

Defending the Mitigation Hierarchy in the Nature Positive Era

ZERO NET
LOSS OF NATURE
FROM 2020

FULL
RECOVERY
BY 2050

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'Nature positive' must incorporate, not undermine, the mitigation hierarchy

Nat Ecol Evol 1–4. <https://doi.org/10.1038/s41559-023-02199-2>

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Paper via *Nature Ecology & Evolution* – email me for PDF megan.evans@unsw.edu.au

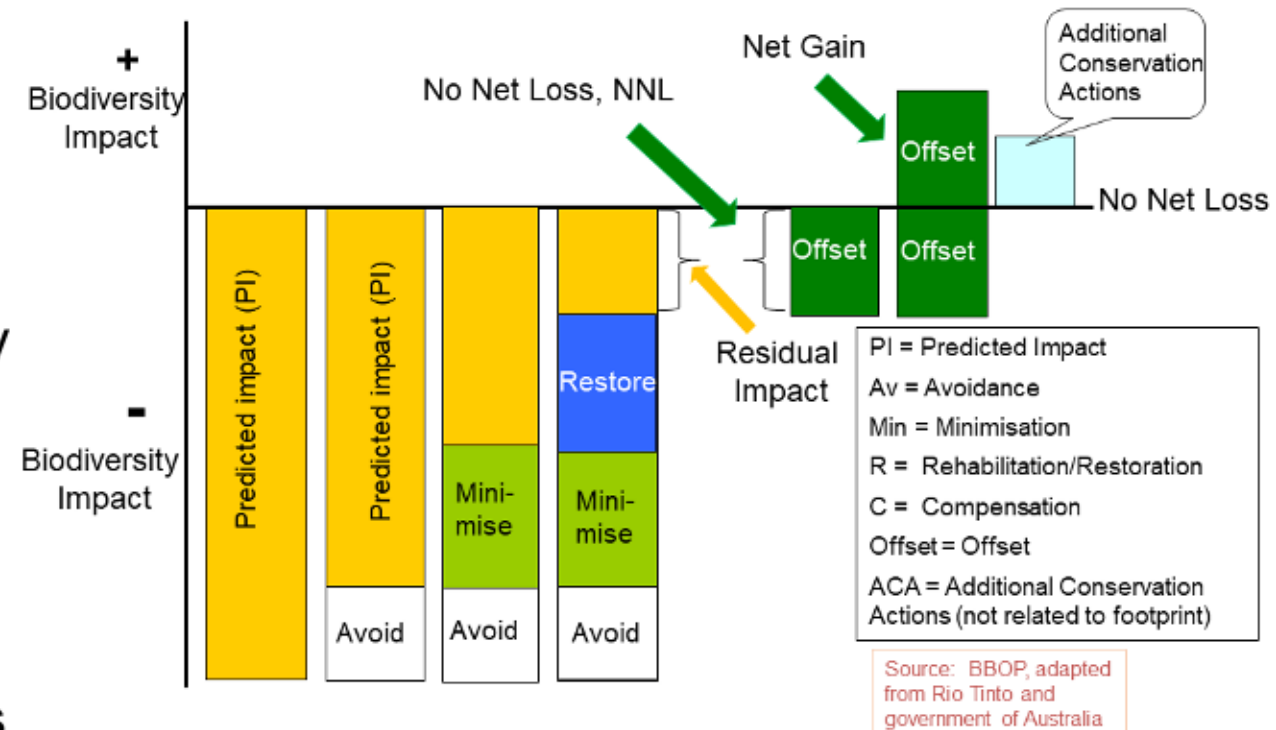
NATURE POSITIVE

**CORPORATES
GOVERNMENTS
ENGOS**

**MITIGATION
HIERARCHY**

What is the Mitigation Hierarchy?

- Underpinned environmental regulation in pretty all countries, for decades.
- **Avoid, minimise, restore, and only after all those steps are exhausted & when feasible, offset**
- In theory - *maximises social welfare* by placing a “**price on nature**” via the offset. When the price of an offset is high, further avoidance is incentivized.
- Offsets should be additional, like-for-like, and deliver an overall **no net loss** (neutral) or **net gain** outcome



The problem?

We often suck at applying the Mitigation Hierarchy

Received: 12 April 2019 | Revised: 28 June 2019 | Accepted: 9 July 2019

DOI: 10.1111/1365-1264

REVIEW

Conservation Letters
WILEY

The ecological outcomes of biodiversity offsets under “no net loss” policies: A global review

Sophus O. S. E. zu Ermgassen¹ | Julia Baker² | Richard A. Griffiths¹ | Niels Strange³ | Matthew J. Struebig¹ | Joseph W. Bull¹

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Abstract

No net loss (NNL) biodiversity policies mandating the application of a mitigation hierarchy (avoid, minimize, remediate, offset) to the ecological impacts of built infrastructure are proliferating globally. However, little is known about their effectiveness at achieving NNL outcomes. We reviewed the English literature

Check for updates

Received: 18 January 2022 | Revised: 23 February 2022 | Accepted: 28 February 2022

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RESEARCH ARTICLE

WILEY

Backloading to extinction: Coping with values conflict in the administration of Australia’s federal biodiversity offset policy

Megan C. Evans

Public Service Research Group, School of Business, University of New South Wales, Canberra, Australian Capital Territory,

Abstract

Policy-makers are frequently required to consider and

This was published 1 year ago

Developers treat critical habitats ‘like a magic pudding’ under government scheme



Nick O'Malley
August 30, 2022 – 6:13pm

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An environment law designed to protect endangered animals and ecosystems was poorly designed and ineffectively implemented, marked by conflict of interest and lack of transparency and may have failed to offer any protection, a NSW auditor-general report has found.

Under the Biodiversity Offsets Scheme, developers can offset damage their

ABC NEWS

Warragamba Dam's EIS shows New South Wales government's efforts to avoid compensation

By national science, technology and environment reporter Michael Slezak and the Specialist Reporting Team's Penny Timms
Posted Thu 30 Sep 2021 at 6:26am, updated Thu 30 Sep 2021 at 12:31pm



This article is more than 9 months old

NSW environmental offsets scheme risks ‘trading away’ threatened species ‘for cash’, inquiry finds

Inquiry says it is too easy for developers to pay cash to biodiversity offsets fund with no guarantee offsets will ever be found

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Hume Highway duplication project failed to protect threatened species, ANU study finds

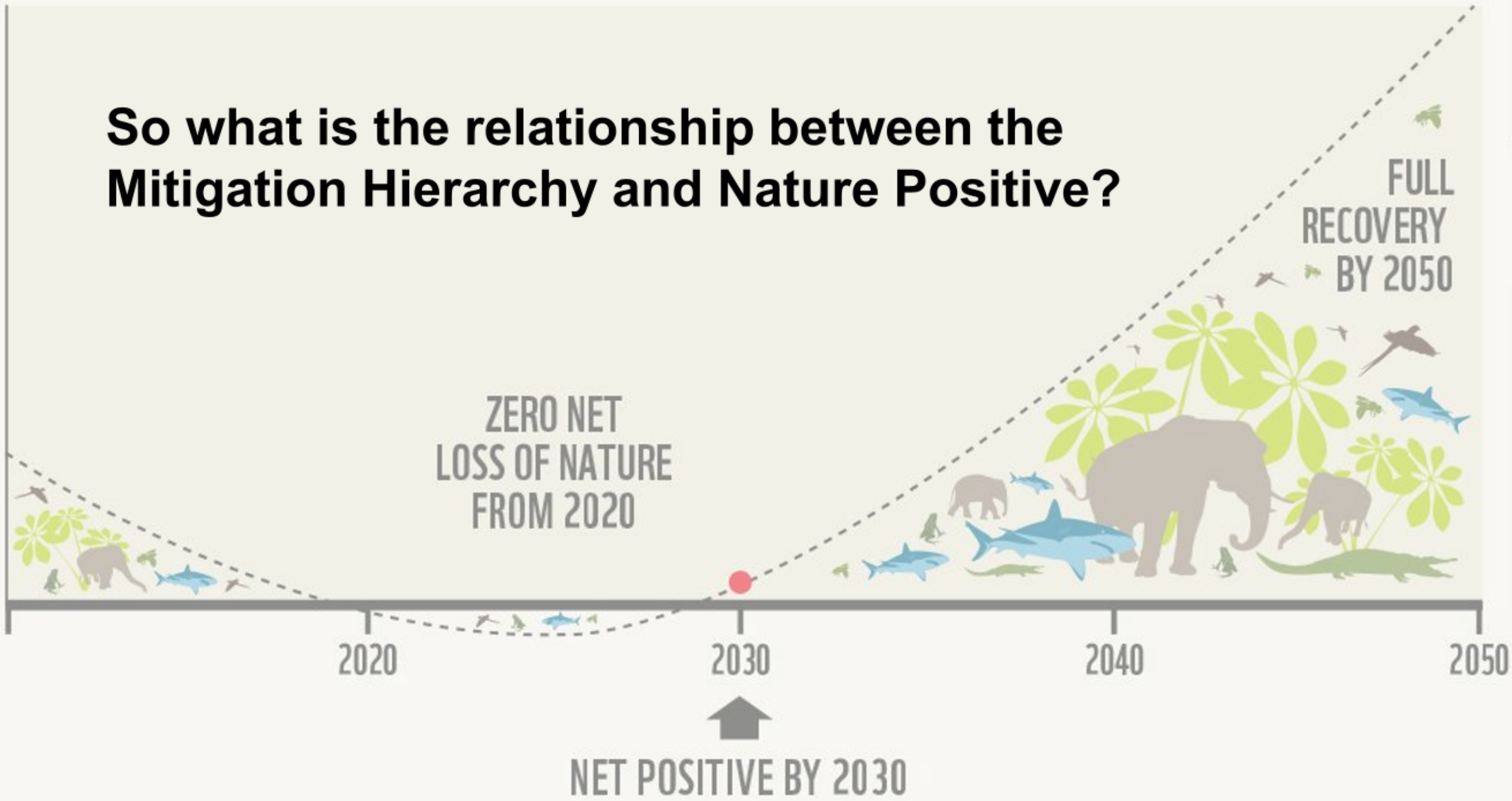
ABC Riverina / By Benjamin Shulhyte
Posted Fri 19 May 2017 at 12:18pm, updated Sat 20 May 2017 at 10:16am

One of the report's co-authors, University of Queensland Postdoctoral Research Fellow Megan Evans, believes the compliance requirement was part of the problem.

"To satisfy the conditions of the offset, the proponent only had to erect the nest boxes even if they completely failed to provide habitat for threatened species," Ms Evans said.

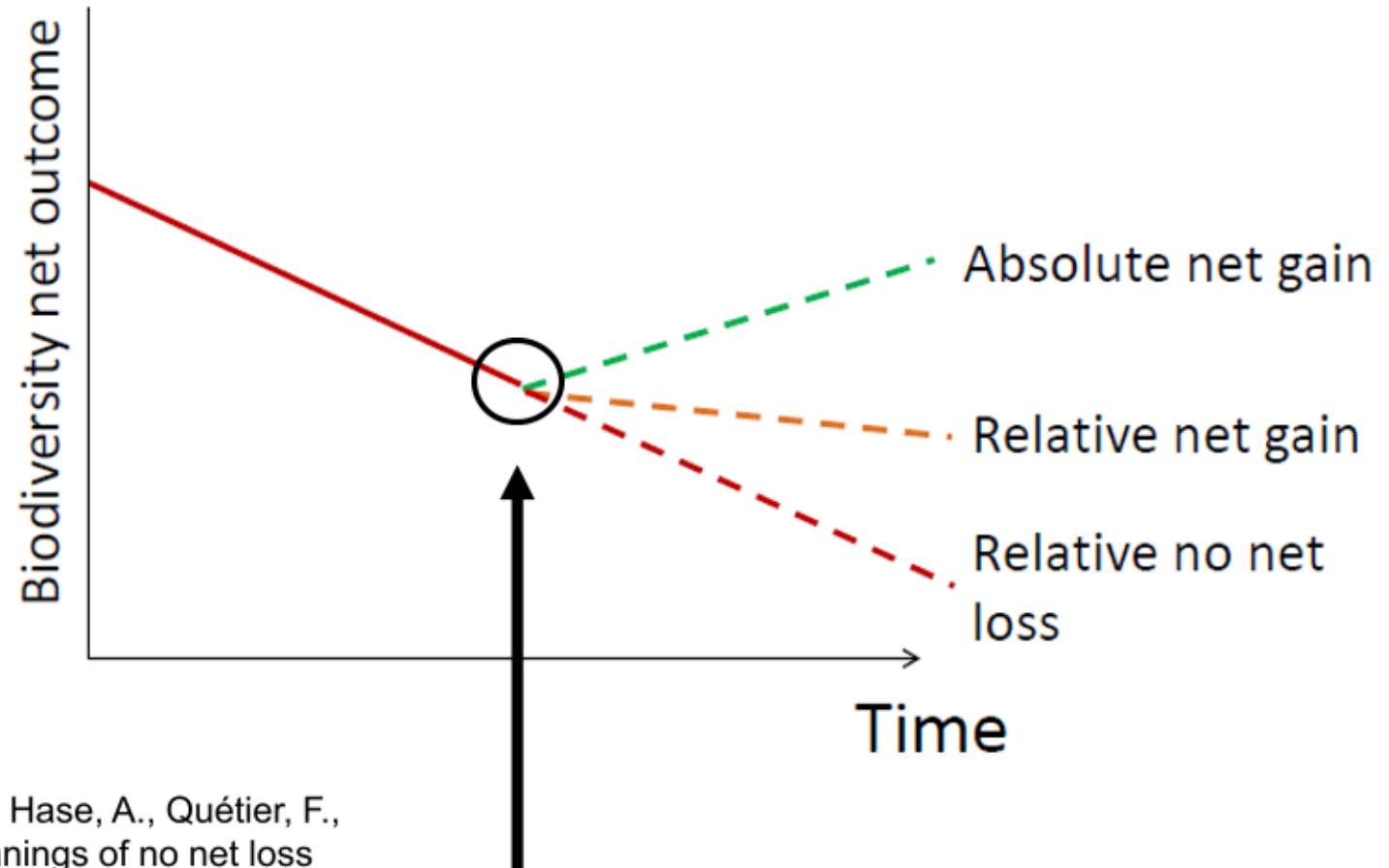


So what is the relationship between the Mitigation Hierarchy and Nature Positive?



Nature positive: an extension, not a replacement

Nature positive is not about an 'upgrade' from no net loss to net gain/net positive, but a *change from relative to absolute outcomes*

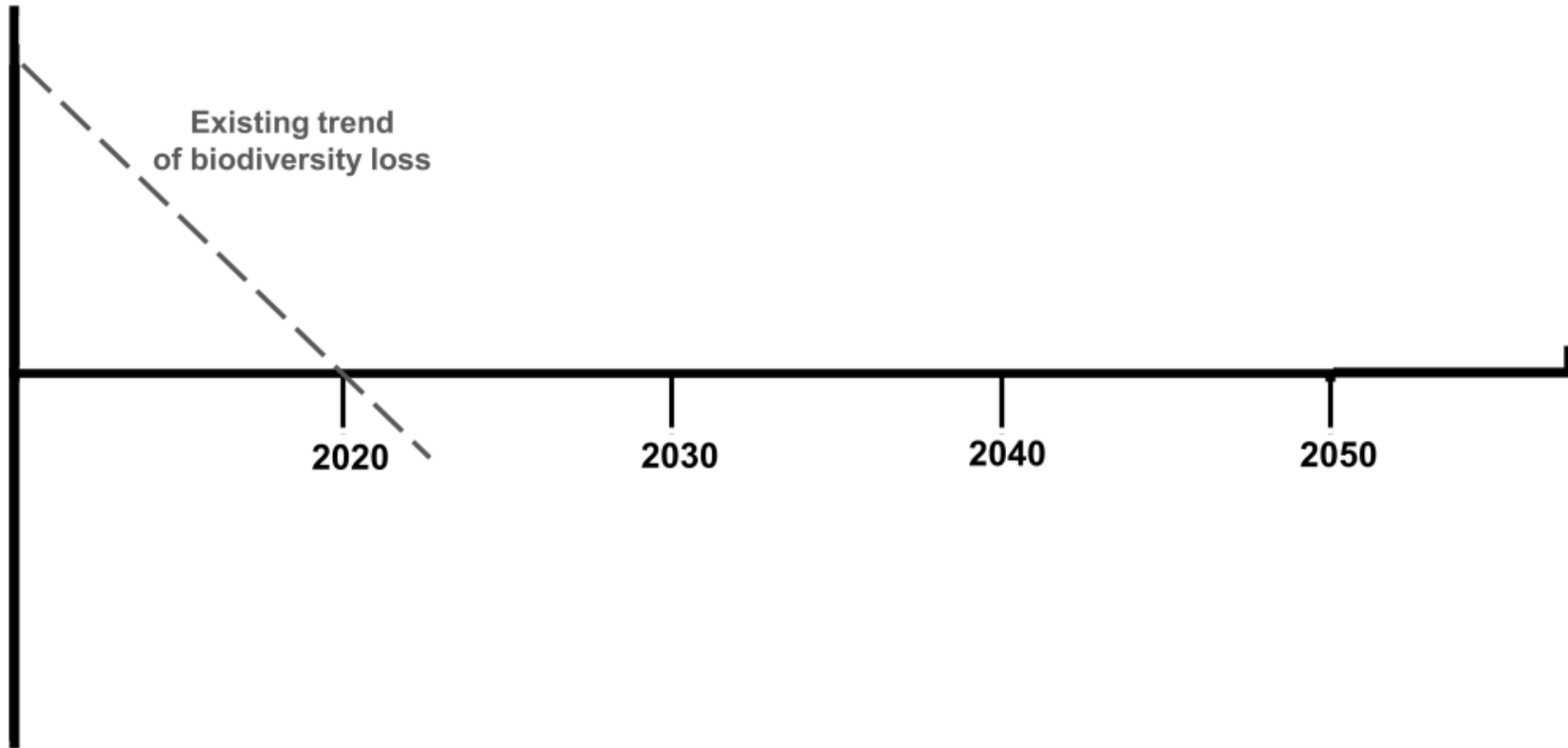


Maron, M., Brownlie, S., Bull, J. W., Evans, M. C., von Hase, A., Quétier, F., Watson, J. E. M., & Gordon, A. (2018). The many meanings of no net loss in environmental policy. *Nature Sustainability*, 1(1), 19–27.

<https://doi.org/10.1038/s41893-017-0007-7>

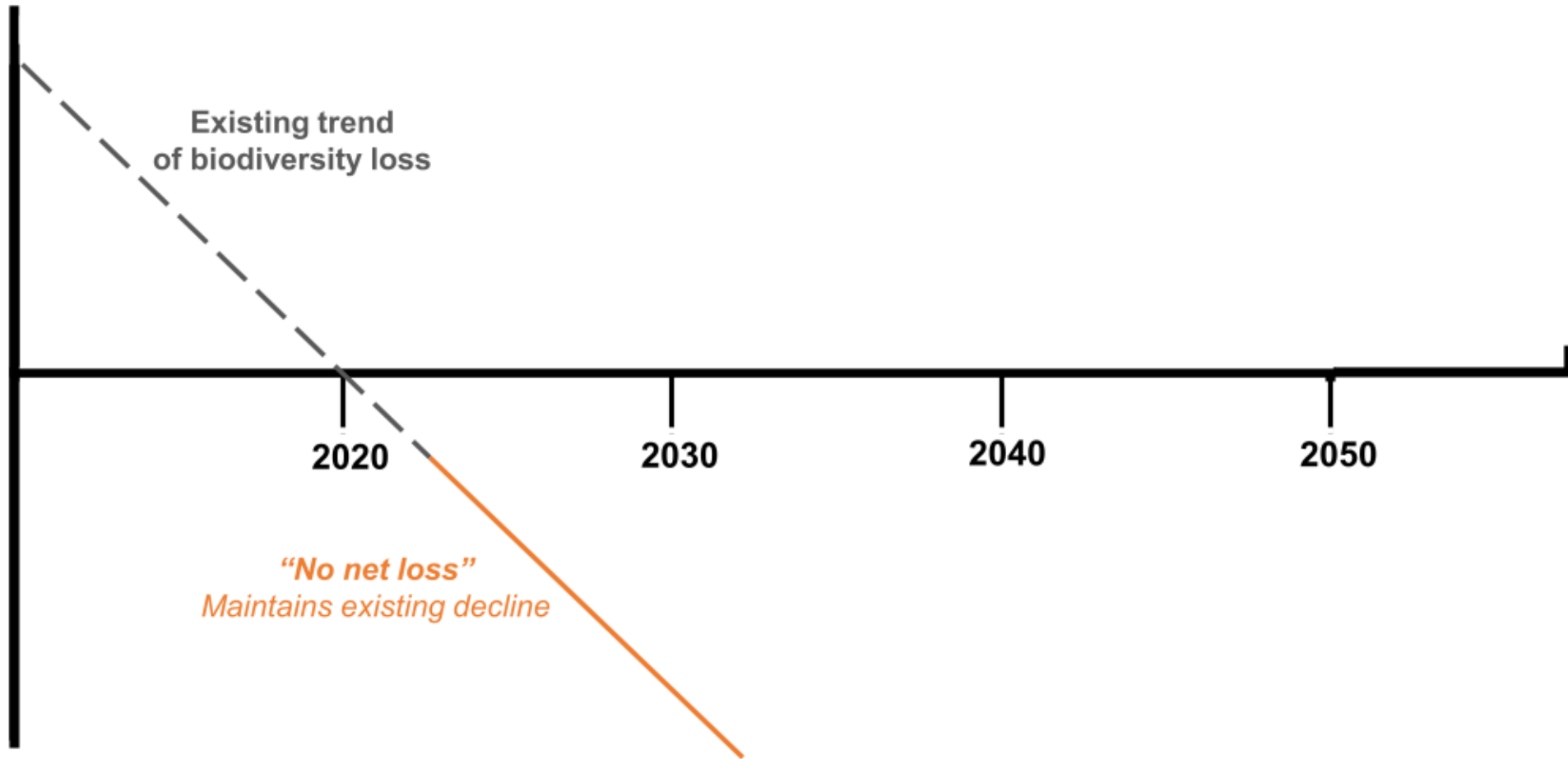
What is “Nature positive”?

vs net positive/gain and no-net-loss



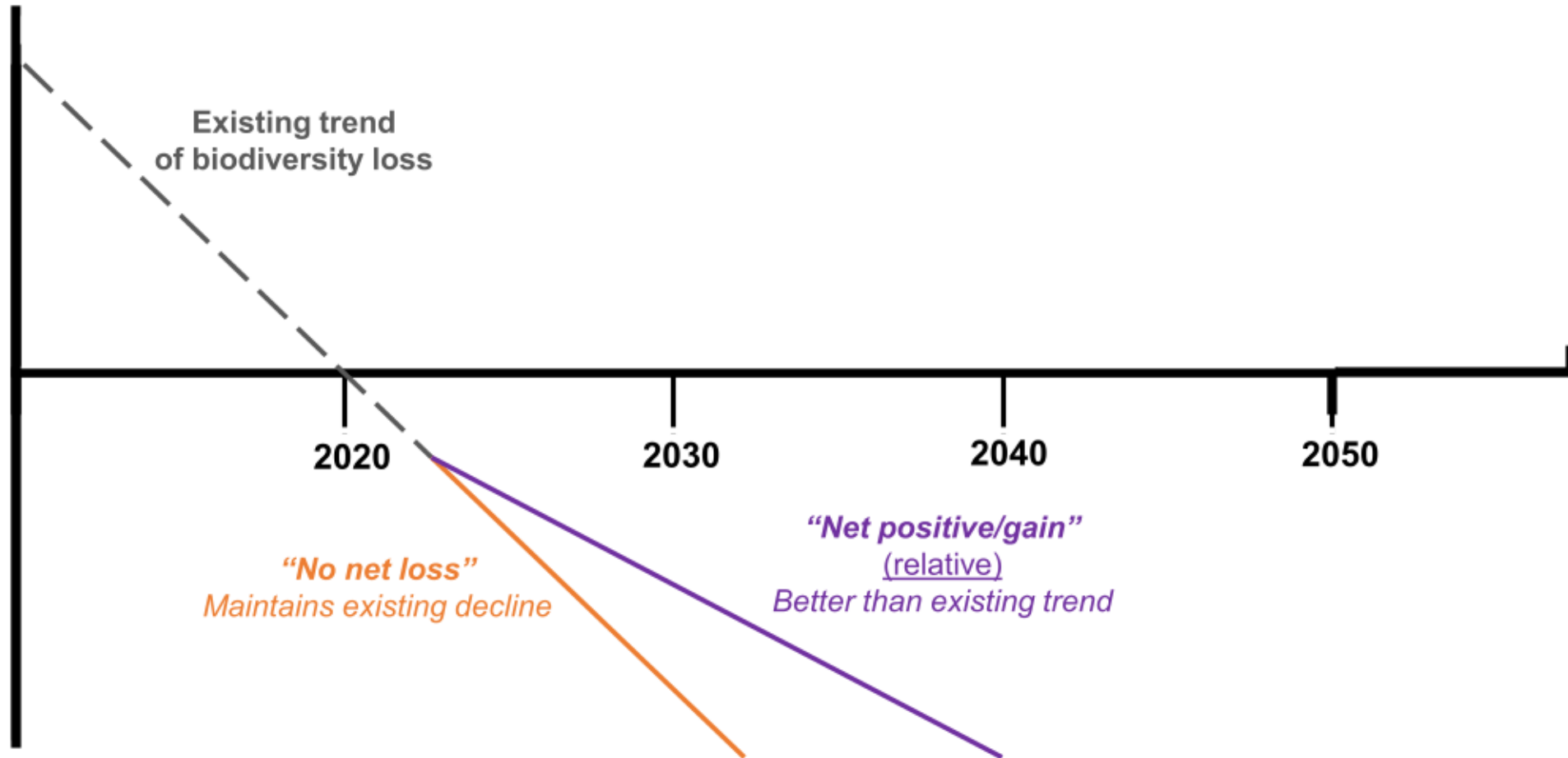
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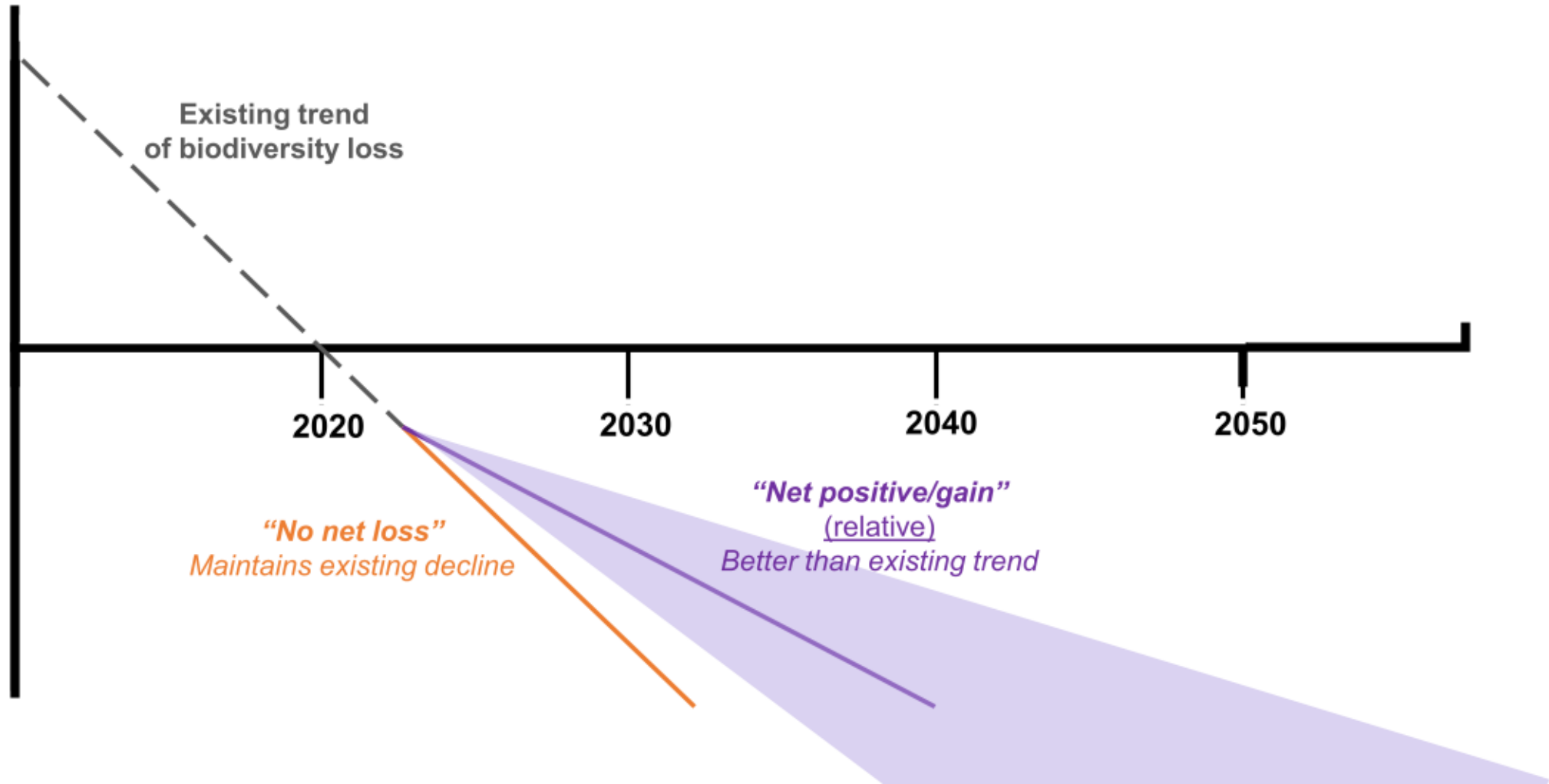
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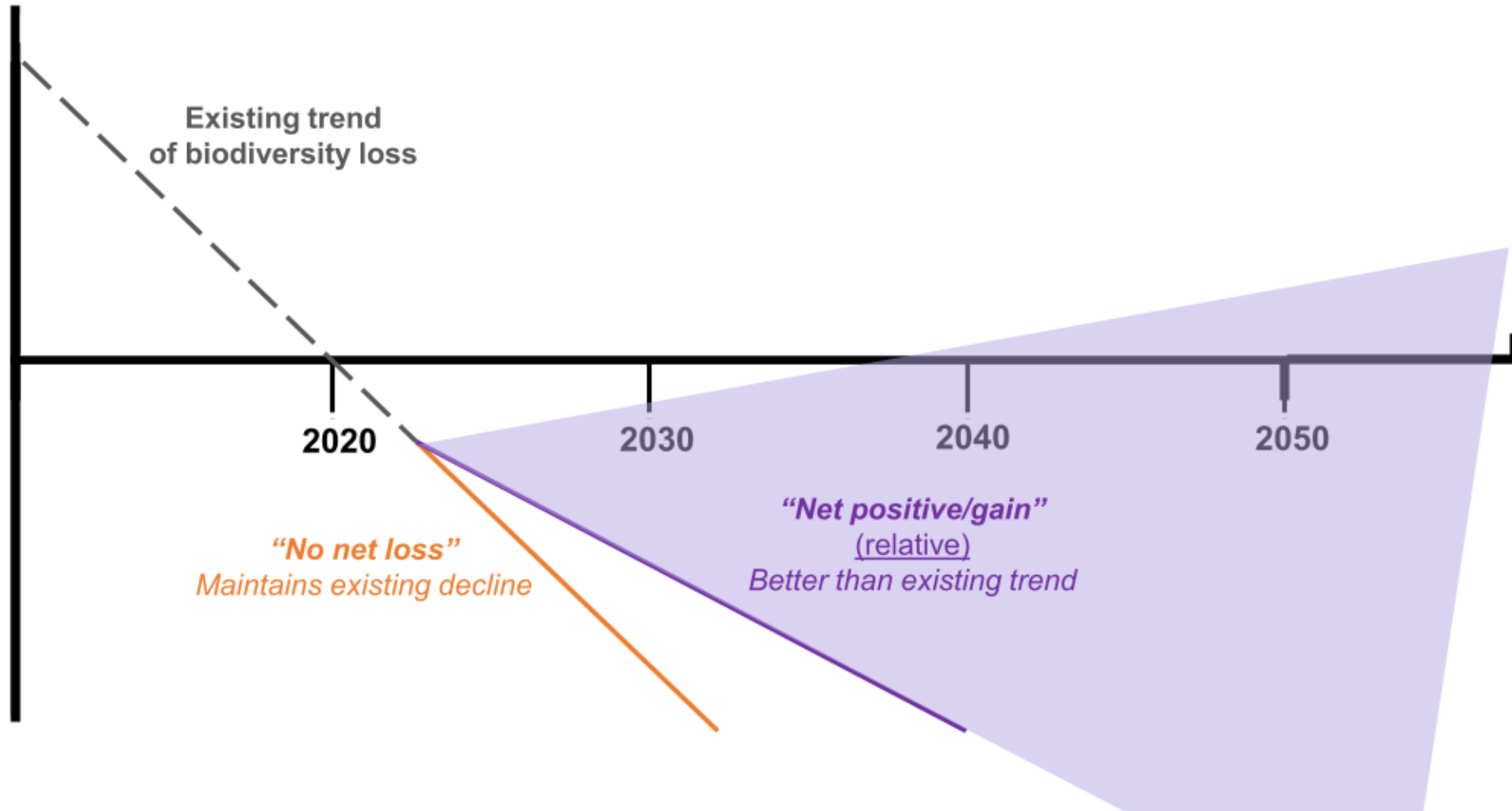
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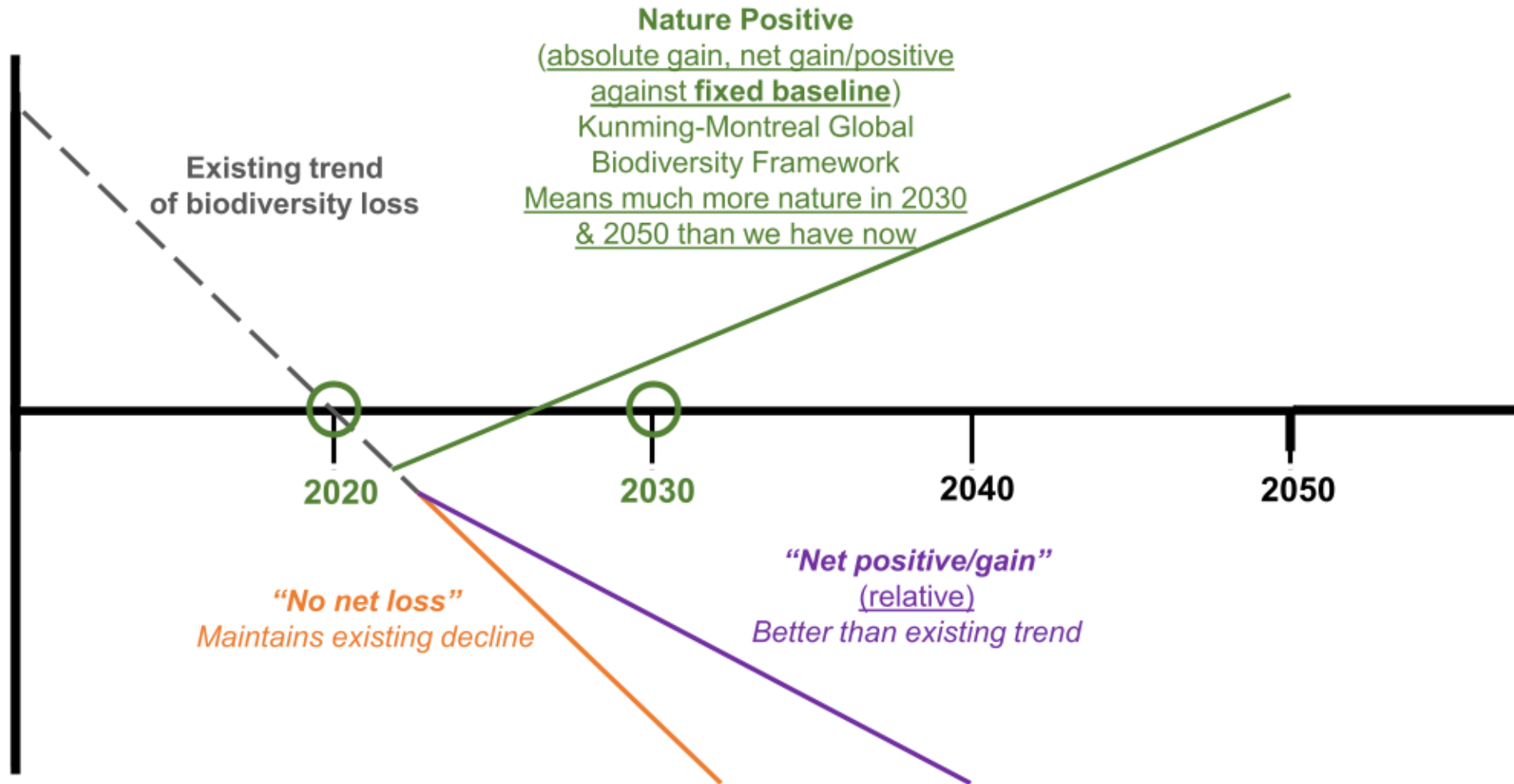
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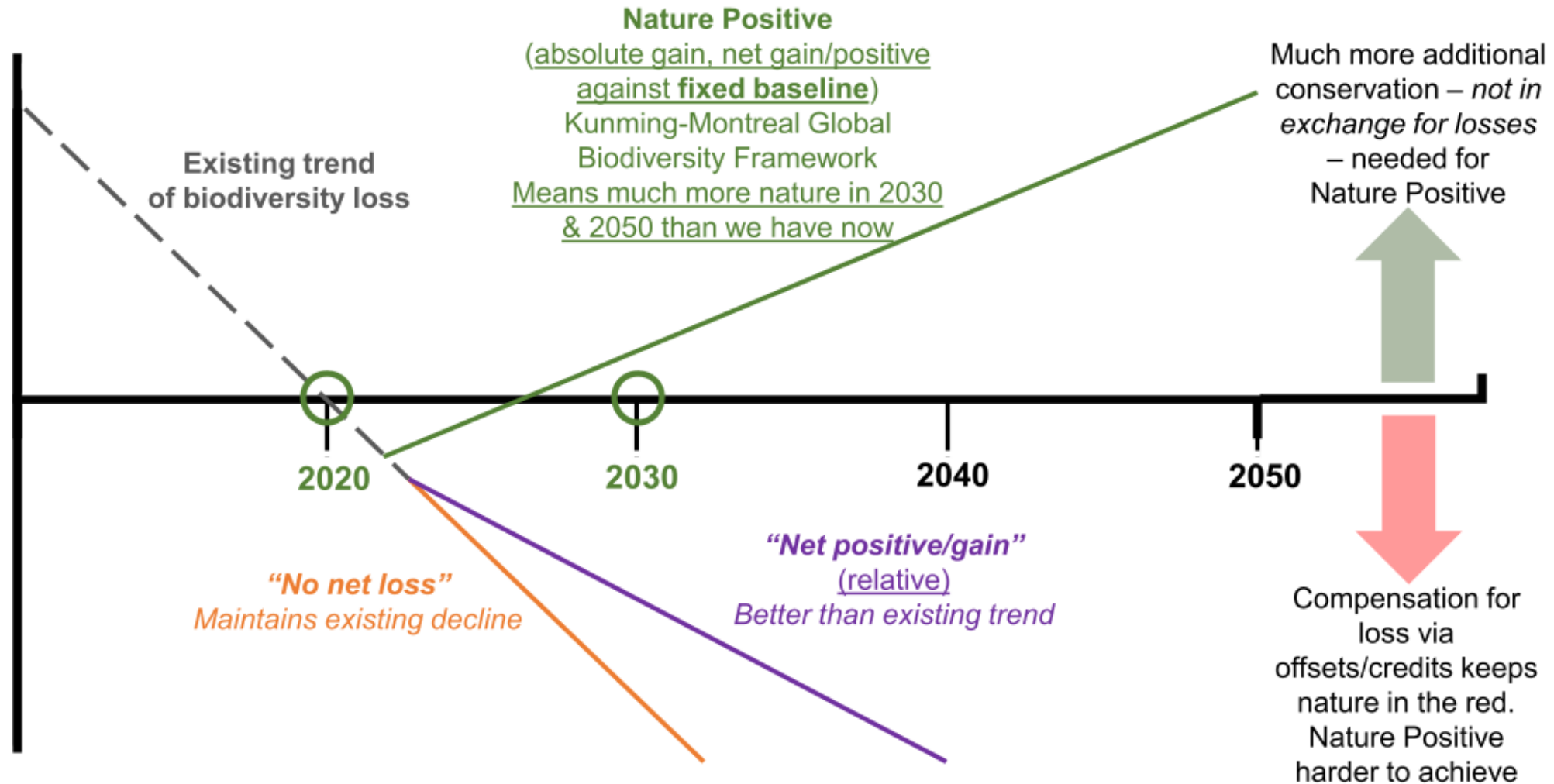
What is “Nature positive”? vs *net positive/gain* and *no-net-loss*

“...halt and reverse nature loss **measured from a baseline of 2020**, through increasing the health, abundance, diversity and resilience of species, populations and ecosystems **so that by 2030** nature is visibly and measurably on the path of recovery”
naturepositive.org



What is “Nature positive”? vs net positive/gain and no-net-loss

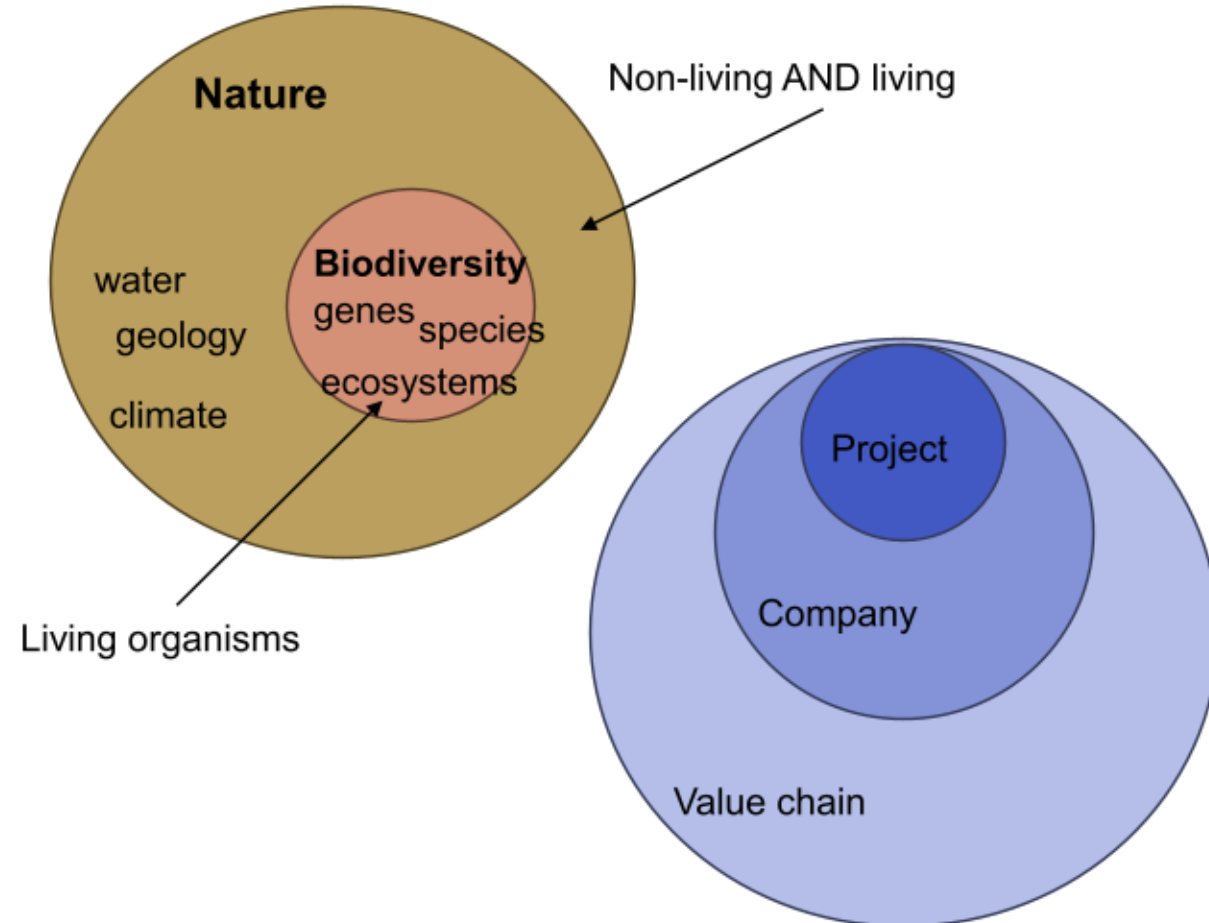
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naturepositive.org



Nature positive: an extension, not a replacement

Nature positive extends beyond:

- biodiversity; **includes other elements of nature** (water, soil, etc)
- direct sphere of influence; **includes entire value chains**



Nature positive: an extension, not a replacement

So, achieving Nature Positive requires **all of this**:

1. Fully applying the Mitigation Hierarchy for 'direct footprint' impacts – increasing its effectiveness, AND increasing its ambition to...
2. Applying the Mitigation Hierarchy to address indirect/value chain/other nature impacts, PLUS
3. Additional investment in conservation and restoration – BEYOND compensation of impacts - to achieve **absolute gain**

Nature positive: an extension, not a replacement

...it **does NOT** mean:

- Calling individual activities or outcomes “nature positive”
- Skipping over the strict requirements of the Mitigation Hierarchy in favour of so-called “nature positive” investments
- Focusing only on the “positive” and “opportunities”, whilst ignoring or obfuscating losses

nature ecology & evolution

World View | [Published: 08 August 2022](#)

Don't dilute the term Nature Positive

[E. J. Milner-Gulland](#) 

[Nature Ecology & Evolution](#) **6**, 1243–1244 (2022) | [Cite this article](#)

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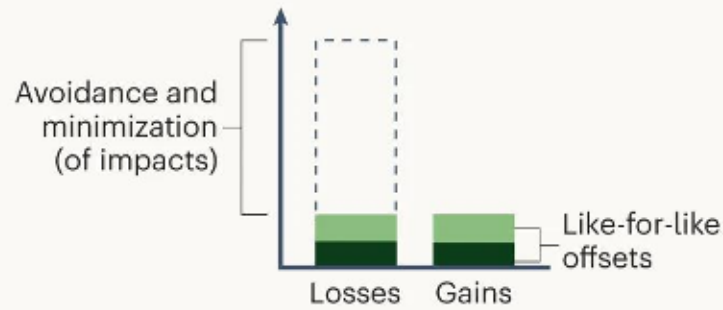


Nature Positive is an aspirational term that is increasingly being used by businesses, governments and NGOs, but there is a danger that its meaning is being diluted away from measurable overall net gain in biodiversity towards merely any action that benefits nature, argues E.J. Milner-Gulland.

An approach to nature positive that helps tackle the biodiversity crisis

Maron, M., et al. (2023).
Nature Ecology & Evolution, 1–4.

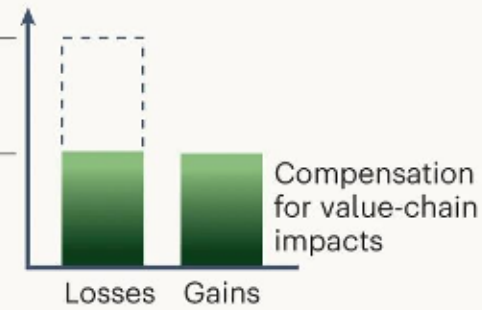
Compensatory



1. Project level

- Limits defined, avoidance prioritized
- Indirect & cumulative impacts included
- Offsets are like-for-like

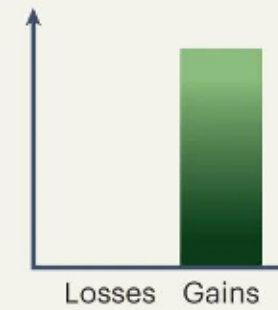
Avoidance and minimization



2. Value-chain level

- Impacts assessed and addressed
- Compensatory actions target affected biodiversity

Non-compensatory



3. Other conservation actions

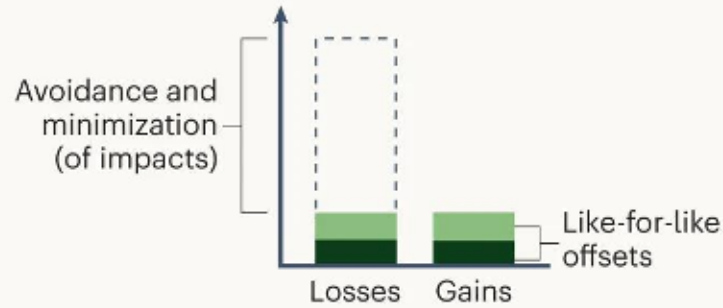
- Do not replace the mitigation hierarchy
- Include hard-to-replace biodiversity

 Easy to restore/common  Hard to restore/highly threatened

An approach to nature positive that helps tackle the biodiversity crisis

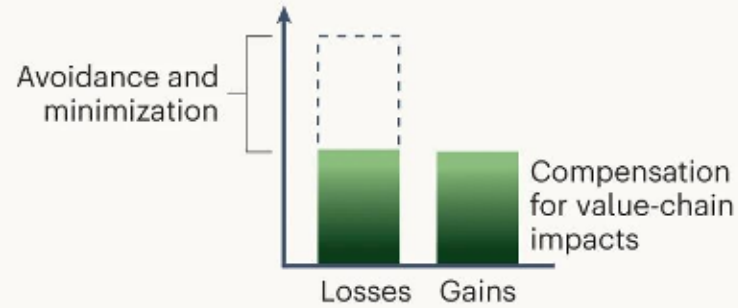
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Compensatory



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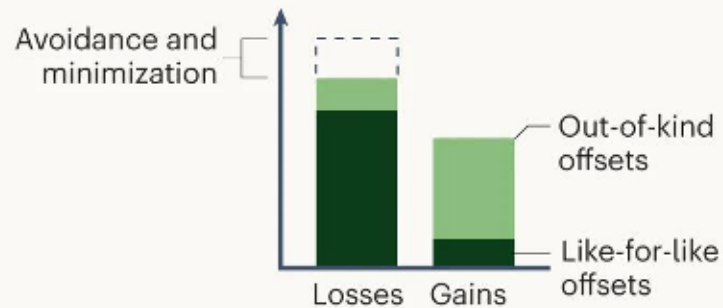


3. Other conservation actions

- Do not replace the mitigation hierarchy
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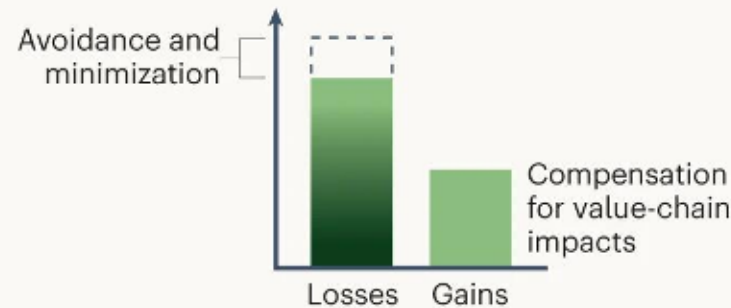
“Nature positive” misused as greenwash

Easy to restore/common
 Hard to restore/highly threatened



1. Project level

- Limits not set, avoidance minimal
- Indirect and cumulative impacts ignored
- Like-for-like not required for offsets



2. Value-chain level

- Minimal attention to impacts
- Mitigation primarily through generic credits



3. Other conservation actions

- Generic benefits replace robust application of mitigation hierarchy at project and value-chain levels

Australia's Nature Repair ~~Market~~ scheme and proposed 'nature positive' laws

- Certificates may no longer be used to compensate/offset regulated environmental losses - demand should now be purely 'voluntary'

Nature repair bill passes after Greens agree to deal

<https://www.aap.com.au/news/nature-repair-bill-passes-after-greens-agree-to-deal/>

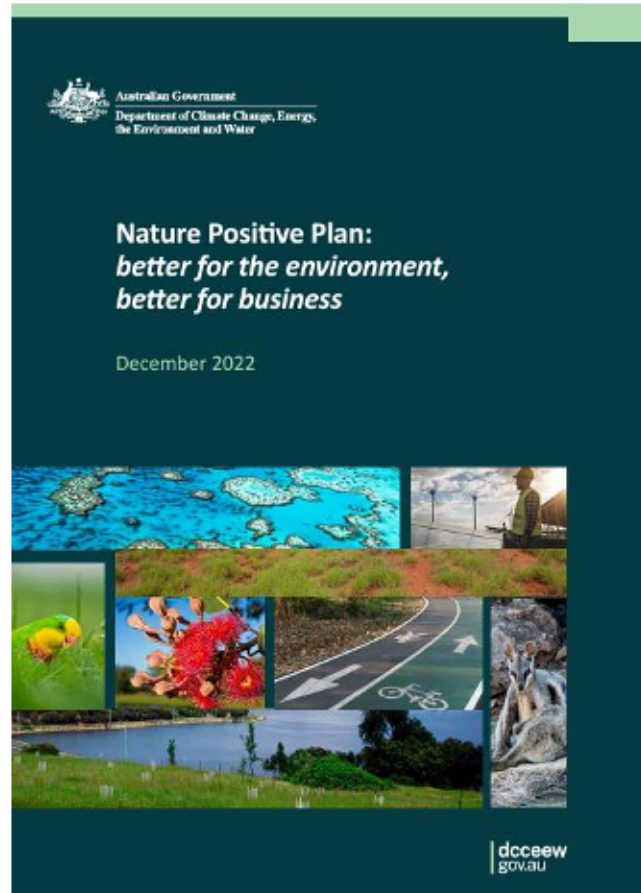
 Andrew Brown |  December 6, 2023

 |  | 

Land owners will be able to be paid to improve the environment on their properties after the Greens struck a deal with the government on its proposed nature repair market.

Under the scheme, which passed the Senate on Tuesday, businesses and philanthropists would be able to come forward and invest in projects to protect the environment.

Australia's Nature Repair Market scheme and proposed 'nature positive' laws



- Under the draft *Nature Positive (Environment) Bill 2023*, 'like for like' offsetting of environmental losses will no longer be required – proponents can simply 'pay and go'.
- Payments also not required to deliver 'like for like' outcomes, if decision-makers determine that a more general environmental outcome is "*better overall*".
- Ultimately, this is a **policy regression** that exploits the term 'nature positive' to obfuscate the accumulation of losses of biodiversity that is already highly threatened
- Who decides what is "*better overall*", and how? In other words, **who decides which species goes extinct?**

<https://consult.dcceew.gov.au/australias-new-nature-positive-laws>

Biodiversity credits

- Defined partly as “not offsets”:
 - “Not intended to facilitate offsetting or compensation...”
 - “...aim to contribute to biodiversity net gain...”
 - “...part of a company’s nature-positive journey...”
- *Intentions* are not the same as *impact*
- Purchase of biodiversity credits (even if they are high integrity) and making “nature positive” claims, **whilst ignoring or not quantifying losses** – is still a form of compensation (and greenwash)



What does this mean for policy?

- Biodiversity markets are geared towards supplying the easy (and cheap) biodiversity gains
- Public policies must:
 1. **Prevent losses** of our most threatened and impossible to restore biodiversity
 2. **Fund (with public finance)** the difficult and expensive repair work
 3. **Lead by example** and not engage in diluted and misleading “nature positive” claims

What about practice?

- Credit buyers AND sellers should conduct “due diligence”, and consider the *net impact* (or consequence) of buying and selling biodiversity credits
- Greenwashing (deliberate or not) carries legal and financial risks
- “Skipping over” the mitigation hierarchy and buying credits instead effectively “kicks the can down the road” and compounds future environmental and economic risks

“Fads seem never to die of their own weight but rather are replaced by or incorporated in a new approach.

*There seem to be 3 integral parts to this process: first, an **absolute abnegation** of the previous approach or fad; second, an insistence that the next approach **is totally new**, usually signaled by a snappy **new name**; and third, not uncommonly, incorporation into the “new” approach of strong elements of the approach it is replacing.”*

Redford, Padoch, & Sunderland (2013). Fads, Funding, and Forgetting in Three Decades of Conservation. *Conservation Biology* 27, 437–438. <https://doi.org/10.1111/cobi.12071>

Thank-you

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'Nature positive' isn't just planting a few trees – it's actually stopping the damage we do

Published: September 22, 2023 6.06am AEST

THE CONVERSATION

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Have you heard the phrase “nature positive”? It’s suddenly everywhere.

The idea is simple: rather than continually erode the natural world, nature positive envisions a future with more nature than we have now.

Created by an [environmental alliance](#), the nature positive concept has been embraced by [industry](#), [world leaders](#) and conservationists.

Sudden popularity can be reason for caution. After all, we’ve seen well-intended ideas become cover for greenwashing before. And without strong guardrails, we

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