of countries and to place them closer to the category of countries that are likely to be influential in biodiversity governance (so far classically understood as developed countries). We also aim at testing the unity of the emerging countries’ coalition. Our first guess, that we need to confirm or infirm, is that these countries are rather united and have always been rather powerful in the CBD negotiations. As a result, they do not ask for reform within the CBD but rather tend to follow a conservative position towards the further development of the CBD principles within and outside the convention. It is usually said that emerging countries do not share the same positions in global environmental governance. For instance, on the issue of implementation of the sustainable development agenda, Papa and Gleason state that “Brazil argues that Sustainable Development Goals – guiding political commitments like MDGs – should identify priority objectives that are quantifiable and verifiable with specified deadlines” and “India, on the other hand, does not support defining quantitative targets for sustainable development, because it is mindful ‘of whom we are setting targets for’, and argues that unlike in the MDG case, the guiding principle for implementing sustainable development is the one of common but differentiated responsibilities” (Papa and Gleason 2012: 220). Still, they managed to build a common agenda for the climate negotiations and are likely to do so for biodiversity as well.

¹ For consistency reasons, we use the term “emerging countries” as also used in global environmental governance by the United Nations Environmental Program. It can be considered as a synonymous to the expression “rising powers” that is favored in this volume.

² This selection of countries is based on (Morin and Orsini 2014). We replaced the EU by Canada, as the EU, as a coalition, is not comparable to single countries, and as Canada is known as a great contributor to the CBD (in particular due to the CBD Secretariat being based in Montreal).

To evaluate our educated guess, and following other academics (Gupta and Ringius 2001; Papa and Gleason 2012), we use a threefold definition of leadership based on structural leadership; instrumental leadership; and policy-based leadership. Structural leadership is generally “associated with the exercise of power derived from political strength in the global order and the weight of an actor with respect to the problem at hand” (Papa and Gleason 2012: 917). In practice, structural leadership is related to the amount of resources that one actor has at its disposal. In our case we believe that the second dimension of structural leadership is particularly relevant: we see structural leadership as related to the resources one actor owns with respect to the issue at hand. Instrumental leadership refers to “the ability of an actor to apply negotiation skills and to politically engineer consensus” (Papa and Gleason 2012: 917). As a result, it is rather a procedural dimension of power, based on the ability of the actors to shape international negotiations. Finally, policy-based leadership refers to “the ability to frame problems, promote particular policy solutions and implement them” (Papa and Gleason 2012: 917) and is rather related to the political agenda of the considered category of actors. In the following pages, we analyze consecutively these three dimensions of leadership for our emerging countries’ category. These leadership features serve as interesting indicators of the potential influence of emerging countries in the CBD negotiations. To be sure, such an influence also depends on the performance of other players. This is also why we dedicate some developments to present the leadership of emerging countries in comparison to other categories of countries in the CBD governance, and in particular developing and developed countries.

Our analysis is rather exploratory and is primarily based on CBD documents and direct sources about the negotiation process of the CBD, notably the Earth Negotiation Bulletin (a publication summarizing key multilateral negotiations on environment and development and produced by a Canadian non-profit organization), which covers the whole negotiation period. In particular, the Earth Negotiation Bulletin was analyzed from the first session of the CBD Intergovernmental Committee to prepare COP 1 in Switzerland in 1993 to COP 11, which took place in October 2012 in India.

1. Structural leadership: emerging countries as a rather homogenous and powerful category

One first indicator of structural leadership, as we understand it here, is related to the very resources emerging countries possess with regard to the topic of the Convention: biodiversity and its commercial use. Table 1 presents indicators that help us evaluate such resources.

Column 1 of Table 1 presents the score of each selected country regarding its wealth in biodiversity. Another specificity of the CBD is indeed to recognize the sovereignty of states over their biodiversity. This means that all the biodiversity that is present over a state territory belongs to this state.

Table 1. Wealth in biodiversity and capacity to commercialize it.

	GEF index for biodiversity	Terrestrial and marine protected	Patent applications on biotechnology filed
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Date			areas (% of total territorial area)			under PCT		
	2005	2008	1992	2002	2012	1999	2005	2012
Brazil	100	100	9,6	20,3	26	3,8	25,7	25,9
Canada	22,2	21,5	3,8	5,2	7	339,5	300,9	193,7
China	64,8	66,6	13,2	16,0	16,1	293,9	128,4	315,2
India	43,9	39,9	4,7	4,8	5	24,1	81,7	70,2
Japan	41,4	36	7,7	10,8	11	719,7	1465,6	844,2
South Africa	20,7	23,5	6,5	6,7	6,6	4,1	15,8	8,0
Switzerland	0,2	0,2	16,2	23,1	26,3	118,0	137,6	197,7
United States	94,2	90,3	13,1	13,6	15,1	5020,0	4543,0	2868,4

Sources: World Bank and OECD

It appears clearly in Table 1 that emerging countries, with the exception of South Africa, score high on biodiversity richness. In particular, Brazil ranks first according to the GEF (Global Environment Facility) index for biodiversity and China scores third. Overall, developed countries, with the exception of the United States, have less important biodiversity resources.

To ensure that biodiversity resources are preserved, it is important to create protected areas (second column of Table 1). Brazil has seen a great progression in the number of its protected areas that are nearly three times today what they were in 1992. China has also seen a progression in the protection of its biodiversity patrimony. Overall however, the position of emerging countries with respect to developed ones is rather similar.

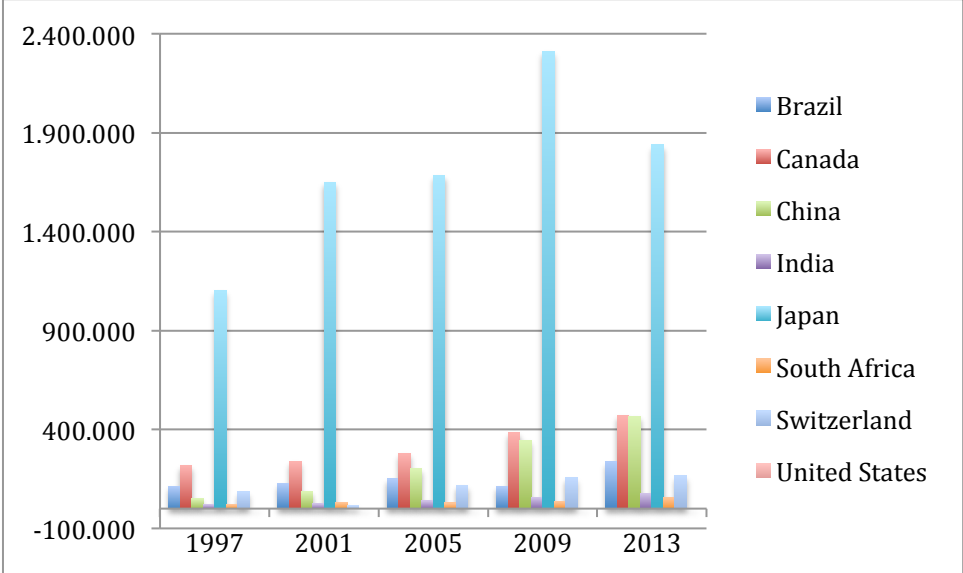
One indicator of the potential for commercial use of biodiversity is the number of patents on biotechnology innovations that are deposited by states. Indeed, patents are key assets for commercialization. Access to commercialization technologies is clear in the case of China, the most active emerging country of our list on biotechnology patents, following Japan and the United States. Brazil made a clear progression (x 6) over the studied period, but is not a serious competitor to developed countries. Overall, patents on biotechnology are clearly still a resource for developed countries, even if figures tend to show that the number of patents they deposit is in decline.

To rebalance a dynamic of access to commercialization that was not in their favor, forty developing countries, including major biodiversity-rich countries such as India, South Africa, and Brazil, established national biodiversity access legislation by 2007 (CBD 2007; Wallbott et al. 2013: 42). Indeed, open access to biodiversity was usually the rule in biodiversity-rich countries. This meant that developed countries could come to developing nations, take samples, and come back home to develop patents and restricted intellectual property rights. Most developing countries, and emerging nations (“developing countries” is actually a broader category including emerging countries), reacted to this by strengthening access to biodiversity rules. For instance, Brazil adopted a national legislation in 2000 to regulate

access to its biodiversity, following a biopiracy controversy (misappropriation of biodiversity) with the multinational corporation Novartis (BioAmazonia/Novartis see Scott 2003). Biopiracy is often facilitated by the very fact that emerging countries have a great potential in terms of traditional knowledge, that is, knowledge developed on biodiversity by indigenous and local communities. For instance India has been developing Ayurveda medicine for centuries and China has traditional Chinese medicine. Again, emerging countries tend to include provisions on traditional knowledge in their current access legislations.

Another key mechanism that was recognized by the CBD to rebalance access to technology within CBD member states (see also below) has been to include technology transfer, including on biodiversity issues, in the objectives of the Convention (Siebenhüner 2009: 266). On a different basis, another way to look at the structural leadership of emerging countries in the CBD is to look at which extent they contribute to the budget of the Convention. Graph 1 presents such financial contributions.

Graph 1. Financial contributions to the General Trust Fund for the CBD.



Source: own compilation of the CBD Secretariat quarterly reports.

As appears on Graph 1, regarding developed countries, Japan is clearly the first contributor to the CBD fund. Regarding emerging countries, China and India have seen a great progression in the budget they allocate to the CBD. Brazil has also followed a progression, but Brazilian contributions have been less stable over time. In particular, before 2001, Brazil had often unpaid pledges. The progression of China’s contribution means that it now is at the level of the Canadian contribution; in the same line, the contribution of Brazil is greater than the contribution of Switzerland (and in fact has always been). Again, South Africa appears as a “laggard” with a contribution that is not really significant.

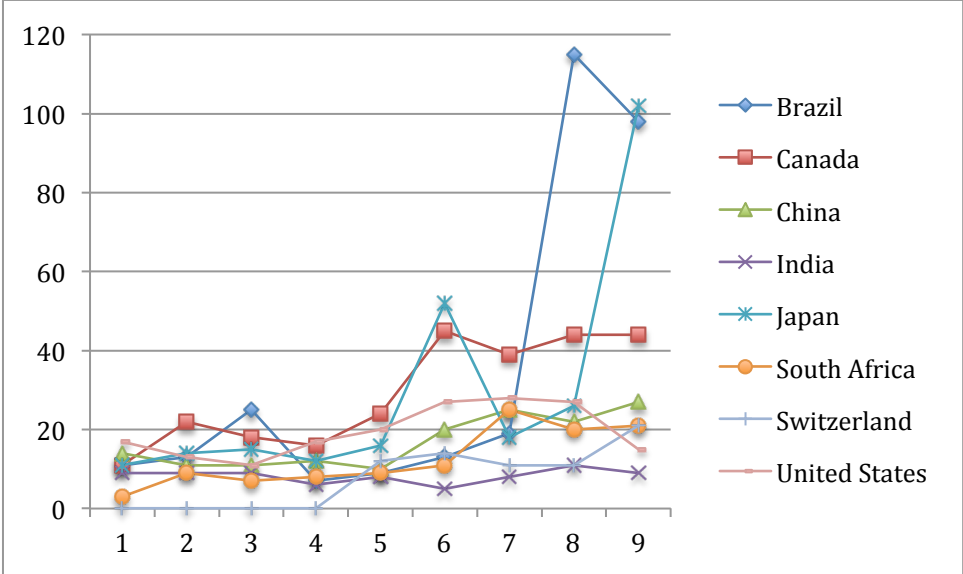
Yet, one element that does not appear on Graph 1 is that developed countries also contribute to the funding of the CBD, but on other bases than traditional contributions to the CBD Trust Fund. These include additional funding or support of approved activities

(including these two categories, the contribution of Canada in 2013 nearly equals the one of Japan), participation of parties or participation of indigenous organizations (for Switzerland). India is the only emerging country to contribute for such additional funding, as support of approved activities, but has some unpaid pledges in this category.

Regarding funding, overall, emerging countries can be considered as important contributors to the CBD trust fund. The importance of their financial contribution has risen over time.

A third way to evaluate the issue-specific resources of emerging countries is to look at the number of delegates they sent to CBD negotiation meetings. Graph 2 presents such an indicator.

Graph 2. Number of delegates sent to the CBD COP meetings.



Source: own compilation of the lists of participants to the COPs

Graph 2 shows that, overall, all studied national delegations saw an increase in the number of delegates they sent. In particular, the increase in the number of delegates sent by Brazil is striking. It started after COP 8 took place in Brazil. While the Canadian and Japanese delegations tend to be more numerous, the contribution of emerging countries, in number of delegates, is similar to those of other developed countries.

There are no clear figures about the contribution of emerging countries to the CBD staff. However, there are some indications that developing countries have played a key role in the CBD international bureaucracy: “The staff seems to be comparatively young and international, with representatives from all major regions of the world. Developing countries are slightly in the majority, with twenty-two professionals coming from developing countries and eighteen from developed countries” (Siebenhüner, 2009: 282). Moreover, when one looks at the key positions, all CBD Executive Secretary came from developing countries (Caletous Juma from Kenya; Hamdallah Zedan from Egypt; Ahmed Djoghlaif from Algeria).

The position is currently occupied by the Brazilian Mr. Braulio Ferreira de Souza Dias, sign of the clear involvement of emerging countries.

Finally, when one looks at the number of emerging countries delegates that will have a seat at the recently created IPBES, one sees that two IPBES delegates are Brazilian, one Chinese, one is from South Africa and one is American. All the other countries of our sample have no representatives to the IPBES. Again, Brazil has a clear representation in this highly important science-policy platform.

In the climate change negotiations, emerging countries are known to represent a particular class of states, being “advanced developing countries”, “major emitters” or “major economies” (Hurrell and Sangupta 2012: 464). If one had to replicate such a categorisation for biodiversity governance, it appears that most emerging countries are “biodiversity rich” but “technological poor” countries. In that sense, they are a rather homogeneous group, if one excludes South Africa.

Yet, another key finding when one looks at structural leadership is that emerging countries are not “emerging” in biodiversity governance. Their financial contribution and participation to the negotiations or to the CBD staff have always been rather important. For financial contribution, it is particularly the case of China, and for participation to the negotiations and to the CBD staff, it is particularly the case for Brazil.

Resources are a key prerequisite to act as a leader in international negotiations. And on this criterion, it is quite clear that emerging countries are well placed. However, it is also important to look at their negotiating skills (instrumental leadership), as well as their capacities to propose a clear negotiation agenda (policy-based leadership), to be sure that they are able to build on their structural leadership to influence other players.

2. Instrumental leadership: emerging countries confirm their true involvement in the CBD negotiations

There are, again, several ways to evaluate the instrumental leadership of emerging countries. One first indicator is related to the expertise of the delegates countries send to CBD negotiation meetings. Table 2 below presents the frequency of attendance to COP meetings and the turnover of our selected sample of delegations.

Table 2. Frequency of attendance to COP meetings and turnover indicator

X	Nb of delegates who attended x COP meetings (from COP 1 to COP 9)								Turnover indicator
	8	7	6	5	4	3	2	1	
Brazil	1	0	0	0	2	3	25	235	1,165413
Canada	0	1	1	2	4	12	25	139	1,434782
China	0	1	0	1	4	6	15	76	1,147573
India	1	0	0	0	1	2	1	54	1,254237
Japan	0	0	0	0	2	4	21	201	1,153508
South Africa	0	0	0	0	1	4	11	73	1,24719
Switzerland	0	0	0	1	0	5	9	31	1,5
United States	0	0	1	2	3	6	19	94	1,424

Source: own compilation of the lists of participants to the COPs

Overall the turnover indicator (that calculates, on average, the number of COP meetings attended by one delegate) indicates that developed countries (with the exception of Japan) perform better regarding their follow-up of the negotiations. Put in perspective with Graph 2, it means that even if their delegations have medium sizes, the delegates that are present in these delegations have a greater knowledge of the negotiation context.

Former studies of environmental negotiations have demonstrated that negotiations are often performed on a personal basis (Orsini and Compagnon 2013). On this point, even if they have, on average, poorly specialized delegations, emerging countries have also often one delegate who has an excellent knowledge of the negotiations. Indeed, the delegates of emerging countries have the highest frequency of attendance (8 or 7) of COP meetings. These individuals are likely to have high negotiation skills and to be key personalities. For Brazil, the person who attended 8 COP meetings, Bráulio Ferreira de Souza Dias, is the former Environment Minister and became the CBD Executive Secretary in 2011 (until 2020). This confirms that he has great expertise of CBD politics. Both the Indian delegate who attended 8 COPs (Dr. Sujata Arora) and the Chinese delegate who attended 7 COPs (Wang Jie) come from national environmental administrations (Environment Ministry, Forest division for the former, State Environmental Protection Administration for the latter). This last point might play in their disfavor as environmental administrations are sometimes disconnected from other key administrative units (like foreign affairs ministries or economic ones). It could also mean that these delegates have greater leeway in the negotiation process as they can act more independently from their governments and do not have to constantly refer to higher authorities.

Another way to evaluate the instrumental leadership of emerging countries is related to the statements their delegates make during the COPs, compared to the number of statements made by the developed countries under study. According to the Earth Negotiation Bulletin, from COP 1 to COP 11, Brazil is the country that expressed positions the most frequently, with about 190 statements. Canada is second (about 160 statements), followed by India (about 90 statements). Switzerland, Japan, China, South Africa and the US spoke the least frequently, with respectively about 82, 80, 52, 30, and 23 statements reported in the Bulletin. In other words, emerging countries' voice is relatively frequent in COPs' plenary and working groups, particularly Brazil's. And this is all the more striking when China is

associated to the G77, for about 140 statements can then be noted.

Another indicator to measure diplomatic activity is to look at the number of delegates from emerging countries that have been part to COPs' Bureau (each COP has its own bureau, including members from all relevant geographical regions and that is entitled to act as interim secretariat for the negotiations), as well as at the number of emerging country delegates who became chairs of working groups and/or contact groups. Canada is the country the most regularly represented at the Bureau (COP 1, 2, 7 and 9), followed by Brazil (COP 4, 5 and 6) and India (COP 2 and 7). Switzerland was twice member of the Bureau (COP 3 and 4) and China once (COP 1). As far as the chairmanship of working groups is concerned, Canada is the most represented (6 times), followed by Brazil and Switzerland. Finally, two emerging countries hosted a COP meeting, namely Brazil (COP 8) and India (COP 11) – when amongst the developed countries under study only Japan hosted a COP meeting (COP 10). In the same line, Brazil hosted the Earth Summit in 1992 (which saw the adoption of the Convention) and the Rio+20 Summit, and South Africa hosted in 2002 the Earth Summit. Emerging countries have thus diplomatic capacities to express their views and to host meetings.

In addition to their individual activism, emerging countries have been part to country coalitions from the very beginning of the CBD negotiations, to obtain more weight in international discussions.

From the very beginning of the negotiations, emerging countries acted through the G77 and China. The G77 followed key consensual positions among all developing countries, in particular on the ABS issue. During the Nagoya Protocol negotiations, it advocated for a legally binding regime with a focus on benefit sharing rather than on access, with the widest possible scope and binding compliance measures, including checkpoints such as patent offices, customs and research institutes in user countries. The G77 also saw the ABS negotiations as an opportunity to reform intellectual property law (Wallbott et al. 2013: 43). The political influence of the G77 is related to the large number of member states that it represents, meaning that they can, when they speak with one voice, block the negotiations. For instance, at the end of the Nagoya Negotiation process, “just after the meeting in September in Montreal, the G77 and China raised the pressure at the UN General Assembly High Level Meeting on Biodiversity Protocol and the CBD Strategy for Resources Mobilization. Northern countries could hardly reject the suggestion if they wanted to avoid blame for not halting the continuing loss of biodiversity, given the failure to reach the international objective agreed at the WSSD (World Summit on Sustainable Development) in 2002 to significantly reduce the rate of biodiversity loss” (Wallbott et al. 2013: 48). From the very beginning, China has had a particular status within the coalition, which is often referred to as the G77 and China. The differentiation from the G77 is also perceptible for other emerging countries: “as emerging powers grow, their interests are moving away from the G77, but their closeness to G77 remains crucial for political reasons” (Papa and Gleason 2012: 921). In particular, with the emerging countries coalitions, Brazil, China and India are considered vocal and have “increasingly developed user-country interests in addition to their long-standing provider-country perspectives” (Wallbott et al. 2013: 42). This is in opposition

to another sub-coalition of the G77: the African Group. The African Group indeed supports a stronger position on ABS for which it speaks of a “moral” and “legal obligation” to share benefits³ (COP 10, Vol. 9, n°544)⁴.

As early as 1992, emerging countries also collaborated with other countries to create more specific coalitions on a geographical basis or to defend structural leadership in terms of biodiversity resources. Brazil, together with the Amazon Cooperation Treaty coalition (Bolivia, Brazil, Colombia, Equator, Guyana, Peru, Surinam, and Venezuela) drafted CBD article 15 related to the access to genetic resources. These countries had reiterated their sovereign rights over their natural resources in 1992—in the so-called Manaus Declaration—to establish that users had to comply with their national legislation in order to receive access. In the CBD negotiations, they pushed to exchange access to genetic resources for reciprocal benefits, such as, for example, receipt of developed countries’ technologies (Interview with Colombian delegate, July 9, 2007).

Later on, emerging countries, because they were “biodiversity rich” and because user countries were not reacting to their claims to have an international agreement on ABS, created a new country coalition to push for the adoption of such an international agreement. This coalition is known as the coalition of “Megadiverse Countries” and was created in 2002 (comprising Bolivia, Brazil, China, Colombia, Costa Rica, Equator, India, Indonesia, Kenya, Malaysia, Mexico, Peru, Philippines, South Africa, and Venezuela). The same year, these countries succeeded in receiving a mandate at the Johannesburg World Summit on Sustainable Development in September to negotiate an international regime on ABS under the CBD. In 2010 the Nagoya Protocol on ABS was adopted by the CBD parties and can be seen as a sign of emerging countries’ success within the Convention.

However, the policy-based leadership of emerging countries is also based on their capacities to engage in shifting coalitions to promote their agenda, that is, in coalitions that transcend the emerging/developed countries divide. In that sense, coalitions may differ according to the topic. For instance, the EU collaborated with the G77/China in the elaboration of recommendations calling for consultations with the GEF to facilitate funding for projects related to the conservation and sustainable use of wetlands and migratory species (COP 3, Vol. 9, n°65). A consensus was reached between the US, Brazil, China and India on SBSTTA’s role (Subsidiary Body on Scientific, Technical and Technological Advice – it produces recommendations to the COPs since 1995) which should be to provide scientific and technical recommendations to the COPs but no political advises (COP 3, Vol. 9, n° 65). In the same view, indigenous knowledge is regularly supported by both Canada and Brazil – Brazil further suggesting that the importance of indigenous peoples in the achievement of sustainable development should be stressed (COP 11, Vol. 9, n° 595). On forest biodiversity, Australia, Brazil and Sweden called for a global assessment, while India and the US said it

³ The “moral obligation” covers resources accessed before the entry into force of the Convention, whereas it is not the case of legal obligations (COP 10, Vol. 9, n° 544).

⁴ All Earth Negotiations Bulletins can be found on line at <http://www.iisd.ca/vol09/>. COP 10 Vol. 9 n°544 corresponds for instance to the summary of the tenth meeting of the Conference of the Parties.

was premature (COP 4, Vol. 9, n° 96). It also means that emerging countries do not systematically cooperate with each other.

Shifting coalitions are a key diplomatic strategy in particular to overcome the developing countries/developed countries divide. One illustration of this are the negotiations related to CBD revised Strategic Plan⁵, which took place at COP 10. Emerging countries such as Brazil, China and India initially wanted to promote a flexible approach to biodiversity loss, that is, without establishing any clear deadline. On the other hand, they advocated for a strict deadline as far as financial resources for the strategic plan implementation were concerned. To the contrary, developed countries initially promoted a strict objective to halt biodiversity loss by 2020, while supporting a vague deadline as far as financial resources were at stake. More precisely, the EU, Australia, Switzerland and Norway were firm on the issue of biodiversity conservation “supporting the option to halt by 2020 biodiversity loss” (COP 10, Vol. 9, n° 544). To the contrary, Brazil, China, India (associated to the African group) supported a less straightforward engagement for conservation by making the “zero biodiversity loss” target as a potential target, not as a final result to be reached by 2020: they engaged “towards halting the loss of biodiversity by 2020”. Shifting country coalitions were useful to solve the deadlock on the biodiversity loss issue. Switzerland and the African group supported Brazil to propose a compromise formulation that “by 2020 the rate of loss of all natural habitats, including forests, is at least halved and, where feasible, brought close to zero, and degradation and fragmentation is significantly reduced”.

The developing countries/developed countries divide remained however quite acute when financial resources were discussed: “Brazil, supported by many developing countries, introduced a new proposal, stating that by 2020 at the latest, the current levels of financial resources should be increased from all sources through a consolidated and agreed process, and should reach at least US\$200 billion” (COP 10, Vol. 9, n°544). Developed countries advocated a vaguer plan: “the EU, supported by Canada, proposed alternative language calling for a substantial increase of resources from all sources for effective implementation of the CBD and its strategic plan” (COP 10, Vol. 9, n° 544). At the end of the day, the EU position took the leadership: “the EU proposed, and delegates agreed to, an additional provision requesting the GEF to provide adequate, timely and predictable financial support to eligible countries to enable the strategic plan implementation”. Overall, the issue of funding is a contentious one and “many (developing countries) expressed extreme disappointment, underscoring a lack of political will” regarding the refusal of most developed countries to establish clear financial targets (COP 11, Vol. 9, n° 595).

Shifting coalitions thus have their limits. First, they form around issues that are not necessarily the most important ones. Key issues such as financial transfers remain a matter of opposition. Secondly, only a few emerging countries, and in particular Brazil, are likely to participate to such informal coalitions.

⁵ This Strategic Plan asks for a stronger emphasis on mainstreaming biodiversity concerns across all human activities.

Building on its structural leadership, and in particular on its experience with regards to biodiversity negotiations, Brazil also distinguishes itself by its ability to work as a mediator. This mediation role can be illustrated, for instance, with the drafting of a text on agricultural biodiversity that was meant to serve as a basis for negotiation during COP 3: “draft texts were tabled by the EU and the G77/China. The EU stated that it could not accept the G77 text as a basis for negotiation since it ignored the useful work of the SBSTTA. Canada, Mauritius, the EU, Norway, the UK and Australia stated that the SBSTTA recommendations would serve as a sound scientific basis for negotiation. Brazil, Colombia and Argentina preferred the G77 text (...), noting that SBSTTA recommendations could be brought in as “enrichments” to the final document once the political stage had been set by COP. A small drafting group, composed of a core of regional representatives and chaired by Bráulio de Souza Dias (Brazil), consolidated both draft proposals and the SBSTTA recommendations. The result, a text comprised of a three-page preamble and a 46- paragraph operative section, served as the basis for negotiation” (COP 3, Vol. 9, n° 65). As a result of its mediation role, Brazil is often invited to participate in informal meetings convened to solve the main negotiation issues, as was the case during COP 10 for which “the Japanese COP presidency decided to convene a ‘secret’ meeting of the EU, the African Group, Norway and Brazil in order to produce draft guidance for the informal ministerial consultations” (COP 10, Vol. 9, n° 544).

Another example of the instrumental leadership and diplomatic skills of emerging powers is related to their use of arguments legitimized in other international arenas to justify their claims at the CBD. This is the case of the Rio principle of “common but differentiated responsibilities” (which emphasizes the common responsibility of all countries for the protection of the environment and recognizes historical differences in the contributions of developed and developing countries to global environmental problems as well as differences in their respective economic and technical capacities to tackle these problems), as well as of the target to double biodiversity financial flows by 2015, which stems from the Organization for Economic Cooperation and Development (OECD) creditors reporting system and the Rio Markers, that establish a robust baseline (COP 11, Vol. 9, n° 595). However, the divide between emerging and developed countries does not seem to be resolved by the use of such arguments. For instance, the EU, Canada, New Zealand, Japan, Australia and Norway clearly opposed that “common but differentiated responsibilities” be added to a text about SBSTTA (COP 11, Vol. 9, n° 595).

Emerging countries also increasingly use “issue linkage” techniques (that is to link two parallel negotiation processes to progress in both) or “forum shifting” strategies (to displace negotiations to another venue perceived as more advantageous) to support their claims. For instance, Brazil and India made a deal with the EU according to which compliance to benefit-sharing would be enforced at the WTO (World Trade Organization) through the use of a certificate of disclosure of genetic resources, while in exchange they would support the EU position on geographic indications at WTO (Intellectual Property Watch 2008). Emerging countries also regularly link the WHO (World Health Organization) negotiation process on pathogenic genetic resources to the one of the CBD. They also used to frame the FAO (Food and Agricultural Organization) treaty according to the benefit-sharing rules of the CBD.

As a matter of fact, not all emerging countries appear equally regularly on the front scene: Brazil and China are the ones whose voice is more often reported in the Earth Negotiation Bulletin, namely for official statements on plenary sessions, working groups – but also ‘backstage’: informality and ad hoc groups play indeed a quite important role in CBD negotiation processes. Brazil is the emerging country that appears the most in the archives, not only in official statements during plenary sessions, but also in working groups and in ad-hoc meetings convened to appease tensions on specific negotiation issues. Emerging countries, and especially Brazil and China, show indeed instrumental leadership in that they have negotiation capacities and skills; in that view, they are active actors of CBD negotiations. They most of the time choose to express themselves individually, and not through the G77. This is because Brazil and China support certain G77 positions but not all; they are for instance more conciliatory as far as ABS is concerned. In that view, the expression “G77 and China” is revealing of China’s will to distinguish itself from G77 and to affirm its own importance as compared to the other G77 member states.

The study of the Earth Negotiation Bulletin also shows how subtle emerging countries can be when it comes to promoting particular policy solutions: this is about the policy-based leadership dimension of emerging countries.

3. Policy-based leadership: a threefold policy agenda.

We have shown in the section on structural leadership that “emerging countries” is a rather homogenous category. This is also true regarding their position, concerns, interests and agenda within the CBD architecture: the review of the discussions undertaken during the COP meetings since 1993⁶ shows a relative continuity in the claims made by emerging countries, in particular on the importance of funding opportunities, of transfer of technology and of benefit sharing.

The creation of special funding opportunities is a matter raised by most emerging countries from the very start: the amount of financial resources needed for developing countries to implement the Convention is an issue discussed as soon as 1993. The topic is framed around the question of transfer of funding from “developed countries” to “developing countries”, with an obligation for the Parties recognized as “developed” to contribute financially to the CBD. The identification of who the “developed” and the “developing” countries are is therefore crucial and largely discussed during the second session of the CBD Intergovernmental Committee (ICCBD) to prepare COP 1 (June 1994) – where the category “emerging countries” is not mentioned. Funding is a clear matter where “developed” and “developing” countries oppose each other: “Brazil suggested that the scale agreed should ensure that no developing country paid more than any developed country” (second session of ICCBD, Vol.9, n°17); “developed countries not(ed) that priorities should be determined according to available resources, whereas developing countries warned that financial resource considerations should not limit necessary steps for CBD implementation” (COP 10, Vol. 9, n°544). On that topic, Brazil was a leader, with numerous statements: “Brazil

⁶ With a particular focus on the period 1993-1998 and 2010-2012.

commented that it was not elegant to be naming countries and suggested that the Chair develop a list and present it to the Working Group. This was agreed” (second session of ICCBD, Vol. 9, n°17). As a matter of fact, since no list of “developed countries” existed officially at the UN – a number of lists were used by various organizations for different purposes, – it was eventually agreed that the Chair would develop a new list, which consisted of developed, high-income countries (Second session of ICCBD, Vol. 9, n°17).

In the same vein, developing countries underscored the need of financial assistance from developed countries towards developing countries, blaming the “lack of compliance by developed countries with article 20 [which is about financial resources] of the CBD” (COP 3, Vol. 9, n°65). Financial support is particularly needed to provide adequate support for the implementation of national and sectorial operations in developing countries (COP 4, Vol. 9, n°96). On the one hand, developing countries ask for targets and indicators that would assess financing flows (COP 10, Vol. 9, n°544) and allow a concrete financial transfer from developed to developing countries. The main target should be “doubling biodiversity financial resource flows from developed to developing countries by 2015” (COP 11, Vol. 9, n°595). On the other hand, most developed countries prioritize “innovative financing mechanisms”, that is, coming from the private sector. Moreover, developed countries see the existence of national financing plans as a “fundamental precondition” before the establishment of any resource flow target (COP 11, Vol. 9, n°595).

The funding issue is linked to the transfer of technology issue, which also appeared early on in the intergovernmental negotiations. Already in 1993, the Brazilian Minister of Environment said that: “the extent to which developing countries will implement their commitments to the Convention depends on developed countries’ implementation of their commitments related to financial resources and transfer of technology” (first session of the ICCBD, 1993, Vol. 9, n°6). Transfer of technology is, from the beginning, presented by most emerging countries – namely Brazil and China often supported by the G77 – as a program priority, while developed countries disregard this issue (second session of the ICCBD, June 1994, Vol. 9, n°6). The insistence on technology transfer appears regularly in working groups as well as in plenary sessions (COP 1, Vol. 9, n°28; COP 3, Vol. 9, n°65).

The third important claim is ABS. We have shown in section one that for developing countries, ABS was a central part of the CBD negotiations (Rosendal 2000). As a matter of fact, emerging countries progressively framed the funding debate around benefit sharing, a key objective pursued by Brazil and India (in association with the African group) (COP 4, Vol. 9, n°96). By contrast, it was not central to developed country governments, who felt that biosafety (i.e. the safe handling, transfer, and use of genetically modified organisms) was a much more central concern (Hopgood 1998: 134).

Funding, transfer of technology and benefit-sharing are all tied to the Rio “principle of common but differentiated responsibilities”, a narrative frequently put forward by Brazil and China throughout the period (COP 1, Vol. 9, n° 28; COP 11, Vol. 9, n° 595). The eradication of poverty is also an important issue that appears early in the second session of ICCBD (Vol. 9, n° 17). Developing countries insist that poverty should be closely linked to biodiversity

conservation, for it is a direct threat to biological diversity. Emerging countries claim that poverty eradication ought to be a CBD priority – which would entail altogether financial solidarity provisions, technology transfer and benefit sharing. However, since the second session of the ICCBD in June 1994, developed countries made it clear that poverty eradication was not a CBD priority (Vol. 9, n° 17).

If one wants to look one step further and evaluate how far emerging countries managed to defend their policy agenda, the situation is mixed. The funding issue remains a relatively contentious one, together with technology transfer and benefit sharing. On funding for instant, the GEF status was, as seen above, a sensitive issue. Most developing countries considered the GEF as a developed countries' strategy to control funding and link it to the conservation priority (COP 2, Vol. 9, n° 39). They therefore saw GEF as the interim institutional structure for the financial mechanism of the Convention. Their concern was also that the COPs would not be able to influence GEF project decisions (COP 1, Vol. 09, n° 28). To the contrary, most developed countries argued GEF should be the permanent structure for the financial mechanism of the Convention. In such a context, GEF remained the interim structure until COP 3, when it became the institutional structure to operate the financial mechanism of the Convention. This is an example of a clear concession from developing countries, for they had long expressed a strong reluctance towards establishing GEF as the permanent institutional structure for CBD financial mechanism. To the contrary, the adoption of the Nagoya Protocol on access to genetic resources and benefit-sharing can be considered as a success for emerging countries, for it acknowledges the long-standing demand of developing countries on this issue. Finally, on technology transfer, at COP 11, the situation was still unresolved.

As far as the emerging countries' agenda is concerned, some key points are progressively taken into account. This is for instance the case for poverty eradication. Linking biodiversity conservation to poverty eradication was a main concern for developing countries since the very beginning, as opposed to developed countries that did not consider it a CBD priority. The 1990s are, more broadly, the time when the poverty eradication narrative began to spread among international organizations, both in the development and the conservation fields (Rodary and Castellanet 2003)⁷. The Rio Declaration is a starting point, followed by numerous international meetings and conventions over the years, organized, among others, by the International Union for Conservation of Nature. In that view, the CBD mirrors this evolution on the international scene, which allows emerging countries' concerns to gain more weight and to be progressively institutionalized: "In the decision on integration of biodiversity into poverty eradication strategies, the COP (...) invites developed country parties, governments, donors and the GEF to provide financial and technical support for mainstreaming biodiversity into poverty eradication and development processes" (COP 10, Vol. 9, n° 544).

⁷ The triptych biodiversity conservation/poverty alleviation/development is nowadays a classic narrative, supported by the World Bank or WWF.

In any case, a counterfactual analysis is impossible to conduct and the effects of emerging countries' leadership are very hard to verify. In particular, one difficulty is to differentiate these effects from the effects of the leadership of developing countries taken as a whole. Moreover, some of the successes emerging countries have obtained within the CBD realm, for instance on ABS, were the results of the influence of key figures like Mostafa Tolba from UNEP, who was not coming from an emerging country. Moreover, it is sometimes hard to say to which extent the results obtained by emerging countries derive from their leadership or from more structural factors and path dependency dynamics. This is for instance the case of the development/environment issue. Indeed, there "has been a significant degree of institutional path dependence" from the Stockholm and then Rio Summit (Hurrell and Sangupta 2012: 468), in favor of reintegrating development issues into environmental ones. In any case, the CBD negotiations tend to be successful for emerging countries, and just as for climate change, there is the impression that "(the North) also underestimated the extent to which some of the clauses under the convention would be interpreted by the South, and become reinforced and solidified over time" (Harrell and Sangupta 2012: 469).

Conclusion

Emerging countries are rather united and rather successful in the CBD negotiations. Our analysis also clearly shows that they distinguish themselves from broader country coalitions, and in particular from the G77. Given their three-fold leadership skills, in part based on their important biodiversity resources, they are able not only to weigh on CBD negotiations, but also to speak individually on the front scene. They agree on three general claims, namely the importance of funding opportunities, of transfer of technology and of ABS. They have been able to make these claims part of the CBD negotiation agenda. To do so, they have entered in coalitions with other states, to make their voice heard, be it with other emerging or developing countries or with developed countries, demonstrating diplomatic skills on the CBD scene. As a result, overall, emerging countries score high on structural, instrumental and policy-based leadership.

At the beginning of the negotiations of the Convention, "environmental and development interests were integrated to meet both conservation interests of the North and the development interests of the South" (Siebenhüner, 2009: 266). More than 20 years later, it looks like emerging countries have maintained to keep the status quo and even to strengthen the development agenda (through ABS and poverty alleviation).

The dynamism of emerging countries within the CBD negotiations also explains the dynamism of the convention itself. While the rising power of emerging countries has blocked other negotiation processes (see the other chapters to this volume), this is not the case in the CBD negotiations. It can be explained by the fact that developed countries are dependent on the biodiversity resources of emerging countries, as well as on their negotiating skills to build bridges between developed and developing countries.

However, many issues are still pending, in particular in relation to the transfer of funding. Moreover, our analysis reveals clearly that the "emerging countries" coalition is unequal with countries like Brazil or China that are much more vocal. In particular, South Africa that

we first included in our emerging countries' category is performing rather poorly on all three leadership dimensions.

Finally, the study we propose here is a first attempt to characterize the involvement of emerging countries in CBD negotiations. In particular, this project could go one step further by including data on how emerging countries themselves perceive their role within the CBD or on how other players perceive the leadership of emerging countries.

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