

Biodiversity and nature positive recovery

Creating nature positive solutions to address biodiversity loss across industry sectors requires ingenuity, audacity and commitment. At Hogan Lovells we collaborate with and advise our clients in complying with regulatory requirements while enabling business to proceed with minimal adverse environmental impact. These dual objectives are at the forefront of the UN Sustainable Development Goals and the evolving Post 2020 Global Biodiversity Framework.

The issue

The World Economic Forum has indicated that half of global GDP is exposed to risks from nature loss. Companies are facing the need to assess the impacts of their own activities on the environment, comply with new and developing regulatory frameworks and engage with activities and technologies to restore biodiversity and tackle climate change. Creative solutions will often involve partnerships between the private sector, government and NGOs.

Nature loss is reaching a critical point - 83% of wild mammals and half of all plants have been adversely impacted, largely due to habitat loss. Three-quarters of ice-free land and two-thirds of marine environments have been severely altered, according to the World Economic Forum Global Risk Report 2020. Biodiversity loss has implications for nature related risk which is present throughout value chains.

Legislators across the world are increasingly recognising the potential of a nature positive economy, including the potential creation of 395 million jobs worldwide. World leaders have pledged to undertake urgent actions to reverse biodiversity loss over the next ten years as part of the UN Decade of Action to achieve Sustainable Development.

What we do

We have a cross-disciplinary team of scientists and finance, regulatory, and commercial lawyers who can provide tailored advice on the emerging principles and innovations to assist with the development of sector related nature positive solutions and mobilization of capital.

We are part of the informal observers group on the Taskforce on Nature Financial Disclosure, which aims to build awareness and capacity to reduce the negative impacts of the financial sector on biodiversity.

We advise clients on the rapidly changing regulatory environment and help them to analyze and take advantage of incentives which increasingly facilitate partnerships (PPPs) to achieve biodiversity goals.

Ecosystems are complex, and redirection of impacts, when unavoidable, require time and expertise. We have experience evaluating a wide range of scientific literature and data to allow clients to make informed legal decisions. We have advised in relation to the credentials of company-sponsored restoration projects and the validity of scientific evidence underlying positive and negative ecosystem effects

In the United States, Hogan Lovells lawyers are at the forefront of practitioners in the development and implementation of tax-leveraged conservation programs, in administration of Multiple Species Habitat Conservation Plans under the Endangered Species Act, and the development of programs for mitigation banking where needed to meet regulatory requirements.

In Europe, Hogan Lovells is supporting a pioneering initiative to make Europe a wilder place. Since 2019, as part of our sustainability programme to promote biodiversity and environmental protection, we have been committed to financing rewilding efforts in Selkie, Finland, where a former peat extraction site is being transformed into an emerging and thriving ecosystem by our partner Snowchange Cooperative.

Our impact

Examples of our nature positive partnerships with clients and biodiversity advice include:

- Advising the European Investment Bank in connection with an investment in a sustainable forestry fund
- Advising Blue Ventures on the issuance of blue carbon credits to be sold in respect of a project to preserve and reforest mangrove forests in Madagascar
- Advising CDP on the issue of the first Italian “Sustainability Bond” for a nominal amount of €500 million, reserved to institutional investors. The proceeds arising from the issue will allow CDP to fund projects with environmental and social impacts
- Advising the Alderney Wildlife Trust in drafting a new law to protect the rich marine and terrestrial wildlife and supporting the Alderney’s General Services Committee on the responsibility and duties relating to conversation and protection of wildlife
- Advising and supporting the African Union’s Great Green Wall mission to restore Africa’s degraded landscapes and transform millions of lives in one of the world’s poorest regions, the Sahel. Once complete, the Wall will be the largest living structure on the planet – 8,000 km stretching across the entire width of the continent

Useful links

- [The Taskforce on Nature Related Financial Disclosure](#)
- [World Economic Forum Report 2020 : The Future and Nature and Business](#)

Relevant contacts



Adrian Walker
Partner, London
adrian.walker@hoganlovells.com



Doug Wheeler
Senior Counsel, Washington, D.C.
douglas.wheeler@hoganlovells.com



Fenella Chambers
Senior Associate, London
fenella.chambers@hoganlovells.com



Marta Thompson
Senior Associate, Washington, D.C.
marta.thompson@hoganlovells.com



Dr. Marion Palmer
Senior Scientist, London
marion.palmer@hoganlovells.com



Manon Cordewener
Office Managing Partner, Amsterdam
manon.cordewener@hoganlovells.com



Hilary Tompkins
Partner, Washington, D.C.
hilary.tompkins@hoganlovells.com



Gill McGreevy
Office Managing Partner, Birmingham
gill.mcgreevy@hoganlovells.com



Jim Banks
Partner, Washington, D.C.
james.banks@hoganlovells.com

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