

MAXIMISING SYNERGIES TO ADDRESS THE CLIMATE AND BIODIVERSITY CRISES

Legal Foundations for Joint Work between the
UNFCCC and CBD

GREENPEACE

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Maximising Synergies to Address the Climate and Biodiversity Crises

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Executive Summary

The climate crisis and the biodiversity crisis are twin challenges that are inextricably linked and mutually reinforcing. Climate change is now one of the major drivers of biodiversity loss, exacerbating habitat destruction and species extinction. Conversely, the degradation of ecosystems undermines climate change mitigation and adaptation efforts by releasing stored carbon and reducing natural resilience. Despite scientific consensus on these interdependencies, as reflected in joint reports by the Intergovernmental Panel on Climate Change and Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services urging integrated solutions, the relevant international law and governance frameworks remain fragmented. The United Nations Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity (CBD), both born out of the 1992 Rio Earth Summit, have largely operated on separate tracks. The third Rio Convention, the United Nations Convention to Combat Desertification (UNCCD), is struggling to get much attention at all, and issues dealt with under this convention have also not benefited from the clear separation between the conventions. This fragmentation has impeded coherent policy action: measures under one regime have at times failed to account for impacts on the other, leading to unintended trade-offs. For example, climate mitigation projects such as afforestation of natural grasslands can harm native biodiversity if not carefully planned. There is a growing recognition that isolated approaches will likely fail and that only a joint, synergistic effort can effectively address both crises.

This briefing paper makes the legal and policy case for strengthening collaboration and alignment between the action agendas under the Rio Conventions, especially through a Joint Work Programme (JWP) between the UNFCCC and CBD as a concrete step to enhance synergies. It begins by explaining the intertwined nature of climate change and biodiversity loss, highlighting how common anthropogenic drivers (e.g., land-use change, fossil fuel use) and feedback loops connect the two issues. A review of the existing legal and institutional landscape reveals both the gaps and the groundwork for further synergies: each treaty's objectives and decisions increasingly acknowledge the other, and informal coordination mechanisms such as the Joint Liaison Group have been in place since 2001. However, cooperation to date has been mostly ad-hoc, voluntary, and lacking a formal mandate from Parties to systematically plan and implement joint actions. In this regard, the recent CBD Conference of the Parties (CBD COP16) marked a breakthrough: it adopted a landmark decision on biodiversity and climate change, calling on the Presidencies of the CBD and upcoming UNFCCC COPs to strengthen multilateral coordination and inviting submissions on options for enhanced policy coherence, including a potential JWP involving the CBD, UNFCCC, and the UNCCD. This momentum coincides with mounting pressure from scientists, civil society, and some Parties to formally align the two regimes.

Building on this context, the briefing paper sets out the legal foundation and arguments for a joint UNFCCC–CBD work programme. It examines the treaty mandates that not only permit but arguably compel such collaboration: UNFCCC Article 8 directs its Secretariat to “ensure the necessary coordination with the secretariats of other relevant international bodies”, whereas CBD Article 23 mandates its COP to seek cooperation with other conventions on matters of mutual interest. Past examples of inter-conventional cooperation – such as Memoranda of Understanding between the CBD and other environmental treaty bodies (e.g., the UNCCD in 2011) establishing joint work plans, and complementary decisions by separate COPs to address cross-cutting issues – provide precedents demonstrating that a JWP can be designed in line with international law and each treaty's governance processes. The Paris Agreement's provisions on carbon sinks and reservoirs, including forests (Article 5), on adaptation (Article 7), and on non-market approaches (Article 6.8) bolster the legal argument for formal UNFCCC–CBD joint efforts. In short, both the climate and biodiversity legal regimes contain hooks and principles that justify and encourage synergy – from the UNFCCC's objective of avoiding “dangerous interference” with the climate system in part by allowing ecosystems to adapt naturally,

to the CBD's charge to avoid actions that cause serious damage to biodiversity even when pursuing other international obligations.

After establishing why a joint approach is legally and practically warranted, the briefing paper advances specific proposals for legal and institutional reform. Central among these is the creation of a time-bound but renewable JWP approved by both COPs, with a clear mandate, objectives, and review mechanisms. The JWP could align national commitments under both regimes – for example, by synchronizing Nationally Determined Contributions under the Paris Agreement with National Biodiversity Strategies and Action Plans under the CBD. It could serve as a platform for jointly monitoring progress on integrated targets (such as ecosystem-based adaptation and other nature-based climate solutions), identifying and addressing maladaptive actions (climate actions harmful to biodiversity, or vice versa), and promoting co-benefit strategies such as ecosystem-based approaches to adaptation that fulfil both climate and biodiversity goals. Institutionally, the briefing paper proposes leveraging existing bodies – for instance, holding joint sessions of the UNFCCC's and CBD scientific and technical subsidiary bodies to review scientific advice on climate–biodiversity linkages, and strengthening the Joint Liaison Group to strengthen synergies between the Rio Conventions with a party-driven mandate rather than only through secretariat coordination. Additionally, the role of financial mechanisms is addressed: reforms could encourage the Global Environment Facility and Green Climate Fund to prioritize projects with dual benefits and ensure climate finance and biodiversity finance are mutually reinforcing rather than double-counted. A JWP might also guide global funding entities on supporting integrated solutions. The proposals take into account challenges of sovereignty and differing party compositions, suggesting that a “complementary decision” approach be taken – i.e., the UNFCCC COP and CBD COP would each adopt parallel decisions endorsing the joint programme and outlining cooperative activities, thereby respecting each forum's independence while committing them to a shared plan.

The briefing paper asserts that enhancing synergies between the climate and biodiversity regimes is not only desirable but imperative for the effectiveness of both. The year 2024–2025 represents a critical window: with the CBD's Kunming–Montreal Global Biodiversity Framework entering implementation and the UNFCCC's Paris Agreement milestones nearing, a coordinated “whole-of-system” response can maximize results and prevent one agenda from undermining the other. The proposed legal reforms – centred on a JWP – would provide the necessary policy framework that scientists and policy experts have been calling for as the missing piece to bridge the two arenas. By formally uniting efforts and reforming the mandate of the JLG to facilitate synergy activities between the Conventions, Parties to these conventions can fulfil their intertwined commitments more efficiently: protecting and restoring nature to help achieve climate goals, and stabilizing the climate to ensure the survival of ecosystems and their biodiversity. Ultimately, forging this alliance under international law would be a transformative step, acknowledging that the fates of our climate and the living world are one, and must be tackled together through cohesive global action.

1. Introduction and Background

The adoption of the United Nations Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity (CBD) at the 1992 Rio Earth Summit reflected a recognition that the global community must confront unprecedented environmental threats – respectively, anthropogenic climate change and the rapid loss of biodiversity. At the time, however, these challenges were largely treated as separate domains. Climate change was framed as a global atmospheric commons problem requiring international coordination, whereas biodiversity loss was often seen as a collection of local or national conservation issues. This bifurcation was enshrined in the creation of two distinct treaties: the UNFCCC to stabilize greenhouse gas concentrations in the atmosphere and the CBD to conserve biological diversity and ensure its sustainable use.¹ For many years, policy responses under these regimes developed on parallel tracks, with little structural linkage. As a result, climate and biodiversity policies sometimes not only missed opportunities for synergy but also diverged in priorities and approaches. For example, early climate mitigation efforts single-mindedly focused on carbon sequestration or renewable energy expansion, seldom accounting for impacts on ecosystems; similarly, biodiversity plans did not explicitly consider climate resilience or mitigation benefits.

Over the past decade, scientific research and on-the-ground realities have forcefully demonstrated that the climate and biodiversity crises are intertwined – each significantly aggravates the other, and neither can be resolved in isolation.² The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) and the Intergovernmental Panel on Climate Change (IPCC) have issued landmark assessments underscoring this point.³ The 2019 IPBES Global Assessment identified climate change as the third-largest driver of biodiversity loss, after land/sea use change and direct exploitation of organisms. It stressed that climate change is not only an independent threat to species and habitats, but also an amplifier of other threats (e.g., making ecosystems more vulnerable to invasive species and overuse). Conversely, the degradation of ecosystems – through deforestation, wetland draining, etc. – contributes to climate change by releasing carbon and reducing natural carbon sinks.⁴ A joint IPBES-IPCC workshop in 2021 concluded that “conserving biodiversity and limiting global warming are mutually supporting” goals essential to long-term sustainability.⁵

This evolving understanding has begun to influence international environmental law and policy. Notably, the 2015 Paris Agreement – although focused on climate protection – explicitly recognizes the “importance of ensuring the integrity of all ecosystems ... and the protection of biodiversity” when taking climate action.⁶ This language, found in the preamble of the Agreement, was unprecedented in a climate treaty and reflected the insistence of many Parties and observers that climate solutions must safeguard nature (often framed under the banner of “environmental integrity” or “nature’s integrity”). Similarly, the 2022 Kunming–Montreal Global Biodiversity Framework (KMGBF) under the CBD includes targets that address climate change.⁷ Target 8 of the KMGBF calls for minimizing the impact of climate change on biodiversity and enhancing the resilience of ecosystems through nature-based solutions and ecosystem-based approaches for climate change mitigation and adaptation.⁸ In essence,

¹ United Nations Framework Convention on Climate Change (UNFCCC) (adopted 9 May 1992, entered into force 21 March 1994) 1771 UNTS 107, art 2; Convention on Biological Diversity (CBD) (adopted 5 June 1992, entered into force 29 December 1993) 1760 UNTS 79, art 2.

² H-O Pörtner et al, *IPBES-IPCC Co-Sponsored Workshop Report on Biodiversity and Climate Change* (IPBES and IPCC 2021) <<https://doi.org/10.5281/zenodo.4782538>> (IPBES-IPCC Report 2021).

³ Intergovernmental Panel on Climate Change (IPCC), *Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* (IPCC 2023) <<https://www.ipcc.ch/report/ar6/syr/>> (IPCC AR6 SYR); Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), *Global Assessment Report on Biodiversity and Ecosystem Services* (IPBES 2019) <<https://doi.org/10.5281/zenodo.5657041>> (IPBES 2019)

⁴ IPBES 2019 (n 3).

⁵ IPBES-IPCC Report 2021 (n 2).

⁶ Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) UNTS Registration No 54113 (Paris Agreement), preamble.

⁷ CBD, ‘Decision 15/4, Kunming-Montreal Global Biodiversity Framework’ UN Doc CBD/COP/DEC/15/4 (19 December 2022) (KMGBF).

⁸ *ibid*, Target 8.

the KMGBF urges Parties to integrate climate considerations into biodiversity planning – a mirror to the Paris Agreement’s nod to biodiversity.

Beyond these legal instruments, there has been a rapid growth of high-level political statements and coalitions recognizing the climate-nature nexus. For instance, at UNFCCC COP26 in Glasgow (2021), countries highlighted nature in the main outcome document. The Glasgow Climate Pact includes references to protecting and restoring ecosystems as part of climate action and acknowledges the interdependence of climate and biodiversity goals.⁹ Observers hailed this as “the first time nature was meaningfully incorporated into global climate negotiations”.¹⁰ Likewise, the Kunming Declaration (2021) adopted during the 15th CBD Conference of the Parties (COP15) emphasized the urgency of tackling biodiversity loss *and* climate change together, calling for “synergies” in the implementation of multilateral environmental agreements.¹¹ Furthermore, 2024 was labelled a “Triple COP Year”¹² – with the CBD COP16, UNFCCC COP29, and United Nations Convention to Combat Desertification (UNCCD) COP16 all in sequence within a period of six weeks – prompting United Nations (UN) leaders to urge aligned efforts to ensure “planetary health” and avoid siloed outcomes.

Despite these positive signals, the institutional frameworks of the UNFCCC and CBD have struggled to advance integration. Each convention has its own COP with separate meetings, decision documents, subsidiary bodies, and reporting mechanisms. The UNFCCC’s core focus is mitigating greenhouse gas emissions and adapting to climate impacts; the CBD’s focus is conserving ecosystems, species, and genetic diversity. Over time, this has led to distinct policy communities and expertise, and at times a mutual lack of awareness or even mistrust – for example, concerns in the biodiversity community that climate initiatives like large-scale bioenergy or geoengineering could harm ecosystems. Conversely, climate negotiators often prioritized emission targets and finance mechanisms without incorporating biodiversity co-benefits.¹³ Recognizing the need for coordination, the Rio Conventions established a Joint Liaison Group (JLG) in 2001 as an informal forum for the secretariats of UNFCCC, CBD, and the UNCCD to exchange information and explore synergies. The JLG has met periodically and produced meeting reports highlighting areas of overlap, such as ecosystem-based adaptation, REDD+ (Reducing Emissions from Deforestation and Forest Degradation) and forest biodiversity, and land degradation neutrality. However, the JLG is ultimately a technical coordination mechanism with no decision-making power. Due to conflicting mandates from different conventions, it has struggled to have an impact on actual COP decisions.¹⁴

As climate and biodiversity crises have converged, there is a widening gap between high-level recognition of interlinkages and the on-the-ground governance responses. This gap is the impetus for calls to strengthen legal and institutional collaboration between the UNFCCC and CBD. The background to this briefing paper is the growing consensus that the goals of the Paris Agreement (holding global warming to well below 2°C, pursuing 1.5°C) and those of the CBD (halting and reversing biodiversity loss) are mutually dependent – success on one front requires success on the other. With the world nearing critical deadlines (2030 for many biodiversity targets, 2050 for net-zero emissions and “living in harmony with nature”), the international community is now seeking ways to break down siloed approaches and build bridges between the climate and biodiversity regimes. This briefing paper

⁹ UNFCCC, ‘Decision 1/CP.26, Glasgow Climate Pact’ UN Doc FCCC/CP/2021/12/Add.1 (8 March 2022) (Glasgow Climate Pact).

¹⁰ Campaign for Nature, ‘Nature Features Prominently at COP26’ (Campaign for Nature, 17 November 2021) <<https://www.campaignfornature.org/nature-features-prominently-at-cop26>>.

¹¹ CBD, ‘Kunming Declaration: Ecological Civilization – Building a Shared Future for All Life on Earth’ (13 October 2021) UN Doc CBD/COP/15/5/Add.1 (13 October 2021) (Kunming Declaration).

¹² UNDP, ‘Tri-COP Year: Uniting for a Thriving Planet’ (UNDP) <<https://www.undp.org/tri-cop-year-uniting-thriving-planet>>.

¹³ J Hardner, P Frumhoff and D Goetze, ‘Prospects for Mitigating Carbon, Conserving Biodiversity, and Promoting Socioeconomic Development Objectives through the Clean Development Mechanism’ (2000) 5 *Mitigation and Adaptation Strategies for Global Change* 61; CBD Secretariat, *REDD-plus and Biodiversity* (CBD Secretariat 2011); C Harvey, B Dickson and C Kormos, ‘Opportunities for Achieving Biodiversity Conservation through REDD’ (2010) 3 *Conservation Letters* 53; H van Asselt, ‘REDD+ and Biodiversity’ in M Faure (ed), *Elgar Encyclopedia of Environmental Law* (Edward Elgar 2017) 309–319.

¹⁴ C Prip, ‘The Convention on Biological Diversity and Climate Change’ in PC McCormack and R Caddell (eds), *Research Handbook on Climate Change and Biodiversity Law* (Edward Elgar 2024) 25–46, 44.

situates itself in that context, aiming to provide a comprehensive legal foundation and practical roadmap for joint work under the UNFCCC and CBD to address the twin crises more effectively.

2. The Intertwined Nature of the Climate and Biodiversity Crises

Climate change and biodiversity loss are often described as two sides of the same coin. They share many of the same anthropogenic drivers, and each exacerbates the other in a reinforcing feedback loop. Understanding this intertwined nature is essential: it underpins why siloed actions can fail or even backfire, and why integrated solutions can yield multiple benefits. This section examines the state of knowledge on how climate and biodiversity dynamics interact.

Both crises stem from unsustainable human activities. The IPBES Global Assessment (2019) identified five direct drivers of biodiversity loss: (1) land and sea use change, (2) direct exploitation of organisms, (3) climate change, (4) pollution, and (5) invasive alien species.¹⁵ Climate change, while “only” the third-largest driver at present, is unique in that it worsens the other drivers. For instance, higher temperatures and shifting precipitation can accelerate habitat degradation (land-use change) by causing wildfires and droughts; they can also enable invasive species or pathogens to spread into new areas, compounding stresses on native biodiversity. Moreover, climate change’s role is rapidly growing – the IPBES report warned that if greenhouse gas emissions continue unabated, climate change could surpass land-use change as the top driver of biodiversity loss in the coming decades.¹⁶ Meanwhile, the root causes of climate change – such as deforestation for agriculture, the burning of fossil fuels, and industrial activities – directly reduce biodiversity (through habitat loss and pollution) even before climate change impacts manifest. The Knowledge for Policy synthesis by the European Union (EU) notes that climate change and biodiversity loss “share many common anthropogenic drivers, including the overexploitation of natural resources, unprecedented energy consumption and land-use change”.¹⁷ These common drivers mean that actions such as protecting forests, reforming agriculture, or reducing waste can simultaneously slow climate change and biodiversity decline.

The interactions between climate and biodiversity form feedback cycles.¹⁸ Changes in the climate – rising temperatures, changes in precipitation, more frequent extreme events, and ocean acidification – directly threaten species and ecosystems. Many species have physiological limits; exceed those and they suffer or die off. For example, coral reefs bleach and die as ocean temperatures increase and acidification reduces calcification. Species that cannot migrate or adapt fast enough face increased extinction risk as their habitats become unsuitable. Climate change is already shifting biomes (e.g., savannas encroaching into tropical forests in some regions due to drying) and disrupting phenological cycles (mismatches in timing between predators and prey, or flowers and pollinators).¹⁹ The IPCC has warned that with 1.5–2°C of warming, a very high proportion of species will face elevated extinction risk, and some ecosystems (like Arctic ice systems and warm-water coral reefs) may collapse entirely.²⁰ Conversely, ecosystems play a critical role in regulating the climate. Healthy forests, wetlands, and oceans absorb a large fraction of carbon emissions – the world’s intact ecosystems are a sink for carbon, sequestering an estimated 5.6 gigatons of carbon dioxide (CO₂) per year (equivalent to about 60% of global anthropogenic emissions) according to IPBES.²¹ When biodiversity is lost and ecosystems

¹⁵ IPBES 2019 (n 3).

¹⁶ Ibid.

¹⁷ European Commission, ‘Brief Me on Biodiversity, Climate Change and Energy’ (Knowledge4Policy) <https://knowledge4policy.ec.europa.eu/biodiversity/brief-me-biodiversity-climate-change-energy_en> (EC Biodiversity-Climate Brief).

¹⁸ U Pascual et al, ‘Governing for Transformative Change across the Biodiversity–Climate–Society Nexus’ (2022) 72 *BioScience* 684–704.

¹⁹ C Parmesan and G Yohe, ‘A Globally Coherent Fingerprint of Climate Change Impacts across Natural Systems’ (2003) 421 *Nature* 37–42.

²⁰ IPCC AR6 (n 3).

²¹ IPBES 2019 (n 3).

degrade, their capacity to absorb carbon and buffer climate extremes diminishes.²² For instance, deforestation not only emits carbon; it also leaves the land drier and more prone to heat, often creating warmer local climates and further fires. The loss of wetlands and mangroves erodes natural coastal protection, making communities more vulnerable to storm surges that are intensifying with climate change. Similarly, the decline of phytoplankton in warming, acidifying oceans could weaken the biological carbon pump, potentially leading to a positive feedback of higher CO₂ in the atmosphere. The interactions between biodiversity and climate change “generate complex feedback cycles with increasingly pronounced, less predictable and potentially irreversible outcomes”.²³ In plain terms, we risk tipping points – for example, Amazon rainforest dieback or permafrost thaw – that would irreversibly alter both climate and biosphere.²⁴

Because of these linkages, actions taken to address one crisis can inadvertently harm the other if not carefully designed. A frequently cited example is large-scale afforestation or bioenergy plantations done in the name of climate mitigation.²⁵ If such projects replace natural ecosystems like native grasslands or wetlands with monoculture tree farms, they may sequester carbon at the cost of profound biodiversity loss, water scarcity, and even net carbon loss in the long term (if inappropriate species are planted). The IPBES-IPCC co-sponsored report (2021) explicitly warns against “maladaptive” climate actions – such as planting bioenergy crops in biodiversity-rich areas or mass tree planting in ecosystems that are not naturally forested – which might achieve short-term climate targets but undermine broader environmental integrity.²⁶ Similarly, some biodiversity conservation measures could inadvertently worsen climate outcomes: for example, strict protection that excludes all forms of sustainable land management could lead to degradation if it ignores the role of Indigenous fire management in fire-prone savannas, potentially resulting in larger, uncontrolled wildfires that emit more carbon.²⁷ Another scenario is if conservation policies push local communities out, leading them to clear forests elsewhere (i.e., leakage).²⁸ These examples also underscore the necessity of integrating a human rights-based approach (HRBA) into both climate and biodiversity policies. Failure to do so can result in interventions that not only harm ecosystems but also violate the rights and livelihoods of Indigenous Peoples and local communities. Recognizing this, the CBD has advanced its commitment to HRBA by establishing a new permanent Subsidiary Body on Article 8(j) and other provisions related to Indigenous Peoples and local communities. This body aims to ensure their meaningful participation and the protection of their rights, knowledge, and practices in biodiversity conservation efforts.²⁹

Fortunately, the flip side is that many interventions can produce win–win outcomes for both climate and biodiversity. Nature-based Solutions (NbS) have emerged as a key concept encapsulating these win–wins.³⁰ Defined by the UN Environment Assembly (UNEA) in Resolution 5/5, NbS are “actions to protect, conserve, restore, sustainably use and manage natural or modified terrestrial, freshwater, coastal and marine ecosystems which address social, economic and environmental challenges effectively and adaptively, while simultaneously providing human well-being, ecosystem services, resilience and biodiversity benefits”.³¹ The CBD employs the term “ecosystem-based approaches” as

²² HJ De Boeck et al, ‘Patterns and Drivers of Biodiversity–Stability Relationships under Climate Extremes’ (2018) 106 *Journal of Ecology* 890–902; W De Keersmaecker et al, ‘Species-Rich Semi-Natural Grasslands Have a Higher Resistance but a Lower Resilience than Intensively Managed Agricultural Grasslands in Response to Climate Anomalies’ (2016) 53 *Journal of Applied Ecology* 430–439.

²³ EC Biodiversity-Climate Brief (n 17).

²⁴ J Deutloff, H Held and TM Lenton, ‘High Probability of Triggering Climate Tipping Points under Current Policies Modestly Amplified by Amazon Dieback and Permafrost Thaw’ (2025) 16 *Earth System Dynamics* 565–583.

²⁵ H Douville, RP Allan, PA Arias and RA Fisher, ‘Call for Caution Regarding the Efficacy of Large-Scale Afforestation and Its Hydrological Effects’ (2024) 950 *Science of The Total Environment* 175299.

²⁶ IPBES-IPCC Report 2021 (n 2).

²⁷ United Nations University Institute for Advanced Studies (UNU-IAS), *The Global Potential of Indigenous Fire Management: Findings of the Regional Feasibility Assessments* (UNU-IAS 2015).

²⁸ A Balmford et al, ‘Time to Fix the Biodiversity Leak’ (2025) 387 *Science* 720–722.

²⁹ CBD, ‘Decision 16/5, Establishment of a Subsidiary Body on Article 8(j) and Other Provisions of the Convention Related to Indigenous Peoples and Local Communities’ UN Doc CBD/COP/DEC/16/5 (1 November 2024), para 1.

³⁰ N Seddon et al, ‘Understanding the Value and Limits of Nature-Based Solutions to Climate Change and Other Global Challenges’ (2020) 375 *Philosophical Transactions of the Royal Society B* 20190120.

³¹ United Nations Environment Assembly, ‘Resolution 5/5, Nature-based Solutions for Supporting Sustainable Development’ UN Doc UNEP/EA.5/Res.5 (2 March 2022).

its primary framework for action. Such approaches promote the integrated management of land, water, and living resources in a way that achieves conservation and sustainable use equitably, recognizing that humans, with their cultural diversity, are an integral component of ecosystems. Ecosystem-based approaches encompass various practices, including Ecosystem-based Adaptation (EbA), which leverages biodiversity and ecosystem services to help people adapt to climate change.³² At UNFCCC COP26, over 130 countries endorsed the Glasgow Leaders' Declaration on Forests and Land Use, committing to halt deforestation by 2030 – a pledge that addresses climate (since deforestation causes ~10% of global emissions) and biodiversity (forests host most terrestrial species) together.³³ Similarly, the Global Ocean Alliance and other coalitions are pushing to protect marine ecosystems like seagrasses and mangroves, recognizing they store carbon (“blue carbon”) and protect biodiversity.³⁴ The key is that protecting and restoring nature tackles climate change at its root: it prevents emissions from ecosystem loss and enhances sinks, while also safeguarding the myriad species and services those ecosystems contain. As a recent article by leading scientists put it, overcoming the crises requires treating them as “coupled” and pursuing actions that reduce greenhouse gases and biodiversity loss simultaneously.³⁵

The climate–biodiversity nexus also has direct consequences for human well-being and development, underlining why joint solutions are crucial. Climate change impacts such as extreme weather, droughts, and sea-level rise are well known threats to populations across the world. Biodiversity loss likewise threatens food security (through pollinator loss, fisheries collapse, etc.) and health (through ecosystem degradation and disease regulation). In many cases, these impacts compound each other.³⁶ For example, climate change can drive species that carry diseases (like mosquitoes) into new regions, while deforestation can increase human-wildlife contact, potentially sparking zoonotic diseases. Meanwhile, high-integrity ecosystems provide resilience – primary forests are more resilient to fire, coastal mangrove forests (biodiversity hotspots) defend against hurricanes whose intensity is increasing due to climate change; diverse agricultural landscapes are more resilient to climate shocks.³⁷ Thus, separating climate and biodiversity policies can undercut efforts to build resilient societies. Integrating them can yield co-benefits for sustainable development and human security. The 2030 Agenda for Sustainable Development reflects this interdependence (Goal 13 on climate action and Goal 15 on life on land, among others, are interconnected).³⁸ The Rio Conventions collectively are seen as pillars for achieving the Sustainable Development Goals.

The scientific and experiential evidence portrays climate change and biodiversity loss as a tangled crisis pair: not only does each require urgent action, but those actions must be coordinated. As the UN Secretary-General António Guterres has said, we face a “triple planetary emergency” comprising a climate crisis, a biodiversity crisis, and a pollution crisis – and these must be tackled together as parts of one overarching challenge.³⁹ This intertwined nature sets the stage for legal and policy responses that mainstream biodiversity into climate action and vice versa. Lawmakers at a national level that are willing to align international commitments made under the Rio Conventions face the challenge of reforming existing laws, creating new legal frameworks and corresponding financing instruments that

³² Conference of the Parties to the Convention on Biological Diversity, ‘Decision 14/5, Biodiversity and Climate Change’ UN Doc CBD/COP/DEC/14/5 (30 November 2018).

³³ Glasgow Leaders' Declaration on Forests and Land Use (2 November 2021) <<https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/>>.

³⁴ UK Government, ‘Global Ocean Alliance: 30by30 Initiative’ (GOV.UK) <<https://www.gov.uk/government/topical-events/global-ocean-alliance-30by30-initiative>>.

³⁵ H-O Pörtner et al, ‘Overcoming the Coupled Climate and Biodiversity Crises and Their Synergistic Interactions’ (2021) 376 *Science* 256–260.

³⁶ Food and Agriculture Organization of the United Nations (FAO), *The State of the World's Biodiversity for Food and Agriculture*, J Bélanger and D Pilling (eds) (FAO 2019) <<http://www.fao.org/3/CA3129EN/CA3129EN>>.

³⁷ On the importance of protecting ecosystem integrity, see for example BM Rogers et al, ‘Using Ecosystem Integrity to Maximize Climate Mitigation and Minimize Risk in International Forest Policy’ (2022) 5 *Frontiers in Forests and Global Change*.

³⁸ United Nations General Assembly, ‘Resolution 70/1, Transforming Our World: The 2030 Agenda for Sustainable Development’ UN Doc A/RES/70/1 (21 October 2015).

³⁹ António Guterres, ‘Alongside Pandemic, World Faces “Triple Planetary Emergency”, Secretary-General Tells World Forum for Democracy, Citing Climate, Nature, Pollution Crises’, UN Press Release SG/SM/20422 (16 November 2020) <<https://press.un.org/en/2020/sgsm20422.doc.htm>>.

support synergies between adaptation needs, climate change mitigation efforts and securing biodiversity and securing natural livelihood security on a warming planet. If the next UNFCCC COP presidency wants to move from negotiations to implementation, better guidance and support on how to better align efforts to tackle the interrelated climate and biodiversity in support of synergies becomes a central cornerstone to support national and subnational implementation. This paper makes a compelling case that international institutions cannot afford to treat climate and biodiversity in isolation. The next sections of this briefing paper turn to how the legal frameworks of the UNFCCC and CBD currently address (or fail to address) this nexus, and how they might be reformed to better harness the synergies and manage the trade-offs described here.

3. Existing Legal and Institutional Landscape

The UNFCCC and CBD were negotiated as separate treaties, each with its own object, purpose, and architecture. As a result, their legal obligations, governance bodies, and implementation mechanisms have evolved independently for the past three decades. However, both regimes have provisions and decisions that acknowledge other treaties and global goals, providing a basis – albeit underutilized – for synergy. Here we outline the current legal and institutional landscape, highlighting existing links, coordination efforts, and gaps.

At the foundational level, each convention contains articles that relate to other international efforts. The UNFCCC in its objective (Article 2) implicitly recognizes other global needs by stating that the stabilization of greenhouse gas concentrations should be achieved in a time-frame sufficient “to allow ecosystems to adapt naturally to climate change”.⁴⁰ This clause embeds ecosystem considerations into the ultimate climate goal. Additionally, Article 4(1)(d) of the UNFCCC requires Parties to promote sustainable management and conservation of carbon sinks, including biomass, forests, and oceans – effectively a bridge to biodiversity conservation. Furthermore, in adopting climate change mitigation measures, parties need to “employ appropriate methods, for example impact assessments ... with a view to minimizing adverse effects ... on the quality of the environment”, which comprises adverse impacts on biodiversity.⁴¹

The CBD does not explicitly refer to climate change, but given the nature of climate change as one of the main drivers of biodiversity loss, many of its provisions can be considered relevant in addressing climate change.⁴² The CBD also includes a specific article on the relationship with other international conventions, clarifying that its provisions do not override other agreements *except* where their application would cause serious damage to biodiversity.⁴³ This means that Parties must implement the CBD consistently with, for example, climate commitments, unless doing so would gravely threaten biodiversity (in which case the biodiversity obligation would take precedence). Indeed, Article 22(1) “may be interpreted as limiting the choice of climate responses under the UNFCCC on the part of CBD parties, when those measures may cause a serious threat to biodiversity”.⁴⁴ However, the provision only applies to existing treaties, and therefore would not apply to the Paris Agreement.

CBD Article 23(4)(h) further explicitly tasks the COP to “contact ... the executive bodies of conventions dealing with matters covered by this Convention with a view to establishing appropriate forms of cooperation”.⁴⁵ This is a clear legal mandate for the CBD to liaise and work with other treaties like the

⁴⁰ UNFCCC (n 1) art 2.

⁴¹ *ibid* art 4(1)(f).

⁴² Harro van Asselt, *The Fragmentation of Global Climate Governance: Consequences and Management of Regime Interactions* (Edward Elgar 2014) 127; Prip (n 14) 29–30.

⁴³ CBD (n 1) art 22.

⁴⁴ E Morgera, ‘Far Away, So Close: A Legal Analysis of the Increasing Interactions between the Convention on Biological Diversity and Climate Change Law’ (2011) 2 *Climate Law* 85–115, 89.

⁴⁵ CBD (n 1) art 23(4)(h)

UNFCCC. Similarly, the UNFCCC COP's mandate includes, in Article 7(2)(l), to “seek and utilize the services and cooperation of...competent international organizations and intergovernmental and non-governmental bodies”,⁴⁶ which can be read to encompass cooperating with the CBD on relevant matters. Also notable is UNFCCC Article 8(2)(e), which assigns the UNFCCC Secretariat the function “to ensure the necessary coordination with the secretariats of other relevant international bodies”.⁴⁷ Thus, on the face of it, both treaties empower (and arguably oblige) their institutions to coordinate with each other when addressing overlapping issues such as climate-related biodiversity impacts or nature-based climate solutions.

Over the years, COP decisions under each regime have increasingly referenced the other, signalling a growing political recognition of the importance of synergy. The CBD COP, in particular, has a long history of addressing climate-biodiversity interactions:

- At COP10 (2010) in Nagoya, Japan, the CBD adopted Decision X/33, which urged CBD Parties to manage ecosystems sustainably so as to support climate-change adaptation and mitigation and provided guidance on reducing biodiversity risks from climate-related activities (including a de facto moratorium on geoengineering that could affect biodiversity).⁴⁸
- At COP14 (2018) in Sharm el-Sheikh, Egypt, Parties acknowledged the importance of aligning biodiversity and climate frameworks, citing the 2017–2020 Roadmap for Enhancing Synergies among the Biodiversity-Related Conventions, and drew attention to the links between NBSAPs and NDCs, as well as the alignment of forest-related Aichi Targets with other multilateral goals.⁴⁹ They also emphasized the urgent need to prevent fragmentation and degradation of the world's remaining primary forests, and endorsed “voluntary guidelines for the design and effective implementation of ecosystem-based approaches to climate change adaptation and disaster risk reduction”, encouraging Parties to integrate these into national policies.⁵⁰
- At COP15 (2022), held in Kunming, China, and Montreal, Canada, Parties adopted several decisions emphasizing synergies with other conventions (in addition to adopting the KMGBF). For instance, Decision 15/5 on biodiversity and climate change welcomed collaboration with the IPCC and urged Parties to align implementation of the KMGBF with climate action.⁵¹
- Most significantly, at COP16 (2024) in Cali, Colombia, Parties adopted another dedicated decision on biodiversity and climate change.⁵² As noted earlier, this decision explicitly calls upon the Presidents of the CBD COP and upcoming UNFCCC COPs (COP29, COP30) to strengthen coordination, and it requests the CBD Executive Secretary to collect submissions on options for enhanced coherence, “including a potential joint work programme of the three Rio Conventions”.⁵³ This is a landmark, as it places a formal exploration of a JWP onto the CBD's agenda, to be considered at COP17.

By contrast, for a long time the UNFCCC COP decisions focused narrowly on climate change, with little consideration of biodiversity. However, increasingly references to ecosystems and biodiversity have appeared:

⁴⁶ UNFCCC (n 1) art 7(2)(l).

⁴⁷ UNFCCC art 8(2)(e).

⁴⁸ CBD, ‘Decision X/33, Biodiversity and Climate Change’ UN Doc CBD/COP/DEC/X/33 (29 October 2010); see Morgera (n 44).

⁴⁹ Conference of the Parties to the Convention on Biological Diversity, ‘Decision 14/30, Cooperation with Other Conventions, International Organizations and Initiatives’ UN Doc CBD/COP/DEC/14/30 (29 November 2018).

⁵⁰ Decision 14/5 (n 32); see also Secretariat of the CBD, *Voluntary Guidelines for the Design and Effective Implementation of Ecosystem-Based Approaches to Climate Change Adaptation and Disaster Risk Reduction: Primer for Policymakers* (CBD Technical Series No. 93, 2019).

⁵¹ CBD, ‘Decision 15/5, Monitoring Framework for the Kunming-Montreal Global Biodiversity Framework’ UN Doc CBD/COP/DEC/15/5 (19 December 2022).

⁵² CBD, ‘Decision 16/22, Biodiversity and Climate Change’ UN Doc CBD/COP/DEC/16/22 (1 November 2024).

⁵³ *ibid*, para 19. See also Idil Boran and Nathalie Pettoirelli, ‘The Kunming–Montreal Global Biodiversity Framework and the Paris Agreement Need a Joint Work Programme for Climate, Nature and People’ (2024) 61 *Journal of Applied Ecology* 1991–1999.

- At COP16 (2010) in Cancún, Mexico, the Cancún Agreements affirmed the importance of safeguarding biodiversity when undertaking climate change adaptation and encouraged ecosystem-based approaches.⁵⁴
- At COP26 (2021) in Glasgow, Scotland, UK, the Glasgow Climate Pact included multiple nature-related points. It “notes the importance of ensuring the integrity of all ecosystems ... and the protection of biodiversity” in the context of climate action (echoing the Paris Agreement’s preamble), and “emphasizes the importance of protecting, conserving and restoring nature and ecosystems ... to achieve the Paris Agreement temperature goal”.⁵⁵ This effectively linked success in meeting the 1.5°C goal with success in halting ecosystem degradation. COP26 also launched dialogues on ocean-climate linkages and forest preservation (the Glasgow Leaders’ Declaration mentioned above, although that was a side declaration, not a formal COP decision).⁵⁶
- At COP27 (2022) in Sharm el-Sheikh, Egypt, the cover decision welcomed the outcomes of CBD COP15 (which had happened just prior) and encouraged Parties to consider nature-based solutions.⁵⁷
- At COP28 (2023) in Dubai, United Arab Emirates (UAE), Parties went further: the UAE COP28 Presidency and the incoming COP30 Presidency (Brazil) together with CBD and UNFCCC presidencies issued a Joint Statement on Climate, Nature and People, endorsed by 18 countries, which calls for integrating efforts on climate and biodiversity, aligning national plans, and establishing a joint framework for action. While not a COP decision per se, it was politically significant.⁵⁸ Additionally, the Parties at COP28 under the Paris Agreement’s governing body adopted Decision 8/CMA.4, which recalled the importance of the Rio Conventions synergy and the need to operationalize Article 6(8) (non-market approaches) in a way that can support nature.⁵⁹ More substantively, Decision 1/CMA.5, which contains the outcome of the first Global Stocktake, underscores the foundational role of nature in meeting the Paris Agreement’s objectives. Paragraph 33 of that decision “[r]ecognizes the interdependence of climate change, biodiversity loss and land degradation, and stresses the importance of ensuring the integrity of all ecosystems, including oceans, in the implementation of climate action”, further calling for enhanced cooperation “at all levels” to address these interconnected challenges.⁶⁰ This paragraph aligns closely with the CBD COP16 Decision 16/22 and strengthens the case for institutionalized coordination, including through a potential Joint Work Programme. It also provides a clear normative basis under the UNFCCC for Parties to pursue integrated approaches across biodiversity and climate governance.

In addition, there are some shared or overlapping institutional elements and arrangements between the conventions:

- **Joint Liaison Group:** The JLG, created in 2001, though not a decision-making body, was acknowledged by all three Rio Convention COPs in various decisions encouraging its work. For example, UNFCCC COP decisions in the 2000s often included paragraphs noting cooperation with the CBD and UNCCD through the JLG.⁶¹ The JLG’s mandate (approved at its 11th meeting in 2011) is to identify synergistic activities and “enhance coordination between the three

⁵⁴ UNFCCC, ‘Decision 1/CP.16, The Cancun Agreements: Outcome of the Work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention’ UN Doc FCCC/CP/2010/7/Add.1 (15 March 2011), para 12; UNFCCC, ‘Decision 12/CP.17, Guidance on Systems for Providing Information on How Safeguards Are Addressed and Respected and Modalities Relating to Forest Reference Emission Levels and/or Forest Reference Levels as Referred to in Decision 1/CP.16’ UN Doc FCCC/CP/2011/9/Add.2 (15 March 2012).

⁵⁵ Glasgow Climate (n 9), preamble and para 21.

⁵⁶ Glasgow Leaders’ Declaration on Forests and Land Use (2 November 2021) <<https://ukcop26.org/glasgow-leaders-declaration-on-forests-and-land-use/>>.

⁵⁷ UNFCCC, ‘Decision 1/CP.27, Sharm el-Sheikh Implementation Plan’ UN Doc FCCC/CP/2022/10/Add.1 (17 March 2023), para 48.

⁵⁸ ‘Joint Statement on Climate, Nature and People’ (9 December 2023) <<https://www.cop28.com/en/joint-statement-on-climate-nature>>.

⁵⁹ UNFCCC, ‘Decision 8/CMA.4, Matters Relating to the Work Programme under the Framework for Non-market Approaches Referred to in Article 6, Paragraph 8, of the Paris Agreement’ UN Doc FCCC/PA/CMA/2022/10/Add.2 (17 March 2023).

⁶⁰ UNFCCC, ‘Decision 1/CMA.5, Outcome of the First Global Stocktake’ UN Doc FCCC/PA/CMA/2023/16/Add.1 (15 March 2024).

⁶¹ See for example, UNFCCC, ‘Decision 13/CP.8, Cooperation with Other Conventions’ UN Doc FCCC/CP/2002/7/Add.2 (28 March 2003).

conventions”.⁶² It has addressed topics like harmonized reporting and collaborative outreach. However, it remains *informal* – which means it can facilitate behind-the-scenes cooperation but cannot compel Parties or formally join work programmes. Reports of the JLG are presented to the convention bodies but have mostly been taken note of, rather than sparking joint decisions.

- **Financial Mechanisms:** The Global Environment Facility (GEF) serves as a financial mechanism for both the UNFCCC (for certain purposes, mainly adaptation and enabling activities) and the CBD (for its implementation in developing countries). This shared financial institution creates a de facto linkage. In fact, the GEF has promoted multi-focal area projects that address climate change, biodiversity, and land degradation together.⁶³ However, Parties have raised concerns about how funds are allocated between conventions. As of COP16, many CBD Parties even pushed for a new dedicated biodiversity fund under the COP due to dissatisfaction with GEF, resulting in the creation of the intermediary “GBF Fund” and more recently “Cali Fund”, as well as a process agreed at COP16 to establish a dedicated financial mechanism for biodiversity beyond 2030.⁶⁴ Climate finance, on the other hand, has other channels (Green Climate Fund, Adaptation Fund) which currently do not formally link to CBD objectives – though many funded projects have biodiversity co-benefits.⁶⁵ Notably, at CBD COP16, Parties warned against “double counting” of climate and biodiversity finance, implying a need for clarity when the same project serves both aims.⁶⁶
- **National Implementation Plans:** At the national level, there is a parallel between Nationally Determined Contributions (NDCs) under the Paris Agreement⁶⁷ and National Biodiversity Strategies and Action Plans (NBSAPs) under the CBD.⁶⁸ Historically, these have been developed by separate ministries or agencies (environment vs. climate change) with little coordination. But countries are increasingly recognizing overlaps, for instance by including nature-based actions in NDCs.⁶⁹ Some countries have even created combined climate and biodiversity strategies.⁷⁰ There is no formal requirement internationally to align NDCs and NBSAPs, but the idea of submitting or updating them in a coordinated way has been floated in forums like the UN High-Level Political Forum and through initiatives like the NDC Partnership.⁷¹
- **Subsidiary Scientific Bodies:** The UNFCCC has the Subsidiary Body for Scientific and Technological Advice (SBSTA), and the CBD has the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA). These bodies often address thematically similar issues (climate impacts on ecosystems, effectiveness of nature-based solutions, etc.), but historically they have not held joint sessions. There have been attempts to bring about more coherence: for example, the SBSTTA has invited the IPCC to present its findings at CBD meetings, and the SBSTA has interacted with IPBES outputs (the IPCC–IPBES co-sponsored workshop in 2020 was an external event but informed both processes). Still, formal collaboration remains limited. A

⁶² Joint Liaison Group of the Rio Conventions, ‘Report of the Eleventh Meeting of the Joint Liaison Group of the Rio Conventions’ (11 April 2011) <https://unfccc.int/files/cooperation_and_support/cooperation_with_international_organizations/application/pdf/jlg-11-report-en.pdf>.

⁶³ Global Environment Facility, *Multi Focal Area Projects in GEF Portfolio* (2013)

<<https://www.gefio.org/sites/default/files/documents/ops5-td09-gef-multi-focal-area-projects-portfolio.pdf>>.

⁶⁴ CBD, ‘Decision 16/34, Resource Mobilization and Financial Mechanism’ UN Doc CBD/COP/DEC/16/34 (27 February 2025).

⁶⁵ Secretariat of the CBD, ‘CBD-GEF-GCF Collaboration for a Paradigm-Shift Towards Large-Scale Ecosystem Protection, Restoration, and Adaptive Management in the Context of the Climate-Biodiversity Nexus’ (14 February 2023).

⁶⁶ Decision 16/34 (n 64).

⁶⁷ Paris Agreement (n 6) art 4.

⁶⁸ CBD (n 1) art 6.

⁶⁹ N Seddon et al, *Nature-based Solutions in Nationally Determined Contributions: Synthesis and Recommendations for Enhancing Climate Ambition and Action by 2020* (IUCN and University of Oxford 2019); NDC Partnership and GIZ, *Working with Nature-based Solutions to Address Climate Change: Trends in NDC Partnership Support* (May 2024).

⁷⁰ EM Cardona Santos et al, ‘Mainstreaming Revisited: Experiences from Eight Countries on the Role of National Biodiversity Strategies in Practice’ (2023) 16 *Earth System Governance* 100177.

⁷¹ NDC Partnership, ‘COP28: Coordinating National Responses on Climate and Nature: NDCs and NBSAPs Alignment’ (COP28 Side Event, 2023); see also GIZ, IISD, and WWF, ‘Effectively Delivering on Climate and Nature: NDCs, NAPs and NBSAPs Synergies – A Checklist for National Policymakers’ (2024).

joint SBSTA/SBSTTA forum is an idea that has been suggested informally by scientists, civil society and some delegations, but has not yet been realized.⁷²

- **Joint Work Plans with Other Conventions:** The CBD has experience establishing joint work programmes with other international bodies. A notable example is the CBD–Ramsar Convention joint work plan (given that Ramsar deals with wetlands of international importance).⁷³ Ramsar and the CBD have had successive joint work plans to coordinate targets and share information on wetlands conservation, which is recognized under both treaties. Similarly, the World Heritage Convention and CBD collaborated on heritage sites and biodiversity.⁷⁴ These examples show that the CBD is open to structured collaboration. The UNFCCC too has collaborated with organizations. For instance, joint work with the IPCC is inherent; the Nairobi Work Programme involves external partners on adaptation knowledge; and the UNFCCC Technology Mechanism’s Climate Technology Centre and Network is hosted by the UN Environment Programme.⁷⁵ However, a formal joint work programme between UNFCCC and another treaty regime does not yet exist.

Notwithstanding growing efforts to strengthen synergies between the biodiversity and climate regimes, there are several major governance gaps and challenges:

- **No Formal Joint Mechanism:** There is currently *no single joint committee or work programme* officially mandated by the Parties of UNFCCC and CBD to plan and implement integrated activities. The JLG is informal and driven by treaty secretariats whose work is restricted by their mandates and available resources; the occasional cross-references in decisions are not the same as a concrete joint framework, and only address climate-biodiversity linkages on an ad hoc basis.
- **Diffuse Responsibility and Informal Overload:** In the absence of a formal cooperation mechanism between the CBD and UNFCCC, there is no clear institutional accountability for delivering integrated implementation across the regimes. While both Conventions have encouraged enhanced cooperation in various decisions, the responsibility for action remains fragmented between secretariats, subsidiary bodies, and Parties themselves. This diffuse governance structure has coincided with a proliferation of informal initiatives, voluntary partnerships, and political declarations on synergies. Although many of these are well-intentioned, they risk overwhelming national focal points – particularly in developing countries – with overlapping demands, inconsistent guidance, and no authoritative coordination platform. Without a dedicated and Party-mandated framework to steer joint implementation, it will remain difficult to distinguish between complementary efforts and duplicative or even conflicting initiatives.
- **Timing and Process Misalignment:** The COP cycles and decision timelines differ. UNFCCC COPs occur annually, and CBD COPs biennially (until recently) and their strategic plans do have not completely synchronised time frames. This can make synchronous action more difficult unless explicitly coordinated.
- **Different Memberships:** The UNFCCC has near-universal membership (198 Parties, including the EU).⁷⁶ The CBD also has near-universality *except* a notable non-Party: the United States.⁷⁷ This means any joint initiative would either have to exclude the US or find a way to include it

⁷² Ocean & Climate Platform, ‘CBD and UNFCCC: Strengthening Synergies between the Conventions’ (Policy Brief, April 2024) <https://ocean-climate.org/wp-content/uploads/2024/04/Policy-brief_CBD_UNFCCC-VF_rev2024.pdf>.

⁷³ CBD, ‘Sixth Joint Work Plan (2024–2030) of the Convention on Biological Diversity and the Convention on Wetlands of International Importance especially as Waterfowl Habitat’ UN Doc CBD/COP/16/INF/19 (15 October 2024).

⁷⁴ CBD, ‘Decision 15/22, Nature and Culture’ UN Doc CBD/COP/DEC/15/22 (19 December 2022).

⁷⁵ UNFCCC Subsidiary Body for Scientific and Technological Advice, ‘Summary of Cooperative Activities with United Nations Entities and Other International Organizations that Contribute to the Work under the Convention’ UN Doc FCCC/SBSTA/2024/INF.1 (8 May 2024).

⁷⁶ UNFCCC, ‘Parties to the United Nations Framework Convention on Climate Change’ (last updated 14 April 2025) <<https://unfccc.int/process/parties-non-party-stakeholders/parties-convention-and-observer-states>>.

⁷⁷ United States Mission to the United Nations, ‘Remarks at the UNGA 79 Second Committee: Explanation of Position on Convention on Biological Diversity Resolution’ (2024) <<https://usun.usmission.gov/remarks-at-the-unga-79-second-committee-explanation-of-position-on-convention-on-biological-diversity-resolution/>>.

as an observer. Following the formal notification of withdrawal from the Paris Agreement, the United States from 2026 onwards will also no longer be a Party to that treaty.⁷⁸

- **Technical Language and Jargon:** The two regimes developed their own terminologies (e.g., the UNFCCC talks of mitigation, adaptation, NDCs, etc.; the CBD talks of conservation, sustainable use, access and benefit-sharing, etc.). This can cause communication gaps – though concepts like “nature-based solutions” and “ecosystem-based adaptation” have become bridging concepts, being referenced in both contexts.
- **Finance and Equity Issues:** Developing countries often highlight that climate finance dwarfs biodiversity finance – and fear that climate initiatives might siphon off what little biodiversity funding exists. Conversely, some donor countries worry about duplicating funding. Aligning financial mechanisms requires trust and careful design to ensure additionality rather than competition.
- **Legal Hierarchy Ambiguities:** While CBD Article 22 prevents it from undermining other treaties except to avoid biodiversity harm, and the UNFCCC’s ultimate objective clause indicates synergy, there is still uncertainty how to handle potential conflicts. If a climate action under UNFCCC is alleged to violate CBD commitments, there is no clear legal resolution mechanism between the conventions. A pertinent real-world example is the Belo Monte Dam in Brazil. This large-scale hydroelectric project, aimed at expanding renewable energy capacity, has been the subject of significant controversy due to its environmental and social impacts. The dam’s construction led to the flooding of vast areas of the Amazon rainforest, threatening biodiversity and disrupting the livelihoods of Indigenous communities. Despite the project’s alignment with climate change mitigation goals under the UNFCCC, it raised serious concerns regarding Brazil’s commitments under the CBD to protect biodiversity and uphold Indigenous rights. The lack of a clear legal framework to resolve such inter-convention conflicts underscores the need for joint guidelines to ensure that climate actions do not compromise biodiversity objectives. While some argue that resolving these conflicts falls within national jurisdiction, the transboundary nature of environmental impacts and the interconnectedness of global ecosystems necessitate coordinated international guidance. Without a formal mechanism, Parties may face challenges in aligning their national policies with multiple international commitments, leading to potential overlaps or conflicts. Joint work could preempt such conflicts by setting common guidelines, providing clarity, and enhancing accountability across both regimes.

The existing landscape shows recognition without strong implementation. The tools and avenues for synergy are present in principle. The conventions are not inherently incompatible; indeed they have overlapping objectives (sustainability, intergenerational equity, etc.) and directives to cooperate. Yet the actual coordination has been piecemeal. Recent decisions such as CBD COP16’s call for exploring a JWP, and high-level statements around UNFCCC COP28, indicate a shifting momentum. This provides a foundation upon which the legal argument for a robust JWP can be constructed, as discussed in the next section. The challenge and opportunity now are to move from informal liaison to formal joint action, leveraging legal mandates and political will to create an integrated approach within the frameworks of international law.

4. Legal Argument for a Joint Work Program

Against the backdrop of scientific consensus and emerging political will, establishing a Joint Work Programme between the UNFCCC and CBD is both a logical next step and a move solidly grounded in international law. This section lays out the legal argument in detail: it examines treaty mandates, state practice, and principles of international environmental law that together provide the foundation – and

⁷⁸ United Nations, ‘Paris Agreement: United States of America—Withdrawal’ (27 January 2025) UN Doc C.N.71.2025.TREATIES-XXVII.7.d (27 January 2025) <<https://treaties.un.org/doc/Publication/CN/2025/CN.71.2025-Eng.pdf>>.

in some respects the obligation – for joint work. It also addresses potential legal obstacles or counterarguments, demonstrating that a well-crafted JWP can respect the sovereignty and independent mandate of each convention while achieving greater coherence.

4.1 Treaty Mandates and Authority for Collaboration

As noted in the previous section, both the UNFCCC and CBD include provisions that authorize and encourage cooperation with other treaties. These provide the legal authority for their respective COPs to establish a JWP.

Under the CBD’s framework, Article 23(4)(h) directs the COP to seek appropriate forms of cooperation with executive bodies of other conventions.⁷⁹ A JWP is precisely an “appropriate form of cooperation” for issues at the intersection of the CBD and another regime (climate change). Thus, the CBD COP has an explicit mandate to initiate such cooperation. Additionally, the CBD Secretariat is empowered under Article 24 to “coordinate with other relevant international bodies”.⁸⁰ This implies that the CBD Secretariat can enter into administrative arrangements, which could include developing a joint work plan with UNFCCC counterparts.

On the UNFCCC side, Articles 7(2)(l) and Article 8(2)(e) collectively empower the COP and Secretariat to engage with other organizations for effective Convention implementation.⁸¹ Notably, Article 7(2)(m) gives the COP a broad residual power to “exercise such other functions as are required for the achievement of the objective of the Convention”.⁸² If addressing biodiversity loss is required to achieve climate objectives (as the scientific literature clearly indicates), then cooperating with the CBD can be seen as falling under this provision.

The mandate for collaboration can also be derived indirectly from various operational provisions in the Paris Agreement (an instrument related to the UNFCCC). Pursuant to Article 5 (on carbon sinks and reservoirs), all Parties “should take action to conserve and enhance, as appropriate, sinks and reservoirs of greenhouse gases ..., including forests”.⁸³ In the context of REDD+ actions, the Agreement also “[reaffirms] the importance of incentivizing, as appropriate, non-carbon benefits”. Although such “non-carbon benefits” are not defined and are left up for Parties to report on,⁸⁴ this reference acknowledges that REDD+ actions can make a positive contribution to other goals, including biodiversity goals. Another relevant provision is Article 7, which among other notes that adaptation “makes a contribution to the long-term global response to climate change to protect people, livelihoods and ecosystems”.⁸⁵ Article 7 also sets out a broadly formulated “global goal on adaptation”.⁸⁶ In a Decision 2/CMA.5, Parties sought to operationalize this goal by spelling out objectives and targets related to the goal. One of these targets is “[r]educing climate impacts on ecosystems and biodiversity, and accelerating the use of ecosystem-based adaptation and nature-based solutions, including through their management, enhancement, restoration and conservation and the protection of terrestrial, inland water, mountain, marine and coastal ecosystems”.⁸⁷ In other words, through this decision, which also refers to “other global frameworks” (which can be read as an implied reference to the KMGBF), a direct link is made between achieving biodiversity goals and the

⁷⁹ CBD (n 1) art 23(4)(h).

⁸⁰ *ibid*, art 24(1)(d).

⁸¹ UNFCCC (n 1) arts 7(2)(l) and art 8(2)(e). Note that art 8(2) also applies to the Secretariat in relation to the Paris Agreement; Paris Agreement (n 6) art 17.

⁸² UNFCCC (n 1) art 7(2)(m).

⁸³ Paris Agreement (n 6) art 5(1).

⁸⁴ UNFCCC, ‘Decision 18/CP.21, Methodological Issues Related to Non-Carbon Benefits Resulting from the Implementation of the Activities Referred to in Decision 1/CP.16, Paragraph 70’ UN Doc FCCC/CP/2015/10/Add.3 (29 January 2016).

⁸⁵ Paris Agreement (n 6) art 7(2).

⁸⁶ *ibid* art 7(1).

⁸⁷ UNFCCC, ‘Decision 2/CMA.5, Global Goal on Adaptation’ UN Doc FCCC/PA/CMA/2023/16/Add.1 (15 March 2024), para 9(d).

global goal on adaptation. Lastly, Article 6(8) of the Paris Agreement specifically calls for cooperative non-market approaches to enable “opportunities for coordination across instruments and relevant institutional arrangements”.⁸⁸ This is essentially an instruction from Parties that their climate efforts (particularly cooperative implementation of NDCs via Article 6(8) mechanisms) should be coordinated with other relevant frameworks – unquestionably including the CBD. In Decision 4/CMA.3, through which Parties elaborated Article 6(8), Parties affirmed the need for integrated, holistic approaches that link mitigation, adaptation, and other goals, leaving room for synergy with biodiversity frameworks.⁸⁹

Importantly, neither the CBD nor the UNFCCC (as well as the Paris Agreement) contains language *prohibiting* joint initiatives. There is no sovereignty concern so long as participation in a joint programme is decided by consensus of Parties through their COPs. A JWP would not “merge” the treaties or create new legally binding obligations; it would facilitate coordinated implementation of existing obligations. This is an important legal point: the JWP would derive authority from COP decisions of each convention. Under international law, COP decisions (while not treaties themselves) are generally considered expressions of the Parties’ agreement on how to implement the parent treaty.⁹⁰ As such, a parallel decision by the UNFCCC COP and the CBD COP launching a JWP would be a politically binding pact, but still within the scope of each treaty’s implementation. For example, the UNFCCC COP could decide that as part of implementing Article 7(2)(l) or (m), it will work jointly with the CBD on specified activities; the CBD COP could take a mirroring decision under Article 23(4)(h). This two-track approach respects the autonomous legal personality of each COP while achieving a unified outcome – a technique used in other cases of inter-regime cooperation. Notably, the COPs to the Basel, Rotterdam, and Stockholm (BRS) Conventions have established a practice of adopting identical “synergies decisions”, which mirror each other but are still adopted separately by each treaty body.⁹¹ Although the unique circumstances of the BRS Conventions that made the synergies process possible cannot all be found in the climate-biodiversity context – there is a significant overlap between the BRS Conventions in terms of the problems addressed and their membership, and UNEP already provided secretariat services for all three treaties – the synergies decisions offer a clear example of how parallel decisions can be adopted by two autonomous treaty regimes.⁹²

4.2 Precedents of Inter-Conventional Collaboration

The idea of two multilateral environmental agreements creating a joint work plan or programme is not without precedent, including in the areas of international biodiversity and climate change governance.⁹³

First, the CBD has multiple Memoranda of Understanding (MOUs) with other conventions (the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Ramsar Convention, UNCCD, Convention on Migratory Species, etc.) with a view to coordinating efforts.⁹⁴ For instance, the MOU between CBD and UNCCD (2011) led to a joint work plan (2011–2020) focusing on

⁸⁸ Paris Agreement (n 6) art 6(8)(c).

⁸⁹ UNFCCC, ‘Decision 4/CMA.3, Work Programme under the Framework for Non-Market Approaches Referred to in Article 6, Paragraph 8, of the Paris Agreement’ (13 November 2021) UN Doc FCCC/PA/CMA/2021/10/Add.2

⁹⁰ J Brunnée, ‘COPing with Consent: Law-Making Under Multilateral Environmental Agreements’ (2002) 15 *Leiden Journal of International Law* 1–52; A Wiersema, ‘The New International Law-Makers? Conferences of the Parties to Multilateral Environmental Agreements’ (2009) 31 *Michigan Journal of International Law* 231–287; S Rioseco, ‘Conferences of the Parties beyond International Environmental Law: How COPs Influence the Content and Implementation of Their Parent Treaties’ (2023) 36 *Leiden Journal of International Law* 699–719.

⁹¹ Conference of the Parties to the Basel, Rotterdam and Stockholm Conventions, ‘Decisions Adopted by the Conferences of the Parties’ <<https://www.brsmeas.org/Decisionmaking/DecisionsandDocuments/Decisions/tabid/2616/language/en-US/Default.aspx>>.

⁹² D Bodansky and H van Asselt, *The Art and Craft of International Environmental Law* (2nd edn, Oxford University Press 2024) 224.

⁹³ R Caddell, ‘“Only Connect”? Regime Interaction and Global Biodiversity Conservation’ in M Bowman, P Davies and E Goodwin (eds), *Research Handbook on Biodiversity and Law* (Edward Elgar 2016) 437–472; H van Asselt, ‘Managing the Fragmentation of International Environmental Law: Forests at the Intersection of the Climate and Biodiversity Regimes’ (2012) 44 *New York University Journal of International Law and Politics* 1205–1278.

⁹⁴ *ibid.*

achieving land degradation neutrality in synergy with biodiversity goals.⁹⁵ While these MOUs were signed by Secretariats, they were typically endorsed by the respective COPs. A similar MOU could be envisaged between the CBD and UNFCCC Secretariats, outlining the modalities for a JWP.

Second, the JLG, though informal, was endorsed by the CBD and UNFCCC Parties in 2001 (via their subsidiary bodies).⁹⁶ It sets a precedent that Parties accept cross-convention bodies to “enhance coordination”. The JLG’s limitation was its informality and lack of resources; a JWP, by contrast, could be a more formal, resourced extension of that concept.

Third, in the context of Article 6(8) of the Paris Agreement, Parties have discussed thematic non-market approaches that inherently involve other frameworks, including a possible “adaptation and resilience” framework that links with Sendai Disaster Risk Reduction, or a “forests and land” framework linking with the CBD and UNCCD.⁹⁷ In fact, in the Glasgow COP decision on Article 6(8), Parties listed potential areas such as “integrated, holistic and balanced approaches to address climate change and its impacts” including resilience of communities and ecosystems.⁹⁸ This opens the door to developing an Article 6(8) work programme that is explicitly in partnership with the CBD. Similarly, it can be argued that Paris Agreement Article 5 (which encourages conservation of sinks and reservoirs, i.e. forests) and Article 7 (on adaptation) both imply working with biodiversity institutions, since protecting ecosystems is fundamental to those articles. Specifically, in the context of the ongoing UAE–Belém Work Programme through which Parties seek to develop indicators for the global goal on adaptation, Parties can align with the KMGBF indicators to measure progress towards the aforementioned biodiversity-related target.⁹⁹ Moreover, some Parties have informally, through their statements, signalled at SBSTA that a nature-based solutions workstream under UNFCCC be coordinated with the CBD.¹⁰⁰

Fourth, outside the environmental sphere, there are examples of formal joint programmes between international bodies. For example, the World Health Organization and CBD launched a Joint Work Programme on Biodiversity and Health recognizing the intersection of ecosystem health and human health.¹⁰¹ If health and biodiversity authorities can create a joint programme, it stands to reason that two environmental conventions with strongly overlapping objectives can. Similarly, the Food and Agriculture Organization of the UN (FAO) and the UNFCCC collaborate on agriculture initiatives (though not a joint programme, the Koronivia Joint Work on Agriculture from COP23 was an agriculture workstream under UNFCCC that heavily involved FAO expertise). These examples illustrate flexibility in inter-institutional cooperation involving the CBD and UNFCCC.

4.3 Benefits and Legal Rationales Supporting a JWP

The legal justification is bolstered by clear policy benefits, which decision-makers could cite in adopting such a programme. These benefits include:

⁹⁵ Secretariats of the Convention on Biological Diversity and the United Nations Convention to Combat Desertification, ‘Memorandum of Understanding’ (3 September 2011) <<https://www.cbd.int/doc/agreements/amt-uncdd-2011-09-03-mou-web-en.pdf>>; United Nations Convention to Combat Desertification, ‘Land Degradation Neutrality for Biodiversity Conservation: A Technical Report by the Global Mechanism’ (2019) <https://catalogue.uncdd.int/1340_LDN_BiodiversityGM_Report.pdf>; IUCN, ‘Land Degradation Neutrality: Implications and Opportunities for Conservation’ (Technical Brief, 2nd edn, November 2015) <<https://portals.iucn.org/library/sites/library/files/documents/Rep-2015-022.pdf>>.

⁹⁶ UNFCCC Subsidiary Body for Scientific and Technological Advice, ‘Report of the Subsidiary Body for Scientific and Technological Advice on its Fourteenth Session’ UN Doc FCCC/SBSTA/2001/2 (18 September 2001); CBD, ‘Decision VI/20, Cooperation with Other Conventions and International Organizations and Initiatives’ UN Doc UNEP/CBD/COP/DEC/VI/20 (2002).

⁹⁷ Decision 4/CMA.3 (n 89) para 3(b).

⁹⁸ *ibid*, para 3(a).

⁹⁹ UNFCCC Secretariat, ‘Third Workshop under the United Arab Emirates–Belém Work Programme. Summary Report by the Secretariat’ UN Doc FCCC/SB/2025/1 (6 May 2025), para 17.

¹⁰⁰ Earth Negotiations Bulletin, ‘Bonn Climate Change Conference: SB 60 Highlights’ <<https://enb.iisd.org/sites/default/files/2025-05/enb13235e.pdf>>.

¹⁰¹ Secretariat of the CBD, ‘Interagency Liaison Group (2015–2020) <<https://www.cbd.int/health/ilg-health>>.

- **Preventing Conflict and Ensuring Coherence:** International law strives for harmonization. The principle of mutual supportiveness in international environmental law suggests treaties with overlapping subject matter should be implemented in ways that support each other's objectives, as far as possible.¹⁰² A joint programme operationalizes this principle between the climate and biodiversity regimes. It would create a structured process to identify potential conflicts (e.g., geoengineering proposals affecting biodiversity, or conservation measures affecting mitigation) *before* they become disputes, and to formulate mutually agreeable solutions. This proactive approach can save Parties from legal conflicts or having to choose one obligation over another in implementing the climate and biodiversity treaties. It aligns with CBD Article 22's caveat about not using other agreements to damage biodiversity; through a JWP, the conventions can make sure climate actions do not trigger that clause by harming biodiversity.
- **Efficiency and Resource Sharing:** From a legal-institutional perspective, a JWP allows pooling of expertise and avoiding duplication. For example, the UNFCCC's work on REDD+ clearly intersects with the CBD's forest related biodiversity programmes.¹⁰³ Instead of running separate siloed projects, a JWP could consolidate guidance on safeguards that satisfy both UNFCCC requirements (e.g., carbon monitoring and social safeguards per the Cancún Agreements) and CBD requirements (biodiversity conservation, benefit-sharing). This reduces the burden on countries having to report differently to two conventions for what is essentially the same project. The legality of this stems from the fact that COPs can direct their Secretariats to collaborate and use funds efficiently. They could, for instance, create a joint technical expert group under the JWP to develop integrated guidance on nature-based solutions and ecosystem-based approaches, which then is submitted to both COPs for adoption. This was done similarly with the Ad Hoc Technical Expert Group (AHTEG) on Biodiversity and Climate Change established by the CBD; its findings were provided to the UNFCCC for consideration.¹⁰⁴
- **Filling a Governance Gap:** Currently, there is no "apex" framework that tackles climate change and biodiversity together. Some scholars talk of a "regime complex" for climate/nature without a core.¹⁰⁵ A JWP could serve as a de facto coordinating framework or umbrella for the regime complex. While it does not seek to merge the treaties, it provides a central reference point where joint strategies are discussed and agreed. This could influence other processes – for example, informing the work of the High-Level Political Forum on Sustainable Development, or feeding into future Global Stocktakes under the Paris Agreement (ensuring these consider ecosystem-based actions). By demonstrating that the two conventions can work in harmony, a JWP could set an example for other related agreements (such as the Convention on Migratory Species, or even international financial institutions). To effectively support this coordinating role, institutionalizing the Joint Liaison Group would be advantageous. This could be done, for instance, by UNEP hosting the JLG at its headquarters in Nairobi, Kenya. UNEP is uniquely positioned as the leading global environmental authority, with a mandate to set the global environmental agenda, promote the coherent implementation of the environmental dimension of sustainable development within the UN system, and serve as an authoritative advocate for the environment. Hosting the JLG at UNEP would also facilitate synergies with the UN Environment Assembly (UNEA), the world's highest-level decision-making body on the environment (see Section 5.3).
- **Customary Law and Principles of International Environmental Law:** Broader principles of international law also buttress the case for a JWP. This includes the principle of precaution and the concept of a common concern of humankind which apply to both climate change and

¹⁰² Vienna Convention on the Law of Treaties (opened for signature 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331, art 31(3)(c); R Pavoni, 'Mutual Supportiveness as a Principle of Interpretation and Law-Making: A Watershed for the "WTO-and-Competing-Regimes" Debate?' (2010) 21 *European Journal of International Law* 649–679; WB Chambers, *Interlinkages and the Effectiveness of Multilateral Environmental Agreements* (UNU Press 2008).

¹⁰³ van Asselt (n 93).

¹⁰⁴ CBD, 'Decision VII/15, Biodiversity and Climate Change' UN Doc UNEP/CBD/COP/DEC/VII/15 (2004), para 4.

¹⁰⁵ RO Keohane and DG Victor, 'The Regime Complex for Climate Change' (2011) 9 *Perspectives on Politics* 7–23.

biodiversity.¹⁰⁶ Both conventions explicitly note that these crises are a common concern.¹⁰⁷ This concept often justifies collective action and cooperation. Uncertainty about exact interactions is not a reason to delay; rather, precaution would argue we set up joint efforts to avoid unintended harm either way. Additionally, the principle of integration in sustainable development suggests environmental issues should not be compartmentalized – states are supposed to integrate environmental protection and development and, by extension, integrate various environmental objectives.¹⁰⁸ A JWP operationalizes integration at the international policy level.

4.4 Contentious Issues and Counterarguments

What potential legal or political arguments might be raised against a JWP, and how can they be addressed?

- **Sovereignty and Party Autonomy:** Some Parties might worry that a JWP infringes on the independent decision-making of each COP or imposes obligations “through the backdoor”. To alleviate this, the JWP should be voluntary and facilitative in nature, not adversarial, punitive, or mandatory, and it should explicitly not seek to add to existing commitments that Parties have made under each regime. It would operate under the guidance of both COPs, meaning that any outputs (reports, recommendations) would still require adoption by each COP to have effect. Each set of Parties retains the choice to endorse joint recommendations. The experiences with joint work plans (e.g., Ramsar–CBD) show that these do not override national sovereignty; they help coordinate support to Parties.
- **Jurisdictional Overreach:** Another concern is that the UNFCCC or CBD COP would discuss or make decisions about issues that are outside their treaty mandate. The response to this is that it very much depends on how these mandates are framed and interpreted. The UNFCCC can deliberate on biodiversity insofar as it relates to climate change (and indeed it has, as with forests and oceans discussions). Similarly, the CBD can discuss climate insofar as it affects biodiversity (and, as we have shown, it has already done so extensively). A joint forum would have to be careful to stay within the scope of both – focusing on *intersections*. Practically, a JWP would likely limit itself to areas of clear overlap: nature-based climate solutions, land use, oceans, adaptation, climate-biodiversity finance, etc. It would not, for example, delve into purely biodiversity issues like access and benefit-sharing of genetic resources (as this is not clearly climate-relevant), nor into purely climate issues like industrial decarbonization (not clearly biodiversity-relevant). Thus, a clear delimitation of the JWP’s scope in the establishing decisions can maintain proper jurisdictional boundaries.
- **One Convention Dominating the Other:** There could be a fear that one regime’s agenda will overshadow the other (e.g., that climate priorities such as emissions accounting will dominate, sidelining biodiversity). The structure of the JWP should ensure balanced representation – perhaps a joint steering committee with equal number of representatives from climate and biodiversity delegations, and co-chairs (one from each convention). The agenda can be set collaboratively. Also, it might be prudent to start with a “bilateral” JWP (UNFCCC–CBD) rather than including the third Rio Convention (UNCCD) from the outset, as adding the UNCCD might complicate matters slightly owing to the marked difference in the pace of evolution in the desertification regime. The current frameworks provide a practical starting point: the Paris

¹⁰⁶ T Cottier and Z Ahmad, ‘The Principle of Common Concern of Humankind’ in T Cottier (ed), *The Prospects of Common Concern of Humankind in International Law* (CUP 2021) 3–92; AA Cançado Trindade, ‘Principle 15: Precaution’ in JE Viñuales (ed), *The Rio Declaration on Environment and Development: A Commentary* (OUP 2015) 403–428.

¹⁰⁷ UNFCCC (n 1) preamble; CBD (n 1) preamble.

¹⁰⁸ Rio Declaration on Environment and Development (adopted 14 June 1992) UN Doc A/CONF.151/26 (Vol II), 31 ILM 874; V Barral and P-M Dupuy, ‘Principle 4: Sustainable Development through Integration’ in Viñuales (n 106) 157–180; M-C Cordonier Segger and D Olawuyi, *Sustainable Development Law: Principles, Practices and Prospects* (OUP 2025).

Agreement under the UNFCCC and the Kunming-Montreal Global Biodiversity Framework under the CBD. Starting the JWP as a collaboration between these two makes sense because it allows focused alignment between existing commitments and the achievement of targets. The UNCCD could join later in phases, particularly as developments like a potential Drought Protocol move forward. This approach keeps the JWP manageable and effective while leaving room for broader collaboration as the UNCCD's frameworks develop. Nevertheless, the invitation at CBD COP16 did mention all three Rio Conventions.¹⁰⁹ A counterpoint is that land degradation is also linked, and the UNCCD's inclusion could be beneficial. This dilemma could be resolved by a phased approach or having the UNCCD initially join as an observer/participant.

- **Legal Form:** How exactly to formalize the JWP is a legal design question. Options include: (a) Parallel COP decisions (as discussed, this is the most straightforward); (b) a joint declaration endorsed by both COPs (less formal, but it could pave the way for further decisions); (c) an amendment of, or protocol to, one or both treaties (this is unlikely to be feasible and too slow, and not necessary given the flexibility of COP decisions).¹¹⁰ The parallel decision route is favoured as it does not legally bind one convention to another beyond what its Parties agree. Such decisions could reference each other (e.g., the UNFCCC decision “welcomes CBD Decision XX/YY and agrees to collaborate accordingly”).
- **Resource and Capacity Constraints:** A common concern is that initiating a new JWP could strain the limited financial and human resources of the UNFCCC and CBD Secretariats. However, by fostering coordination between the two conventions, a JWP can also enhance efficiency and reduce duplication of efforts. For instance, aligning reporting processes and joint planning can streamline activities, ultimately conserving Parties' resources. Moreover, situating the JWP within UNEP (see Section 5.3) can leverage existing infrastructure and expertise, facilitating synergies with UNEA and other environmental initiatives. This integration can attract additional funding and support from international donors and financial institutions committed to holistic environmental approaches.

5. Proposals for Legal and Institutional Reform

Translating the legal argument into action requires concrete proposals for how a Joint Work Programme could be established, structured, and implemented. This section outlines a series of recommendations for legal and institutional reforms that would enable the UNFCCC and CBD to work jointly in addressing the climate and biodiversity crises. The proposals aim to be pragmatic, respecting existing frameworks while pushing boundaries enough to achieve true synergy. They cover the process of establishing the JWP, its governance and scope, and complementary reforms in finance, national planning, and global stocktaking to support the joint effort.

5.1 Establishing the Joint Work Programme via COP Decisions

The foundational step is for the respective COPs to formally create the JWP. This can be done at the upcoming meetings – UNFCCC COP30 (scheduled for November 2025) and CBD COP17 (2026) – or even sooner if an extraordinary meeting or resumed session is possible. The proposal is for a pair of harmonized decisions:

¹⁰⁹ Decision 16/22 (n 52).

¹¹⁰ UNFCCC (n 1) arts 15 and 17; CBD (n 1) arts 29–30.

- **UNFCCC Decision (COP and/or CMA):** Such a decision would recall the relevant Paris Agreement provisions, including Articles 5, 7, and 6(8), as well as the nature-related language in the Glasgow Climate Pact and Decision 1/CMA.5, note the CBD’s complementary decision, and decide to establish a JWP with the CBD for an initial period (say five years, 2026–2030). It would request the UNFCCC Secretariat to collaborate with the CBD Secretariat to organize joint activities, and perhaps create a Joint Steering Committee (comprised of representatives from parties, e.g. equal members from SBSTA and from CBD’s SBSTTA/Bureau). The decision might outline thematic areas of cooperation – e.g., nature-based solutions and ecosystem-based approaches, aligning NDCs/NBSAPs, joint monitoring, etc. – which the work programme will cover.
- **CBD Decision:** This would be a decision mirroring the UNFCCC one. It would invoke CBD Articles 23(4)(h) and relevant COP16 outcomes, welcome the UNFCCC decision, and establish the joint programme from the CBD side. It could also explicitly integrate the JWP into the CBD’s own framework by stating that the JWP will contribute to achieving the KMGBF targets (particularly Target 8 on climate and biodiversity synergy). The CBD decision could request the CBD’s Executive Secretary to allocate resources for this joint programme and invite the Global Environment Facility to support cross-cutting projects.

By adopting such parallel decisions, the JWP gains legitimacy from both forums. In terms of timing, it might be strategic to have one COP go first. This would likely be UNFCCC COP30, which could generate sufficient momentum for the CBD COP to endorse the decision. Alternatively, a joint announcement could be made at a high-level event (for example, at the UN General Assembly or a special session), followed by formal COP decisions.

5.2 Defining the Mandate and Scope of the JWP

Clarity in what the JWP will do is crucial. Based on scientific advice and prior proposals, the following thematic pillars are recommended for inclusion:

- **Alignment of National Plans:** The JWP could facilitate the alignment of NBSAPs, NDCs, National Adaptation Plans (NAPs), and similar instruments. The JWP could set up a process (workshops, guidance documents) for countries to identify synergies between their climate and biodiversity commitments and adjust them for coherence. This addresses the call for overseeing alignment of national plans. For instance, if a country’s NDC commits to reforest X hectares, the JWP would help ensure its NBSAP includes those hectares in biodiversity planning (using native species, protecting high-biodiversity areas, etc.).
- **Joint Monitoring and Review:** The JWP could develop methods and indicators to monitor progress on interdependent objectives and targets of the Paris Agreement (including those related to the global goal on adaptation) and the KMGBF. This could involve harmonizing indicators where appropriate (e.g., area of ecosystems restored that counts towards both carbon sequestration and species habitat). The JWP might produce an annual or biennial “State of Climate-Nature Synergy” report, feeding into the UNFCCC’s Global Stocktake and the CBD’s Global Biodiversity Outlook. It could also encourage “nesting” the KMGBF monitoring into climate measurement, reporting, and verification frameworks at the national level as well as the international level (i.e., the Paris Agreement’s enhanced transparency framework¹¹¹), and vice versa.
- **Addressing Maladaptation and Malconservation:** The JWP could create a mechanism to identify actions under one convention that risk harming the goals of the other, and propose remedies. For example, a technical working group under the JWP could review proposed large-

¹¹¹ Paris Agreement (n 6) art 13.

scale climate mitigation projects for biodiversity risks (and suggest modifications or alternatives). Similarly, it could flag biodiversity initiatives that might reduce climate resilience. The outputs could be non-binding guidelines or checklists that Parties commit to consider in project planning (ensuring, for instance, afforestation projects follow CBD's Forest Ecosystem Restoration guidelines¹¹²).

- **Capacity-Building and Knowledge Exchange:** The JWP could facilitate joint expert dialogues and knowledge-sharing events. This includes bringing together climate scientists, ecologists, Indigenous and other traditional knowledge holders, and policy experts in technical workshops sanctioned by both conventions. Topics could range from carbon accounting for ecosystem restoration to integrating traditional ecosystem management for climate resilience. Drawing on experiences in the CBD (e.g., various AHTEGs¹¹³) and the UNFCCC (e.g., the Technical Examination Process under the Paris Agreement¹¹⁴), the JWP could host annual and/or regional Technical Expert Dialogues on specific nexus issues (like peatlands, drylands, or ocean-based solutions) involving participants from both communities.
- **Joint Recognition of Action by Non-State Actors:** The JWP could build a platform – potentially linked to the existing Global Climate Action portal¹¹⁵ and the CBD's Sharm El Sheikh to Kunming Action Agenda¹¹⁶ – to showcase and encourage initiatives by cities, businesses, Indigenous Peoples, and others that address climate and biodiversity in conjunction. Both the UNFCCC and CBD have established a variety of formal and informal processes engaging non-state actors;¹¹⁷ a joint agenda could harmonize those and emphasize integrated action. This addresses the point about providing visibility and recognition to efforts advancing both agendas.
- **Financial Synergies and Resource Mobilization:** The JWP could coordinate messaging and guidance to global finance mechanisms. For example, the JWP could liaise with the GEF, Green Climate Fund, Adaptation Fund, the Fund for responding to Loss and Damage, and multilateral development banks to prioritize funding for projects with dual benefits. It might issue joint recommendations on designing finance to meet both conventions' goals (ensuring, for instance, that climate finance incorporates nature safeguards and biodiversity finance leverages climate co-benefits). It can also help standardize accounting so that when a country reports finance to both conventions, the contributions are transparent and not double-counted unless appropriate.
- **Scientific Assessments:** The JWP could encourage joint IPCC–IPBES assessments or chapters that can directly inform the JWP. This is more an external input, but the JWP can serve as a conduit to bring integrated scientific findings into policy. For instance, by endorsing the concept of combined climate-biodiversity “solutions” in its forums, it can influence the scoping of future IPCC reports to include nature-based solutions (which is already happening) and similarly encourage IPBES to include climate scenarios.

The scope of the JWP should be reviewable. The COP decisions might mandate that after the initial phase (e.g., five years), the scope can be adjusted based on lessons learned, with possibility to expand (maybe to include also the UNCCD formally, or address new emerging issues like carbon dioxide removal impacts on biodiversity).

¹¹² Secretariat of the CBD, 'Review of Draft Manual: Delivering Restoration Outcomes for Biodiversity and Human Wellbeing through Target 2 of the Kunming-Montreal Global Biodiversity Framework' <<https://www.cbd.int/restoration/implementation/review>>.

¹¹³ CBD, 'Decision XII/24, Synthetic Biology' UN Doc UNEP/CBD/COP/DEC/XII/24 (17 October 2014); CBD, 'Decision X/7, Examination of the Outcome-Oriented Goals and Targets' UN Doc UNEP/CBD/COP/DEC/X/7 (29 October 2010); CBD, 'Decision XIII/18, Article 8(j) and Related Provisions' UN Doc CBD/COP/DEC/XIII/18 (17 December 2016); Cartagena Protocol on Biosafety, 'Decision BS-IV/11, Risk Assessment and Risk Management' UN Doc UNEP/CBD/BS/COP-MOP/DEC/BS-IV/11 (15 May 2008).

¹¹⁴ UNFCCC, 'Technical Examination Process (TEP)' <<https://unfccc.int/resource/climateaction2020/tep/index.html>>.

¹¹⁵ UNFCCC, 'Global Climate Action Portal' <<https://climateaction.unfccc.int/>>.

¹¹⁶ Secretariat of the CBD, 'An Agenda for Action' <<https://www.cbd.int/action-agenda/04.shtml>>.

¹¹⁷ Sander Chan et al, 'Climate Ambition and Sustainable Development for a New Decade: A Catalytic Framework' (2021) 12 *Global Policy* 245–259; Sander Chan et al, 'The Global Biodiversity Framework Needs a Robust Action Agenda' (2022) 7 *Nature Ecology & Evolution* 172–173.

5.3 Governance Structure

A robust but flexible governance arrangement can ensure that the JWP is effectively managed:

- **Joint Steering Committee or Joint Liaison Panel:** To oversee the development and implementation of the JWP, a dedicated coordination body could be established. The baseline composition would include the Chairs of both the SBSTA and the Subsidiary Body for Implementation (SBI) from the UNFCCC, as well as the Chairs of the SBSTTA and the SBI from the CBD. This structure ensures balanced representation of both scientific and implementation perspectives across the two conventions. It may also be prudent to include the Chair of the newly-approved Subsidiary Body on Article 8(j) as well as Representatives of Indigenous Peoples and Local Communities (IPLCs) to ensure their perspectives and traditional knowledge are integrated into the JWP. An expanded option would see inclusion of additional regionally balanced representatives from both conventions, ensuring equitable participation from diverse geographic areas.
- **Secretariat Collaboration Unit:** To effectively support the JWP, the UNFCCC and CBD Secretariats should establish a dedicated joint coordination unit. This unit would consist of 2–3 staff members from each secretariat and, where feasible, be co-located to facilitate seamless collaboration. Its responsibilities would include organizing meetings, preparing joint documents, and maintaining a shared online portal for the JWP. The establishment of this unit aligns with the directives from CBD COP16, where Parties requested the Secretariats to implement joint capacity-building activities and exchange information via a clearing-house mechanism. This indicates strong support for enhanced collaboration between the secretariats, which the JWP can formalize and expand upon. While the existing Joint Liaison Group among the Rio Conventions serves as an informal platform for information exchange at the Secretariat level, it lacks a formal mandate from the COPs and does not have the authority to develop or implement joint work programmes. By contrast, the proposed JWP would be a Party-driven initiative with a formal mandate, focusing on the development and implementation of integrated strategies and actions. The JWP would complement the JLG by translating high-level coordination into concrete, actionable plans, thereby enhancing the overall coherence and effectiveness of the Rio Conventions in addressing interconnected environmental challenges. Situating the joint coordination unit within UNEP would offer strategic advantages. UNEP serves as the leading global environmental authority, with a mandate to set the global environmental agenda and promote coherent implementation of the environmental dimension of sustainable development within the UN system. Hosting the coordination unit at UNEP would facilitate synergies with UNEA, the world's highest-level decision-making body on the environment, which sets priorities for global environmental policies and develops international environmental law. This arrangement would enhance coherence across multilateral environmental agreements and ensure that integrated climate-biodiversity strategies are aligned with broader environmental governance structures.
- **Budget and Funding:** Each COP should allocate a portion of its core budget or seek voluntary contributions for the JWP. A dedicated Trust Fund for Joint Activities could be created, managed jointly. Given tight budgets, much might rely on voluntary contributions. The costs are relatively modest (mostly meetings, workshops, staff). The benefits – avoiding duplicated efforts, achieving two goals with one project – arguably save money in the long run. The decisions can invite the GEF and other donors to support the JWP financially, possibly by earmarking some funds for cross-cutting projects in their pipelines.
- **Participation and Inclusivity:** The JWP should ensure participation of all relevant stakeholders, not just government delegates. Drawing on the scientists' letter, it should involve IPLCs as key knowledge partners and rights-holders. Both the UNFCCC and CBD have formal structures for including IPLCs (e.g., the Local Communities and Indigenous Peoples Platform in the

UNFCCC;¹¹⁸ Article 8(j) Working Group in CBD, which is now a Subsidiary Body¹¹⁹). The JWP could host joint dialogues or leverage those bodies to input traditional knowledge on synergistic solutions (like traditional land management that enhances biodiversity and carbon storage). Likewise, civil society, youth, women, and private sector groups engaged in both climate and biodiversity should have avenues to contribute (perhaps through multi-stakeholder advisory panels feeding into the JWP on specific topics). Ensuring transparency – by making all JWP documents public and holding briefings at COPs – will help maintain trust and buy-in.

5.4 Implementation at National and Local Levels

A JWP at the international level should stimulate integrated action nationally. To facilitate this, the JWP can:

- Develop or endorse guidance for national governments on setting up inter-ministerial coordination between those responsible for climate action and those handling biodiversity. Some countries might choose to prepare a combined “Climate and Biodiversity Action Plan” or hold joint stakeholder consultations for NDC and NBSAP updates. The JWP could compile best practices in an easily accessible format.
- Encourage pilot projects or Joint Implementation Initiatives in a few volunteer countries or regions. For example, a set of pilot countries could volunteer to align their next NDC with their revised NBSAP in 2025–2026, receiving technical support through the JWP. Their experiences would then be shared globally. This creates real-world proof of concept and can be funded through existing channels (e.g., the NDC Partnership, GEF Integrated Programs, etc., coordinated under the JWP umbrella).
- Work with other multilateral environmental agreements at the national level. Often, national focal points for different multilateral environmental agreements do not communicate regularly.¹²⁰ The JWP could request that Parties convene annual national roundtables of focal points for climate, biodiversity, desertification, and other relevant conventions (like wetlands, migratory species) to discuss synergy opportunities. While this is outside the direct control of the COPs, the decisions can “invite” Parties to do so, highlighting the value.

5.5 Synergizing Reporting and Stocktaking

International reporting processes can be adjusted for synergy:

- The CBD’s monitoring framework for the KMGBF and the Paris Agreement’s enhanced transparency framework (which includes the submission of biennial transparency reports, technical expert review, and a facilitative, multilateral consideration of progress) should strive to include information on co-benefits. The JWP can propose common reporting elements. For instance, when countries report on progress in their biennial transparency reports, they could include a section on ecosystem-based actions, referencing relevant GBF targets – and vice versa, CBD national reports could have a section on climate mitigation/adaptation contributions of biodiversity actions. This could also inform the upcoming revision (in 2028) of

¹¹⁸ UNFCCC, ‘Local Communities and Indigenous Peoples Platform’ <<https://lcipp.unfccc.int/homepage>>.

¹¹⁹ Secretariat of the CBD, ‘Working Group on Article 8(j)’ <<https://www.cbd.int/convention/wg8j.shtml>>.

¹²⁰ GL Rose, ‘Gaps in the Implementation of Environmental Law at the National, Regional and Global Level’ (First Preparatory Meeting of the World Congress on Justice, Governance and Law for Environmental Sustainability, Kuala Lumpur, 12–13 October 2011).

the modalities, procedures, and guidelines of the enhanced transparency framework,¹²¹ as well as the guidelines for national reports under the CBD.¹²²

- The outcome document of the Paris Agreement’s first Global Stocktake, which concluded in 2023, made initial references to nature (including nature-based solutions and ecosystem-based adaptation).¹²³ Future iterations of the Global Stocktake (which will take place every five years) could more systematically integrate biodiversity. The JWP should coordinate to submit joint inputs into the Global Stocktake. For example, a synthesis report by the CBD and UNFCCC Secretariats of how biodiversity actions contribute to mitigation/adaptation could be an input in 2028. Likewise, the Global Biodiversity Framework’s review in 2026/2029 should include an analysis of relevant climate trends, with the UNFCCC Secretariat providing data or review assistance through the JWP.
- It may also be possible to envision a Joint Climate-Biodiversity Summit or High-Level Segment periodically. For example, at the UN Summit for the Future (2024) or at a special session around 2030 (the end of the KMGBF and the end of a “critical decade” for climate), a combined review of achievements could be held, mandated by a UN General Assembly resolution if needed. The JWP can help plan for such events, lending coherence to the narrative that the world is tackling these crises in unison.

5.6 Integration with the UNCCD

While the focus of this briefing paper is on a UNFCCC–CBD Joint Work Programme, it is worth addressing the UNCCD (desertification), as land degradation is closely linked as well. The COP16 decision invites exploring a joint programme of all three Rio Conventions. One proposal is to initially establish the JWP between climate and biodiversity, and design it such that the UNCCD can plug in. For instance, certain workstream meetings could invite UNCCD experts or observers, especially on land-use matters. The eventual goal might be a Tri-Convention Joint Work Programme. However, tackling two conventions first might be more manageable and can later be expanded to include the third. The JWP’s steering committee could include a non-voting UNCCD secretariat liaison to keep information flowing. If the CBD and UNFCCC successfully launch a JWP, the UNCCD COP could adopt a decision to join it or create a triangular collaboration, especially since the UNCCD also deals with carbon (soil carbon, vegetation) and biodiversity in drylands. This staged approach ensures that the initial design is not overloaded, but at the same time means that it remains inclusive of broader efforts that ultimately span all environment domains.

5.7 Legal Formalization

Beyond COP decisions, if more formality is desired, the Parties could consider negotiating a joint memorandum of cooperation or even a framework agreement between the conventions. A memorandum, signed by the Executive Secretaries of UNFCCC and CBD (with COP approval), would delineate roles and expectations, giving the JWP a firmer footing. For now, a political declaration by ministers from both regimes endorsing the JWP could complement COP decisions, showing unity of purpose.

¹²¹ UNFCCC, ‘Decision 18/CMA.1, Modalities, Procedures and Guidelines for the Transparency Framework for Action and Support Referred to in Article 13 of the Paris Agreement’ UN Doc FCCC/PA/CMA/2018/3/Add.2 (19 March 2019), para 2

¹²² The guidance for the fifth national reports already requests CBD Parties to “[d]escribe also how synergies are achieved at the national level in the implementation of the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change (UNFCCC) the United Nations Convention to Combat Desertification (UNCCD) and other relevant conventions”. See CBD, ‘Guidelines for the Fifth National Report’ <<https://www.cbd.int/doc/nr/nr-05/NR5-guidelines-en.pdf>>.

¹²³ Decision 1/CMA.5 (n 60), para 33.

5.8 Safeguards and Reviews

To ensure the JWP remains on track and addresses concerns, built-in review mechanisms are needed. The decisions could mandate a mid-term review (e.g., in 2028) by an independent panel or through the Subsidiary Bodies, to assess effectiveness and recommend adjustments. Also, adopting safeguard principles at the outset – e.g., respect for Indigenous rights, no detriment to either convention’s objectives, not adding to existing commitments, transparency, etc. – will guide the JWP’s work. The Glasgow Climate Pact’s mention of safeguards in nature-based solutions and existing safeguards for biodiversity under the CBD and UNFCCC (e.g., those developed in the REDD+ context) provide a starting point.

Taken together, these proposals create a roadmap for embedding synergy into the machinery of global environmental governance. They aim to institutionalize cooperation so that it is not dependent on ad-hoc goodwill but becomes a normal part of how these treaties operate. If implemented, by 2030 we would expect to see: national climate and biodiversity plans that are two halves of a coherent whole; financing mechanisms routinely funding projects that tick both boxes; climate negotiators and biodiversity negotiators working from a common playbook for nature-based solutions and ecosystem-based approaches; and ultimately, improved outcomes – a more stabilized climate and a thriving natural world, each reinforcing the other.

The reforms are ambitious but attainable. Many elements (joint workshops, reports, aligning plans) do not even require large budgets, just political coordination. The largest hurdle is initial political agreement, but as shown, momentum is growing and Parties are increasingly aware that time is short and leveraging every effort is necessary. The dual crises demand dual-response mechanisms. The Joint Work Programme, as fleshed out above, is our best candidate for that framework. It represents a shift from words to action, using the law and institutions we have creatively to break down silos.

6. Conclusions

The climate and biodiversity crises form an intertwined challenge that the international community can no longer afford to address in isolation. This briefing paper has demonstrated that the UNFCCC and CBD – the two principal global treaties for these issues – have strong legal grounds and practical reasons to join forces through a Joint Work Programme. By reviewing the science of climate–biodiversity linkages, the evolution of treaty regimes, and the opportunities within the legal frameworks, we have laid out a comprehensive case and a set of actionable proposals for integrating efforts. The essential conclusion is that enhancing synergies between the UNFCCC and CBD is indispensable for the effectiveness of both conventions.

The proposals offered, centred on establishing a Joint Work Programme with defined themes (from aligning national plans to mobilizing joint finance), provide a clear blueprint. They emphasize that cooperation need not undermine the integrity of each convention; on the contrary, strategic cooperation enhances each convention’s ability to meet its own objectives. By implementing a JWP, the UNFCCC will gain access to biodiversity expertise crucial for sustainable mitigation and adaptation, and the CBD will gain stronger climate action to safeguard ecosystems. It is a win-win that also streamlines efforts for Parties – especially developing countries that often face the burden of fragmented reporting and conditional funding. Moreover, integrating these efforts resonates with the wider philosophy of sustainable development: problems are interconnected, and solutions must be as well.