

Don't kill the bee! Legal insights to combat the biodiversity crisis

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PANEL 1. Diagnosis of the current biodiversity crisis

LOCAL AND SUBNATIONAL GOVERNMENTS IN THE CBD AND BEYOND

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The Convention on Biological Diversity (CBD) is well known as the one of the most comprehensive international legal instruments addressing biodiversity loss. Although only States can become parties to the CBD, in practice, local and subnational governments (SNLG) often hold competencies over matters related to biodiversity protection. In the context of the CBD, SNLG have long mobilised for a 'seat at the table', ultimately resulting in their inclusion as a distinct major group within the CBD's institutional structure. Today, the CBD is the only of the Rio Conventions to formalise the role of SNLG. It is also the only Convention that explicitly recognises the role of SNLG in its legal instruments, including the 2022 Plan of Action and the promotion of a 'whole of government approach' in the post-2020 Global Biodiversity Framework. The position of SNLG inside the CBD has catalysed their ability to organise and mobilise through transnational networks with the goal of promoting biodiversity protection within their respective spatial spheres. Activities within these networks range from knowledge exchange to more formalised types of engagement, such as voluntary reporting on the implementation of biodiversity-related multilateral treaties or soft instruments (e.g., indices). In pursuing these aims, subnational and local governments frequently exceed the ambitions of their central government's National Biodiversity Strategy and Action Plan. Some especially dedicated cities and subnational governments become norm entrepreneurs by actively pursuing ambitious action and diffusing their experience within networks. Thus, norms developed at the local and subnational level spread transnationally and are implemented by other SNLG. The presentation will briefly introduce the position of cities and subnational governments within the CBD structure. This will be followed by an analysis of two case studies of transnational lawmaking by cities and subnational governments, employing transnational legal process theory and experimentalist governance as an analytical lens.