

**Observatoire de l'écopolitique
internationale**



***Canada and the Convention on Biological Diversity:
Leadership Won and Lost ?***

Philippe G. Le Prestre
le_prestre.philippe@uqam.ca

Virginie Bonneau
Department of Political Science, UQAM

Prepared for presentation at the 2000 Congress of the International
Political Science Association, Québec, August 1, 2000 (Roundtable on
«Canadian Foreign Policy and the Environment»).

Institut des sciences de l'environnement

Université du Québec à Montréal

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***Philippe Le Prestre and Virginie Bonneau
Université du Québec à Montréal***

The role Canada has played in relation to the Convention on Biological Diversity (CBD) illustrates a mixture of environmental vision and domestic constraints followed by an apparent inability to capitalize effectively on past leadership and by slightly two-minded policy initiatives. On the one hand, the Canadian contribution to the negotiation of the CBD was in many ways remarkable. On the other hand, Canada has lagged behind in implementing the accord and has since abandoned its role as leader—except in one or two issue-areas—to reach a nadir in 1999 when, prodded by the United States, it took the lead of the «Miami Group» in opposing a biosafety protocol that would put unacceptable constraints on the activities of its seed growers. From being a leader, Canada became a laggard and a blocker.

This change of attitude in itself would deserve scrutiny. Numerous hypotheses could be advanced to explain it, from the personalities at the top of the Department of the Environment and the change of Prime Minister, to the fusion of foreign affairs and commerce into a single Department, the constraints of a federal system, the strength of domestic interests, and the absence of an overriding consensus around a core set of propositions and solutions to biodiversity-related issues. This section, however, covers a happier story, namely the contribution that Canada has made to the negotiation of the CBD, from 1987 when UNEP initiated the process to 1994 when the second Conference of the Parties selected Montreal as the seat of the Secretariat. A few final words will bring the story forward to 1999.

1. The Origins of the Biodiversity Convention

The Convention on Biological Diversity, signed in 1992 at the Rio Summit, is the legal answer to a variety of concerns, among which were the fragmentation of international conservation-oriented agreements that reflected different norms, objectives, means, and ends; the urgency of preventing the extinction of thousands of plant and animal species, known and unknown; and the need to respond to the emergence of biotechnologies offering new medical promises as well as new sources

of revenues. Thus, during the 1980s, different groups began advocating in favour of a convention that would answer their particular concerns.

The Legal Community

Access to and exploitation of biological resources have been codified domestically for centuries. Externally, international efforts to protect animals and plants started at the very end of the XIXth century, with the Convention for the preservation of Wild Animals, Birds, and Fish in Africa signed in London in 1900 (McCormick, 1995). Since then, dozens of international treaties regulating specific aspects of conservation have been adopted. They reflected the dominant scientific, economic, political, and normative concerns and knowledge of the time, resulting in a hodge-podge of agreements that embody various goals and philosophies of conservation. Some focus on a particular species usually of economic value, others on an ecosystem (e.g., wetlands), still others on plants and animals in general. Some regulate a practice (e.g., driftnet-fishing), others many species sharing similar behaviour (Bonn Convention on Migratory Species; highly migratory fish). Some seek to protect a species (blue whales), others to manage its sustainable exploitation, and another, as we have just seen, trade. Confronted with this logjam, legal scholars, in the early 1980s, argued in favour of consolidating and harmonizing current texts, taking advantage of the emerging principles of environmental conservation and sustainable development. Their goal was to build a framework that would govern the interpretation, implementation, and evolution of existing and future agreements on species conservation.

Scientists and Environmentalists

At the same time, problems linked to the loss of biodiversity also benefited from renewed attention from the media, scientists and environmentalists. Historically, scientists and environmentalists have often been at odds, but here they joined forces in the wake of several public controversies among which the destruction of tropical forests clearly stands out. This issue gave rise to large political coalitions composed of biologists concerned with species loss, ecologists worried about habitat destruction, geo-chemists wondering about the impacts of disruptions of geo-chemical cycles, ethnologists deploring the disappearance or acculturation of indigenous populations, social activists eager to improve the fate of poor peasants and unequal property rights and land tenure, and media happy to tell stories of greed, destruction and despair.

The World Conservation Union (IUCN) which already was promoting a single legal instrument to protect the world natural heritage, the Worldwide Fund for Nature (WWF), as well as rock stars, reporters and scientists pressured political leaders to pay attention (see, e.g., O'Connor, 1998). Scientists became increasingly aware of their ignorance of the richness of the very ecosystems that were being transformed. At the same time, they had to revise their earlier ideas about conservation, preservation, and ecosystem stability. In particular, their thinking about conservation paid more attention to the need to integrate the human variable into conservation policy. The resulting discourse was dramatically different. The rationale for species conservation was not longer based only on what was known but also on what was unknown. Protection applied not only to valuable or cute species, not only to known species in general, but to unknown ones as well. Ecosystems have to be protected precisely because we do not know, even cannot know their worth. Scientific—«unknown species richness»—utilitarian—«unknown medicines»—and humanistic—«rich indigenous cultures»—arguments prevailed.

Although the concept of ecological diversity had been around for some time, the conservation of individual (primarily animal) species mobilized public attention until the late 1980s. Deeply concerned both with the rate of species extinction and the destruction of habitats, biologists started using the term «biodiversity» from 1986 onward. The significance of this change is not to be underestimated. The scope of the problem became all-encompassing, referring to the full variety of life on earth and pointing to a more holistic approach that included species, genes, ecosystems, and cultures. The 1992 Convention on biological diversity symbolizes this passage from the panda to the abstract concept, which entailed not only the adoption of an ecosystem approach but also taking into account whole patterns of interactions between humans and nature.

Industry

The concerns of the pharmaceutical industry stemmed from a renewed interest in the potential benefits that could be derived from the exploitation of biodiversity as biotechnology improved. Supported by several industrialized states, industry, including seed growers, wanted to maintain access to natural gene pools. In their mind, this access had to be free although not necessarily free of charge or devoid of conditions.

These diverse strands were helped along by UNEP which sought to lead an international movement behind a new convention. Its Executive Director, Mostafa Tolba, had been very active in

the 1980s in facilitating the emergence of new environmental concerns on the international agenda and the negotiations of subsequent legal instruments. After enabling regional seas agreements, UNEP had played a significant role in bringing about the Vienna Convention on the Ozone Layer (1985) and its Montreal Protocol (1987). In the late 1980s, it was actively engaged in devising new instruments to address the trade in hazardous waste and control in greenhouse gases.

The early proposals for a Convention came from the IUCN. Its 1980 World Conservation Strategy, launched in collaboration with FAO, Unesco and WWF, sought to pursue sustainable development through the conservation of biological resources and provided the foundation of future discussions and efforts to reconcile protection and development (IUCN, 1980). In contrast to the declaratory 1982 World Charter for Nature—which mentioned the need to protect biological *diversity*—the Strategy identified specific national and international measures that would stop the destruction of natural resources (Caldwell, 1996). The 1987 Brundtland report also stressed the need to use natural resources in a sustainable manner and called for a biodiversity convention. At Mostafa Tolba's suggestion, the UNEP Governing Council, in 1987, decided to establish a working group of technical and legal experts to examine the relevance of IUCN ideas for the negotiation of an international legal instrument to protect biodiversity. From late 1988 on, an ad-hoc expert group met regularly to write up a draft of what would eventually become, four years later, the CBD after a short period of negotiation by an Intergovernmental Negotiating Committee. One hundred fifty-six states signed the Convention at Rio (Raustiala & Victor, 1997) which entered into force 18 months later, on 29 December 1993 after ratification by 30 countries. Canada was the fifth to sign and the sixth to ratify the Convention (only six months later!). By August 2000, there were 178 parties to the Convention.

The character of the CBD was to be shaped by the different concerns of the various constituencies described above as well as by the very dynamics of the negotiations and the evolving context of international environmental cooperation. In particular, the Group of 77 (G-77) pursued the traditional objectives of the now defunct new international economic order (NIEO) diplomacy of the 1970s and early 1980s, such as protection of national sovereignty, transfer of financial and technical resources, capacity building, participation in international decision-making bodies, market access, etc. The result went far beyond the early intentions of IUCN and of those who were concerned first with protecting species or ecosystems. From an initial focus on conservation, the Convention rapidly became a different instrument more geared toward sustainable development.

Without that enlarged scope, there would not have been any agreement; but that very scope also created tensions among the different goals of the regime. As in other instances, such as the Rio Declaration, the result was not so much a compromise as a juxtaposition of different priorities.

The CBD has three basic objectives :

- (i) the conservation of biological diversity, including all plant and animal species as well as their genes and the ecosystems to which they belong. In situ conservation is favoured, notably through the creation of national parks and protected areas;
- (ii) the sustainable use of the components of biodiversity through programs aiming at both economic development and the protection of the biological resources on which it is based;
- (iii) the fair and equitable sharing of the benefits derived from the use of genetic resources. This goal invites developed countries to devise ways of compensating the biologically-rich developing countries for the commercial use of their genetic resources. These compensations can be financial, technological, commercial or scientific.

Different groups assign different weights to each goal, which accounts for some of the current tensions. Several northern countries as well as biologists will see in the CBD primarily a conservation convention. For others, however, namely southern countries, the second and third objectives matter most. Other groups are only interested in a fair implementation of the third goal or see in it a means of reordering relations between the State and civil society.

As in the ozone case, the CBD witnessed a new dynamics between the North and the South regarding the management of environmental issues. Now developing countries had something developed countries wanted, even though the latter would say that the issue was important for the whole world. During the negotiations, Canada sought to reconcile demands for sustainable development and the future needs of biodiversity conservation

2. Developing a National Position

Until recently, Canada has enjoyed an enviable reputation as a leader in environmental co-operation. For three decades, Canadians have played a preeminent role in promoting environmental co-operation and in the development of more responsible international policies. Two of the first four executive secretaries of UNEP were Canadian. Maurice Strong, its founder, organized and chaired

the two defining conferences on the environment in 1972 and in 1992. James McNeill was the secretary of the Brundtland Commission whose 1987 report is largely credited for reconciling the twin goals of environmental protection and economic development through the promotion of the concept of sustainable development. Canadian delegates have stood out in many fora. Canadian scientists have contributed significantly to the promotion of ozone science and Canada has played an important role in the adoption of the Montreal Protocol. In the case of the 1984 LRTAP negotiations, Canadians originated the 30 per cent club. The list could go on. Until recently, Canada has been perceived by the international community as an environmentally-conscious country and neutral actor eager to act as conciliator. This is the reputation and attitude that Canadian delegates carried into the CBD negotiations. From the beginning of the process in 1987, Canada took part in all the meetings and belonged to most expert groups. Canada was immediately open to the first UNEP invitations asking countries to make recommendations regarding the contents of a future convention.

Only 16 months separate the first meeting of the *ad hoc* working group of legal and technical experts in November 1990 and the conclusion of the negotiations in May 1992, which is a very short time during which to negotiate a convention of this scope. Since other treaties, such as forests, were not proceeding as fast as was hoped originally, Mostafa Tolba insisted on the Convention to be ready for the Earth Summit. Thus, several issues remained unsolved at the time of signature.

If the federal government has the responsibility of negotiating treaties, biodiversity is mainly a provincial matter. Provinces have to implement what is negotiated. Consultation and dialogue, therefore, guided internal discussions on the nature of a future convention from the start. The lead was given to the Department of the Environment which created two advisory groups in 1991 : the *Biodiversity Convention Advisory Group (BCAG)* and the *Biodiversity Convention Interdepartmental Committee (BCIC)*.

Government officials first met in the BCIC to discuss what should or should not appear in the CBD text. Representatives from Environment Canada, External Affairs, Indian Affairs and Northern Development, Finance, Fisheries and Oceans, and Science and Technology and from the Canadian Forest Service and the Canadian Museum of Nature took part in the meetings. Second, the BCAG was created in order to seek advice (and reactions) from interested groups regarding the objectives the Canadian government ought to pursue and the role the Canadian delegation should play in the negotiations. The BCAG included representatives from federal and provincial

governments as well as from a variety of interest groups and stakeholders. Invitations were sent to the Provinces, Industry (fisheries, pulp and paper, farming associations), and non-governmental organizations (Sierra Club, WWF). Most were open and responsive, with the exception of indigenous groups which did not participate in this process for external political reasons.¹

Environment Canada was responsible for coordinating both groups.² It convened the BCAG between each international meeting to discuss the state of the negotiations and prepare the next round. Each participant group was thus able to express its views during the course of the negotiations. In between meetings, representatives could report back to their memberships. Participating stakeholders generally viewed this process as very open and democratic. Naturally, the definition of the objectives and the political decisions made during the negotiations remained the sole responsibility of government.

The various meetings of the BCAG significantly helped Canada during the negotiations. With most relevant stakeholders around the negotiating table, the Canadian delegation was presented with a great variety of viewpoints that foreshadowed what might come up during the actual negotiations. For example, many representatives of environmental groups voiced developing countries' concerns (although environmental and sustainable development goals do not always coincide). Industry reminded participants of the economic interests of developed countries. This process enabled Canadian negotiators to foresee potential difficulties better and prepare credible and thoughtful arguments.

As formal negotiations began, Canada was among the supporters of a CBD and eager to see the process succeed. Reasons for this enthusiasm vary. Politically, Canada was enjoying significant prestige from its role in the ozone negotiations and in the Rio process. The government also wanted international instruments that would help it protect economically important resources (such as fisheries). And as a major importer of genetic resources, Canada had an interest in securing guaranteed access to them through a formal convention. Further, officials could afford being sympathetic to a conservation convention, believing Canada could easily comply with any of its

¹ In 1991, while the federal government was negotiating the Charlottetown Accords, Ovide Mercredi, the Grand Chief of the Assembly of First Nations, refused to collaborate with the federal government until the status of the native populations was revised.

² One would have expected External Affairs to perform that function since it pertained to the development of foreign policy. However, a future biodiversity convention was then perceived as a legal instrument simply to regulate the conservation of fauna and flora. It made sense, therefore, for Environment Canada to be in charge of the process. It so happened that Canada was one of the few countries where the Environment ministry was in charge. This preeminence

provisions as it already had a well developed conservation policy, particularly in terms of protected areas.³ Indeed, Canadian agencies held one of two basic attitudes. One group wished to take advantage of the opportunity to effect change. The other believed the Convention was mainly aimed at developing countries and that Canada would not need to do anything more to live up to future obligations. Both, then, would not oppose it. The Canadian delegation as a whole was among the proactive group.

In general, Canada's position during the negotiations leaned toward that of the developing countries. It sought to align itself squarely with the principles of conservation and sustainable development. Aware of these countries' economic stake in conserving biodiversity and of the balance of power between developed and developing countries, Canada intended to play its traditional role of facilitator and conciliator between rich and poor countries as well as that of protector of the environment. These roles are reflected in the official instructions given to the Canadian delegation in 1991, that emphasized biodiversity conservation (including fisheries), access to genetic material, technology and financial transfers to developing countries, country studies, traditional knowledge and the role of indigenous people, and national plans and strategies for biodiversity conservation.

These objectives would not evolve significantly during the negotiations. The Canadian delegation was to facilitate negotiations and seek compromises. This role was facilitated by the diversity of the Canadian delegation which included representatives from provinces and NGOs able to work closely with specific members from other delegations.

3. Negotiating the CBD, 1991-1992

The negotiations proper lasted about 16 months. Each session followed roughly the same process. The IUCN would draft a proposed text which would then be revised by various expert groups and submitted to delegations. Each article was discussed and amended until a consensus was reached. Under the general guidance of UNEP, two initial sessions of the Ad-hoc Group of Legal and Technical Experts were followed by four meetings of the Intergovernmental Negotiating Committee (INC). The first INC was almost completely stalemated by a technical point-whether it was the first or the third INC! This dispute was never resolved...

continued for a time after the treaty went into force, but DFAIT has of late been playing a greater role, notably in the negotiations for a Biosafety protocol.

³ Canada's principal pledge following the signature of the Convention was to expand its protected areas by 12 per cent.

The Canadian delegation was led by Arthur Campeau whom Prime Minister Brian Mulroney had chosen as Canada's first ambassador for the environment. The delegation included about a dozen members-six government officials as well as representatives from the various economic sectors, NGOs, and provincial governments. Industry and NGO representatives varied from meeting to meeting to allow the largest possible participation by national groups. These non-government representatives were full members of the delegation, with the right to take part in the negotiations and speak for Canada. Indeed, Canada was the first country to include NGO representatives in its delegation and it insisted on their enjoying the same status as Government representatives. Thus, NGOs felt they were more than potted flowers and that they could actively help to advance various issues dear to Canada.

The Objectives of the CBD

The clash among different conceptions of the goals of the Convention emerged from the start. Should conservation or sustainable development be emphasized? Some countries, such as France and Australia, favoured developing global lists of species and areas in need of protection on which countries could base their conservation policy. Developing countries were strongly opposed to this approach, which they considered a threat to their sovereignty. As the preamble to Convention would eventually stress, «States have sovereign rights over their own biological resources.» Such a list was perceived to threaten this principle. Canada was also opposed to this idea for similar reasons and preferred other incentives for biodiversity protection. Since consensus could not be reached, the idea was abandoned.

National Country Studies

An alternative was to establish independent groups of scientists who would guide countries in the process of conducting national assessments and devising national conservation strategies. Canada was indeed a pioneer in such studies. It collaborated with UNEP, IUCN and the WRI in creating guidelines for the conduct of country studies on biological diversity, which later were incorporated into UNEP guidelines. The Canadian Museum of Nature has helped several countries develop their monographs and strategies. Quebec has also been active in this process. This focus on national planning based on international standards characterized Canada's approach to biodiversity assessment and conservation policy. Ideally, such standards should come from an expert body, so

Canada's approach was also to advocate for an international scientific advisory mechanism under the Convention, which later became the Subsidiary Body for Technical and Technological Advice (SBSTTA).

Native Peoples

Canada also led the way in putting the concerns of native peoples on the agenda and promoting measures that would protect traditional knowledge. More importantly perhaps, together with Sweden and Peru it introduced the concept of equitable sharing of benefits linked to the exploitation of genetic material. This was the first time such an idea was formulated in the context of an international treaty, which recognized that biological resources do not represent a mere economic potential but also have cultural significance as well as hold an intrinsic value. This combination lies at the core of Native peoples' perspective, which insists on the intrinsic worth of natural resources and on the right to exploit them. These concerns later became embodied in Article 8(j), which accentuates the political aspects of the Convention.⁴

The notion of fair and equitable sharing of benefits raises the whole issue of property rights, potentially reorders relations between the state and society, and provides a platform for promoting the demands of native peoples. Article 8(j) gives them the capacity to profit from their knowledge of the ecosystems they live in, and in so doing reduce pressure on their habitat. Thus, it became an important issue after the ratification of the treaty, one whose importance is likely to grow. It is remarkable, then, that these ideas were promoted in the absence of intense pressures from Native populations. Indeed, since Canadian indigenous groups did not take part in the meetings of the BCAG or assign representatives to Canadian delegations, negotiators were not always on firm ground. Their instincts, however, were proven right. Representatives of native peoples are now routinely included in Canadian delegations, and Canada has striven to reconcile widely differing viewpoints regarding the implementation of that article.

Although other issues (such as financial and technology transfers) occupied Canada, these were Canada's major contributions. During the course of the negotiations, the Canadian delegation

⁴ According to this Article, each Party shall, «subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and

kept to its early goals, concerned with protecting the interests of its Native populations and with promoting the concept of sustainable development. In that, it was not alone. Indeed, another Canadian achievement was diplomatic. Canada, Australia, and New Zealand formed a diplomatic coalition of like-minded states over some issues being discussed in the INC. This grouping was first known as CAANZ. As negotiations progressed, various unattached countries joined the group, in part because of the good relations that existed among some delegates. Japan, then Switzerland and the United States were included into the group which became known as JUSSCAANZ. Not all states agreed on the topics under discussion as would evidently become clear. But the existence of this group testified to the new structure of international diplomacy where negotiations take place within and between major groups of states. This group was also active in other fora and has since gained official recognition during diplomatic meetings.

Discussions proceeded at an increasingly feverish pace until the eve of the Rio Conference. The draft Convention was adopted on 22 May 1992, although negotiators had left certain items to be solved at Rio, such as the role of traditional knowledge and equitable sharing of benefits. Canadian negotiators were nevertheless pleased with the outcome, which largely followed their preference, and expected a smooth path towards formal adoption.

The United States, however, who had been a reluctant player all along, later announced that it would not formally sign the draft treaty which had been accepted in May. US President George Bush even asserted his intention not to go to the Rio Summit. The decision not to sign the Convention has been explained by pressures from the pharmaceutical industries concerned with intellectual property rights and unwilling to enter into any open and automatic financial arrangements around the sharing of benefits. The United States was not the only country uneasy about what it perceived was a developing country convention more than a conservation convention. Bandwagoning on the part of other powers became a real threat. Great Britain, France and Japan started wavering (McConnell, 1996). Members of the Canadian delegation along with others, however, thought they had conceded enough to the United States and were comfortable with the result.

On 1 June 1992, less than 24 hours after George Bush's declaration, Brian Mulroney gave a speech at the Canadian Museum of Civilization where he reaffirmed his support for the CBD and announced that Canada was ready to sign it, regardless of what the US did. Arthur Campeau had convinced Brian Mulroney that the negotiating process had broad Canadian support and that the Canadian delegation believed the Convention was sound. This had the effect of bringing fence sitters on board. Because Canada had been a strong player during the negotiations, this position reassured many countries. Some observers saw in that move a crucial contribution to the process that prevented a reopening of the negotiations. Though 156 countries signed the Convention in Rio, the United States stood firm.⁵

4. After Rio

Six months later, Canada was the first industrialized country to ratify the CBD. Its own strategy was made public in 1995. In it, Canada listed how it intended to implement the Convention, what resources it would use and what detailed action it would undertake. The Canadian document became a kind of model that was subsequently promoted by UNEP, the IUCN and WRI as an example worthy to be emulated (WRI, 1995).

Montreal

The first Conference of the Parties (COP-1) took place in Nassau, in December 1994, one year after the Convention had entered into force. One item on the agenda was the location of the permanent secretariat, for which Geneva, Madrid, and Nairobi were already candidates. The Canadian delegation took everybody by surprise (including some members of the delegation itself !) by announcing that it intended to nominate a Canadian city. There was, however, some initial confusion over which city : some members of the delegation were told to promote Montreal while the Canadian Government seemed to have had Toronto in mind...

In light of these developments, it was decided to postpone a vote on the secretariat to COP-2 which was to take place a year later in Jakarta. During that time, federal and provincial delegates would each promote their preferred city. The outcome of the internal discussion appears to have had much to do with the planned Quebec referendum on independence. It seemed desirable in the eyes

⁵ The Clinton Administration signed the convention one year later but could not (or would not) prevail on the Senate to ratify it.

of Ottawa that Montreal be chosen in order to demonstrate the advantages of belonging to Canada. From then on, the federal machine went to work and organized a very efficient campaign. Within six months, the Canadian delegation managed to convince Latin American countries — which initially supported Spain — and African countries to support Montreal, which was subsequently chosen as the secretariat site. Canada again was able to demonstrate its commitment to the regime. Subsequent years, however, did not quite fulfil these early promises.

Domestic implementation

With the election of Jean Chrétien's Liberals in 1993, Arthur Campeau was replaced by John Fraser as ambassador for the environment the following year. Most members of the delegation, except for the head of the Biodiversity Office, were reassigned to other positions in the civil service. Biodiversity issues gradually faded from the national and international political agenda. Ottawa approved a mining project near Jasper, Alberta, close to a protected area, in apparent contravention of the convention. Several provinces have no biodiversity strategy. Environmental activists denounced Canada's seal hunting, deforestation, animal traps, and whale hunts. In 1998, the WWF gave Canada an 'F' for its implementation of the Convention and recent environmental record. Finally, in 1999, Canada changed its position in the negotiations towards a biosafety protocol and took the lead of the Miami Group that stood in opposition to much of the rest of the world in defending the interest of the seed industry. In 10 years, Canada had seemingly gone from leader to villain.

Yet, Canada remained active in other areas. In the biosafety negotiations, for example, Canada initially sought to play a role of mediator, trying to bridge the positions of importers and exporters of living modified organisms before allowing the interests of the biotechnology and seed industries to define its position. One must also underline Canada's continuing concern with advancing the implementation of article 8(j) on the role of indigenous populations in the face of active opposition from many countries. It supported workshops as well as the creation of an ad hoc working group on indigenous issues that reports directly to the COP.⁶ Canada also continued its action in favour of the dissemination of information by supporting the Global Biodiversity Forum, by helping developing countries participate in international discussions, and by strengthening

⁶ This was a compromise between indigenous groups which pushed for a Protocol and countries opposed to granting special rights to these populations.

countries' capacities to implement the Convention (country monographs and strategies, workshop on economic indicators, etc.). And, of course, it has provided substantial financial support to the secretariat. Yet, more could be done to harness Canadian expertise and use it to inform and help the regime deliver on its promises.

5. In Retrospect

Canada's role in the promotion of new concepts and in the negotiation of the CBD closed a remarkable decade of exceptionally active environmental foreign policy. What explains Canada's active participation in international negotiations of the CBD and the leading role it was able to play? Certainly, a mix of foreign policy objectives (coming after Canada's success in the Montreal Protocol and in climate change), and of domestic bureaucratic politics (the desire to internationalize certain issues so as to promote their resolution at home, as in the case of ozone), associated with a unique process of consultation that legitimized and strengthened Canada's role in the negotiating fora, solid and dedicated negotiators, and an issue that seemed initially benign to vested bureaucratic and industrial interests, all these factors may have played a role.

The dynamics of the CBD negotiations illustrate well the complexity of what Putnam (1988) has called a «two-level game» whereby negotiators must balance international and domestic interests and how each 'game' feeds on the other. In this case, rather than acting as an impediment (as during the negotiations leading to the Cartagena Protocol on Biosafety), the two games reinforced each other. Negotiations began at home and mirrored much of what was to be expected on the international scene. If an agreement could be found at home between industry and environmental interests, between Native populations (mostly represented by Government) and scientists, between development and conservation interests, then one was possible abroad. Thus, this process strengthened Canada at home (at a minimum, negotiators were able to explain their position) and made negotiators confident that they had negotiated an agreement that was acceptable to the provinces responsible for implementing much of it; and it strengthened Canada abroad, making it confident that it understood the various viewpoints and possible outcomes, and, therefore that a compromise was possible, and strengthening its capacity to co-opt the members its diverse delegation and rally different constituencies.

Other conservation conventions define what should happen for conservation and then set up mechanisms to deal with it. The CBD was the first to tackle the crucial issue of who benefits and

who pays. These and other issues raised during the negotiating process have not disappeared; they are still being negotiated through the implementation of the accord and discussions of potential future protocols. Canada's environmental leadership, therefore, remains crucial if only to see what it successfully achieved in the course of the negotiations actually make a difference during implementation. Canada influenced many aspects of the negotiations in a way that facilitated compromise and recognized the legitimate needs of developing countries as well as those of the indigenous populations of the world. Indeed, international environmental co-operation crucially depends on a few countries creating the conditions, investing the resources, and providing the necessary intellectual and diplomatic lead. To be a leader abroad, however, one must also be a leader at home.

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