

**Information Document
(ANNEX to the Discussion Document)**

**Legislative complementarity and harmonisation of
biodiversity-related multilateral environmental agreements**

For:

UNEP/UNDP/GEF Biodiversity Planning Support Programme (BPSP)

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List of Acronyms

ACCOBAMS	Agreement on the Conservation of Cetaceans of the Mediterranean and Black Seas
AEWA	Agreement on the Conservation of African-Eurasian Migratory Waterbirds
ASCOBANS	Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas
BPSP	Biodiversity Planning Support Programme (UNEP/UNDP/GEF)
CBD	Convention on Biological Diversity
CCD	Convention to Combat Desertification
CITES	Convention on the International Trade in Endangered Species of Wild Fauna and Flora
CMS	Convention on the Conservation of Migratory Species of Wild Animals
COP	Conference of the Parties
EUROBATS	Agreement on the Conservation of Bats in Europe
GBF	Global Biodiversity Forum
GEF	Global Environment Facility
GMEF	Global Ministerial Environment Forum
GPA	Global Programme of Action
IAIA	International Association for Impact Assessment
ICARM	Integrated Coastal Area and River Basin Management (UNEP)
ICCROM	International Centre for the Study of the Preservation and Restoration of Cultural Property
ICOMOS	International Council on Monuments and Sites
IGM	Open-ended Intergovernmental Group of Ministers or their Representatives on International Environmental Governance
IPCC	Intergovernmental Panel on Climate Change
IUCN	World Conservation Union
JWP	Joint Work Plan
LULUCF	Land Use, Land Use Change, and Forestry
MAB	Man and Biosphere Programme (UNESCO)
MoC	Memorandum of Co-operation
MoU	Memorandum of Understanding
MEA	Multilateral Environmental Agreement
NBSAP	National Biodiversity Strategy and Action Plan
NFP	National Focal Point
PAP/RAC	Priority Actions Programme/Regional Activity Center (UNEP)
SBSTTA	Subsidiary Body on Scientific, Technical and Technological Advice
SEED	Sustainable Energy and Environment Division (UNDP)
SPA	Specially Protected Area
SPAW	Protocol Concerning Specially Protected Areas and Wildlife
SPREP	South Pacific Regional Environment Programme
STRP	Scientific and Technical Review Panel
TRAFFIC	Traffic International
UNCED	United Nations Conference on Environment and Development
UNCLOS	United Nations Convention on the Law of the Sea
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFCCC	United Nations Framework Convention on Climate Change
UNGASS	United Nations General Assembly

UNU	United Nations University
UNEP-WCMC	World Conservation Monitoring Centre
WHC	Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention)
WSSD	World Summit on Sustainable Development
WWF	World-wide Fund for Nature

1. Introduction

This Annex compiles and reviews existing literature on legislative complementarity and harmonisation of biodiversity-related multilateral environmental agreements (MEAs). It provides background information on each of the biodiversity-relevant conventions and in addition to supporting the main body of this report, it can also be used for reference on its own.

Section 2 covers the CBD and other biodiversity-related conventions and programmes, such as:

- the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- the Convention on Conservation of Migratory Species of Wild Animals (CMS);
- the Convention on Wetlands of International Importance especially as Waterfowl Habitat ('Ramsar Convention');
- the Convention Concerning the Protection of the World Cultural and Natural Heritage ('World Heritage Convention');
- UNESCO'S Man and the Biosphere Programme;
- UN Framework Convention on Climate Change (UNFCCC);
- the Convention to Combat Desertification (CCD); and
- UNEP's Regional Seas Programme.

Section 2 includes an overview of each of the international regimes listed above, highlighting the main obligations for the Parties. This is followed by the identification of the main areas of synergy between each of these agreements with the CBD, as well as with other biodiversity-related conventions and processes.

Section 3 of this Annex presents an overview of a few past and ongoing international initiatives addressing linkages and synergies among MEAs. This includes work undertaken by UNDP, UNEP, the GEF, UNEP-WCMC and the UN University.

The information contained in this Annex is current as of 1 February 2002.

2. Biodiversity legislation: the Convention on Biological Diversity and other biodiversity-related conventions

'International environmental law must play a major role in international conservation by providing rules and true enforcement mechanisms to rapidly and consistently attack direct and indirect causes of biodiversity deficiency'

The Hague Recommendations on International Environmental Law¹ (1991)

Although 'synergies', 'linkages', 'integration' and 'increased co-ordination and co-operation' seem to be the latest buzzwords in the MEAs arena, concerns about fragmentation and duplication of efforts due to the co-existence of different international legal regimes in the field of biodiversity had already been raised before the CBD was negotiated. International experts started considering the need for and benefits of a global convention to address the loss of biodiversity as a way of addressing the need to cover gaps in existing conservation conventions. A global instrument on biodiversity was regarded as providing a forum that could identify international priorities and set the basis for better co-operation in biodiversity conservation and related matters. The problem to tackle was indeed a global one, extending across all species, ecosystems and habitats worldwide. A new approach was needed to reflect both the global constituency of the issue and its urgency².

he lack of synergy between biodiversity-related conventions and their parallel, rather than complementary, application has been highlighted in many international fora and publications in recent years. This Annex explains the main areas of co-operation and synergy between the CBD and other biodiversity-related treaties, as well as the ongoing work and initiatives to strengthen these linkages and harmonise their implementation.

2.1 The Convention on Biological Diversity

The Contracting Parties,[...]

Noting further that the fundamental requirement for the conservation of biological diversity is the in-situ conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings.

(CBD Preamble)

The international community's concern about the unprecedented loss of biological diversity emerged at the United Nations Conference on the Human Environment held in Stockholm in 1972. The Convention on Biological Diversity (CBD)³ also resulted from the recognition that damage to biodiversity could only be effectively dealt with in a comprehensive manner, rather than through a variety of individual treaties dealing with specific species or habitats.

In 1989, UNEP established the Ad Hoc Working Group of Technical Legal Experts on Biological Diversity to prepare an international legal instrument for the protection of biodiversity. By February 1991, the Ad Hoc Working Group had become the

¹ Adopted by the International Environmental Law Conference, convened at The Hague on 12-19 August 1991, for consideration by the United Nations Conference on Environment and Development (UNCED) in 1992.

² Bilderbeek S (ed.) *'Biodiversity and international law: The effectiveness of international environmental law'*, IOS Press, Amsterdam, 1992.

³ CBD documents and decisions are available online at <http://www.biodiv.org>. See also the *'Handbook of the Convention on Biological Diversity'*, CBD Secretariat, Earthscan, 2001. For an electronic version, see <http://www.biodiv.org/handbook/>

Intergovernmental Negotiating Committee and, after difficult discussions on the exact content of the proposed Convention, it was decided that the text should not only include biodiversity conservation, but also sustainable use and benefit sharing. Negotiations culminated on 22 May 1992, with the Nairobi Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity.

The CBD has three main objectives (Article 1):

- The conservation of biodiversity;
- The sustainable use of its components; and
- The fair and equitable sharing of the benefits arising from genetic resources.

The Convention represents a framework for future action. It adopts a 'country-driven' approach, by making its implementation dependent upon national circumstances; and it allows for the further development of its provisions through decisions taken at regular meetings of the Parties (COPs) and through the elaboration of further annexes and protocols to the Convention. 182 countries are Parties to the CBD, as of January 2002.

The Convention addresses both *in-situ* and *ex-situ* conservation, but the emphasis is given to *in-situ* measures (Articles 8 and 9). *In-situ* conservation focuses on conserving genes, species and ecosystems in their natural surroundings, for example by establishing protected areas, rehabilitating degraded ecosystems, and adopting legislation to protect threatened species. While prioritising *in-situ* conservation, the Convention recognises the contribution that *ex-situ* facilities and measures, such as gene banks and botanic gardens, can make to the conservation and sustainable use of biological diversity. It specifies that, where possible, facilities for *ex-situ* conservation should be established and maintained in the country of origin of the genetic resources concerned.

Convention provides for scientific and technical co-operation to support the conservation and sustainable use of biological diversity, and a clearing-house mechanism was established to promote and facilitate such co-operation (Article 18). The provisions on scientific and technical co-operation provide a basis for capacity-building activities. In addition to general provisions on research and training (Article 12), the exchange of information (Article 17), and scientific and technical co-operation, the Convention offers developing country Parties potential benefits through: access to genetic resources and benefit sharing; access to and transfer of relevant technology, including biotechnology; and access to 'new and additional' financial resources for eligible projects, and to bilateral assistance from developed country Parties for implementation of the Convention (Articles 20 and 21).

The CBD includes both the precautionary⁴ and ecosystem approaches to the conservation and sustainable use of biological diversity. The ecosystem approach was embodied in Decision II/8 of COP 2, where it is stressed that 'the ecosystem approach should be the primary framework of action to be undertaken under the Convention'. This approach requires consideration of the complexity of ecosystems, including their biological and non-biological components, the ecological processes and the interactions with humans. The fourth Conference of the Parties acknowledged that, by virtue of Decision II/8, the ecosystem approach had been adopted as a framework for the analysis and implementation of the Convention's objectives⁵. COP 5 endorsed a description of the ecosystem approach and recommended the application of twelve 'Principles of the ecosystem approach'⁶.

⁴ See section 2.2.3 below.

⁵ Decision IV/1, Part B 'Ecosystem Approach'. See <http://www.biodiv.org/decisions/>.

⁶ Decision V/6 'Ecosystem Approach'.

CBD COP 5 decided to prepare and develop a Strategic Plan for the CBD⁷. This Strategic Plan is to cover the period 2002-2010 and will provide strategic and operational guidelines for the implementation of the longer-term programmes of work of the COP and Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA).

A workshop on the strategic plan of the CBD was held in May 2001 and it concluded that the vision to be achieved by 2010 is⁸:

- to effectively reverse current trends in the loss of biodiversity, at the global and national levels
- to considerably reduce the incidence and impacts of unsustainable biodiversity use
- to equitably share the benefits arising from the use of genetic resources and associated traditional knowledge.

The 'cross-cutting operational goals' agreed at the workshop include the objective that 'all countries have an NBSAP in place and under implementation' and that 'adequate financial, human and technical resources are provided to implement this strategic plan, in particular capacity building support for implementation of priority actions in NBSAPs'⁹. Action Plans will be developed to achieve the operational goals of the strategy.

The role of other organisations in the development of the CBD will increase as more attention is devoted to implementation. In accordance with Decision V/20¹⁰, an *Open-ended Inter-Sessional Meeting on the Strategic Plan, National Reports and Implementation of the Convention on Biological Diversity* (the 'MSP') was held on 19-21 November 2001 in Montreal¹¹. Among other issues, the meeting considered the preparation of the Convention's Strategic Plan, to be adopted at COP 6, and means to support CBD implementation, in particular the implementation of priority actions in NBSAPs. One of the objectives of the Strategic Plan is to increase the ability of other organisations to contribute to the CBD process. In particular, the Strategic Plan could support and advance important goals such as¹²:

- clearer expectations of the Convention process for all involved, especially with respect to the agenda, ongoing work, and envisaged products;
- a better understanding of the CBD process, both with regard to the institutional and substantive aspects of its development; and
- transparency and full participation in the decision-making process.

⁷ Decision V/20 'Operations of the Convention', Parts II and V.

⁸ UNEP/CBD/WS-StratPlan/5, 'Conclusions of the Workshop on the Strategic Plan for the Convention on Biological Diversity', 11 June 2001.

⁹ Id., at paras. C, 1, 4.1 and 4.2.

¹⁰ Para.38 of Decision V/20.

¹¹ UNEP/CBD/COP/6/5, of 27 November 2001, 'Report of the Open-ended Inter-sessional Meeting on the Strategic Plan, National Reports and Implementation of the Convention on Biological Diversity'.

¹² UNEP/CBD/COP/6/15, of 13 December 2001, 'Co-operation with other bodies and contribution to the 10-year review of progress achieved since the United Nations Conference on Environment and Development', para.16.

2.1.1 Co-operation with other conventions

Article 23(4)(h) of the CBD requires the COP to contact, through the Secretariat, the executive bodies of conventions dealing with matters covered by the Convention, with a view to establishing appropriate forms of co-operation with them. Article 24(1)(d), requires the Secretariat to co-ordinate with other relevant international bodies and to enter into such administrative and contractual arrangements, as may be required, for the effective discharge of its functions.

The CBD COP has addressed the need to co-operate and realise synergies with other biodiversity-related conventions and organisations from its first meeting in 1994¹³. COP 1 requested the Executive Secretary to make contact with the secretariats of related conventions to establish appropriate forms of co-operation as provided under Article 23. COP 2 stressed the need to make implementation of the CBD and activities of other international and regional conventions mutually supportive, as well as the need to avoid unnecessary duplication of activities¹⁴.

The three key areas where the CBD COP has requested the Secretariat to co-ordinate with the Secretariats of other biodiversity-related conventions have been: to facilitate the exchange of information and experience, explore the harmonisation of reporting requirements under different conventions, and the possibility of co-ordinating work programmes¹⁵.

The CBD COP has emphasised the importance of co-operation at the scientific and technical level. It has also called on CBD Parties and national focal points (NFPs) of biodiversity-related conventions to co-operate on implementation at the national level to avoid duplication of effort¹⁶. Good communication and collaboration among national NFPs under different biodiversity-related conventions would contribute to improved implementation of those agreements.

As a result of the COP requests, the CBD Secretariat entered into Memoranda of Co-operation (MoC) with a number of relevant conventions and institutions, including with¹⁷:

- the Ramsar Convention on Wetlands of International Importance (19 January 1996);
- the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (23 March 1996)

¹³ **Decision I/5**, para.4 ('Support to the Secretariat by International Organisations'); **Decision II/13**, para.4 ('Co-operation with other biodiversity-related conventions'); **Decision III/21**, para.3 ('Relationship of the Convention with the CSD and biodiversity-related conventions, other international agreements, institutions and processes of relevance'); **Decision IV/15**, para.5 ('Relationship of the Convention with the CSD and biodiversity-related conventions, other international agreements, institutions and processes of relevance'); and **Decision V/21**(Co-operation with other bodies).

¹⁴ Decision II/13.

¹⁵ **Decision V/4**, paras.11, 16, 17, 18, 19 and 20 ('Progress report on the implementation of the programme of work for **forest biological diversity**'); **Decision V/23**, para.8 (programme of work on **dry and sub-humid lands**); **Decision IV/5**, I, para.4; II, para.2 and Annex, B, para.14 ('Conservation and sustainable use of **marine and coastal biodiversity**, including a programme of work'); **Decision V/3**, para.4 ('Progress report on the implementation of the programme of work on **marine and coastal biological diversity** -implementation of Decision IV/5); **Decision IV/4**, para.9; Annex I, paras,1 and 2 ('Status and trends of the biological diversity of **inland water ecosystems** and options for conservation and sustainable use'); **Decision V/5**, Annex, Part A, para 3(d) (programme of work on **agricultural biological diversity**).

¹⁶ Decision II/13, para.3; Decision III/21, para.10.

¹⁷ See UNEP/CBD/COP/6/15, Annex I.

- the Convention on the Conservation of Migratory Species of Wild Animals (CMS) (13 June 1996);
- UNESCO (11 May 1998);
- Convention to Combat Desertification (CCD) (31 July 1998);
- Convention on the conservation of European wildlife and natural habitats (Bern Convention, 1979) (13 March 2001);
- Convention for the protection and development of the marine environment of the wider Caribbean region (Cartagena Convention, 1983) (3 March 1997);
- The South Pacific Regional Environment Programme (SPREP).

The contents of these MoC are broadly similar. The secretariats agree to facilitate or explore the possibility of reciprocal participation in meetings, to institute procedures for the regular exchange of information, and to co-operate where possible in the preparation of documents for their respective conventions. They agree to inform national focal points (NFPs) of co-operative activities, and to promote consultation and co-operation between them. The secretariats also agree to consult with Parties with a view to encouraging integration and consistency between national strategies, plans or programmes. The possibility of harmonising reporting requirements under the conventions is also included, as is the possibility of co-ordinating relevant parts of work plans under the conventions. In the memoranda, the secretariats also agree to seek further guidance from their governing bodies on new areas of co-operation¹⁸.

The CBD COP has endorsed two successive joint work plans between the CBD and the Ramsar Convention¹⁹ (see section 2.4.2 below). A work plan for the implementation of joint activities was agreed between the CBD and CITES secretariats for the period December 2000-June 2002 (see section 2.2.2 below). Work is underway at the CBD Secretariat to develop a joint work programme with the CCD²⁰.

The sixth meeting of the CBD Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA 6)²¹ adopted a recommendation on the need to take immediate action under the CBD and the UN Framework Convention on Climate Change (UNFCCC) to 'reduce and mitigate the impacts of climate change on the biological diversity of coral reefs and their associated socio-economic effects'²². SBSTTA 6 established an 'ad hoc technical expert group' to prepare scientific advice to integrate biodiversity considerations into the implementation of the UNFCCC and its Kyoto Protocol²³ (see section 2.6.1 below).

The sixth SBSTTA meeting also recommended that the CBD COP initiate action to develop a joint work programme between the CBD and the CMS²⁴.

SBSTTA 7, held in November 2001, adopted a recommendation²⁵ to CBD COP 6 on the need to establish and maintain co-operation with the FAO's Commission on Genetic Resources for Food and Agriculture in relation to the International Treaty on Plant Genetic

¹⁸ 'Activities undertaken in relation to co-operation with other biodiversity-related conventions' UNEP/CBD/COP/3/29, of 22 September 1996.

¹⁹ Decision IV/15, para.2; Decision V/2, para.2; and Decision V/21, para.4.

²⁰ COP decision V/23, para. 8.

²¹ The Sixth Meeting (SBSTTA 6) was held on 12-16 March 2001 in Montreal (Canada). The recommendations of this meeting will be submitted to CBD COP 6 (April 2002) for its consideration. See <http://www.biodiv.org/doc/meeting.asp?lg=0&wg=cop-06>

²² SBSTTA Recommendation VI/7, para.1. Online at <http://www.biodiv.org/convention/sbstta>

²³ Further information is available at www.biodiv.org/cross-cutting/climate.

²⁴ SBSTTA Recommendation VI/8, para.3.

²⁵ SBSTTA Recommendation VII/7, para.7(d).

Resources for Food and Agriculture (PGRFA)²⁶, adopted on 3 November 2001²⁷. This new treaty, in harmony with the CBD, will play an important role in the conservation and sustainable use of this component of agricultural biodiversity, for facilitated access to PGRFA, and for the fair and equitable sharing of the benefits arising out of their utilisation²⁸.

Civil society has also played an important and active role in highlighting the dangers of lack of co-ordination among biodiversity-related conventions, and proposing ways to redress the situation. The Global Biodiversity Forum (GBF)²⁹ has observed that the proliferation of environmental agreements has led to an increasingly fragmented global environmental system, with related impacts on the planning and implementing capacity of many countries. At its 11th Session³⁰, in 1998, the GBF recommended that the international environmental regime be viewed in a more holistic manner, and that, at the national level, countries endeavour to do more to co-ordinate and build synergies in their efforts to implement the various National Strategies and Action Plans under the three 'Rio agreements'.

It was also recommended that the implementation of these conventions would be greatly enhanced if the responsibility for compliance resides within one government institution and is supplemented with strong communication links to the rest of government and society as a whole³¹.

Each of the following sections of this Annex addresses the relationship and synergies between the CBD and: the following conventions: CITES, CMS, Ramsar, the WHC, UNFCCC, CCD and UNEP's Regional Seas Programme, respectively. They also include information on CBD Decisions related to these biodiversity-related conventions.

2.2 The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

*'The Contracting States,
Recognising that wild fauna and flora (...) are an irreplaceable part of the natural systems
of the earth which must be protected for this and the generations to come'.
(CITES Preamble)*

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)³², signed in 1973, entered into force in 1975 and currently has 157 Parties³³.

The main reason for regulating international trade in wildlife species was the dramatic decrease in the number of many plant and animal species caused by international trade. At the time of negotiating this convention, many countries were concerned about the over-

²⁶ COP Decision V//26 A stated that the International Undertaking on Plant Genetic Resources, once revised, was envisaged to play a crucial role in the implementation of the CBD.

²⁷ See at <http://www.fao.org/ag/magazine/ITPGRRe.pdf>

²⁸ SBSTTA Recommendation VII/7, para.7(b).

²⁹ *'The Global Biodiversity Forum (GBF) is an independent and open mechanism to analyse and discuss priority ecological, economic, institutional and social issues related to the options for action to conserve biodiversity, and use biological resources sustainably and equitably. It is designed to provide a multi-stakeholder forum to support and enhance the objectives of the CBD and other biodiversity-related instruments at the national and international levels'*. GBF documents and meeting reports are available online at <http://www.gbf.ch/>.

³⁰ GBF-11 was held on 6-8 November 1998 in Buenos Aires, Argentina. See workshop conclusions on the GBF website.

³¹ See GBF-11 conclusions (op.cit.).

³² CITES documents are available online at <http://www.cites.org>

³³ As of January 2002.

exploitation of some species due to international trade, and the possibility that this could lead to them becoming endangered or even subject to extinction.

The need for international co-operation in this area is evident. In order to tackle the threat that international trade creates for some species, the country concerned must rely on the co-operation of other trading nations to effectively implement international rules.

CITES' main concern is to protect those species threatened with extinction. Article II, 1 states that Appendix I to the Convention shall include the '*species threatened with extinction which are or may be affected by trade*', and adds that trade of '*specimens of these species must be subject to particularly strict regulation*'. The provision goes further to establish that in these cases trade '*must only be authorised in exceptional circumstances*'.

However, Appendix I species are not the only concern of the Parties. The Convention also protects other species through their inclusion in Appendices II and III (Article II, 2 and 3). These include, respectively, species '*not necessarily now threatened with extinction*', but which '*may become so unless trade in such specimens is subject to strict regulation*', and species '*which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade*'.

Trade requirements relating to all species included in Appendices I, II and III, are laid down in Articles III, IV and V, according to the level of protection they need. The most important requirements are the export permits and certificates, re-export certificates, import permits, and certificates of origin, all of which must be granted by the competent country.

2.2.1 Obligations of the Parties

The main obligation of the Parties to CITES is to adopt measures to enforce the provisions of the Convention, and prohibit trade of specimens in violation of such provisions. As stated in article VIII, 1, such measures shall include:

- '*to penalise trade in, or possession of, such specimens, or both; and*
- '*to provide for the confiscation or return to the State of export of such specimens*'.

Depending on the necessity, the Party shall provide for methods of '*internal reimbursement for expenses incurred as a result of the confiscation of a specimen traded in violation of the measures taken in the application of*³⁴ the Convention's provisions.

It is also an obligation of the Parties to facilitate formal processes required for trade. In this respect, Parties might designate ports of entry and exit for traded species. In addition to certifying that living species suffer the least possible harm, Parties must ensure that during transit, holding or shipment periods the specimens are adequately cared for.

It is also an important obligation of the Parties to maintain records of trade in specimens of species included in the three Appendices. Such records must cover not only the names and addresses of importers and exporters, but also the '*number and type of permits and certificates granted; the States with which such trade occurred, the numbers or quantities and types of specimens, names of specimens (...) and, where applicable, the size and sex of the specimens in question*³⁵.

³⁴ Article VIII, 2, CITES.

³⁵ Article VIII, 6, (b), CITES.

The fact that a number of countries are not Parties to CITES is dealt with by providing that Parties must require that documentation from *non-Parties* substantially conforms to CITES requirements for permits and certificates. Non-parties should also designate a competent authority to deal with trade-related documentation³⁶.

The reporting obligation of the Parties concerns the implementation of the Convention at national level. Parties must submit an annual report containing a summary of permits and trade in species of the three Appendices. They must also submit a biennial report on '*legislative, regulatory and administrative measures taken to enforce the provisions*'³⁷ of the Convention. In accordance with their national legislation, Parties should make these reports available to the public.

Lastly, it is an obligation of the Parties to designate one or more competent Management and Scientific Authorities for the purposes of this Convention.

CITES allows its Parties to adopt stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens of species included in its Appendices, and even the complete prohibition of these activities. Parties are also free to establish domestic measures restricting or prohibiting the trade, taking, possession or transport of species not included in Appendices I, II or III.

CITES COP 11 adopted a 'Strategic Vision through 2005' for the Convention, together with an Action Plan to implement the Vision³⁸. The purpose of the Strategic Vision is '*to ensure that no species of wild fauna or flora becomes or remains subject to unsustainable exploitation because of international trade*'. The seven priority goals identified in CITES' 'Strategic Vision through 2005' are: (emphasis added)

- **Goal 1: Enhance the ability of each Party to implement the Convention;**
- Goal 2: Strengthen the scientific basis of the decision-making processes;
- Goal 3: Contribute to the reduction and ultimate elimination of illegal trade in wild fauna and flora;
- **Goal 4: Promote greater understanding of the Convention;**
- **Goal 5: Increase co-operation** and conclude strategic alliances with international stakeholders;
- Goal 6: Progress towards global membership;
- Goal 7: Provide the Convention with an improved and secure financial and administrative basis.

A list of activities required to achieve the priority goals and objectives of the Strategic Vision is included in the Action Plan. Delivery of this framework requires detailed actions by Parties, the Secretariat, the three CITES Permanent Committees, and COP meetings. Action points that address co-operation and co-ordination with other conventions are included in the table below.

Reference in Action Plan	Action Point	Action by
5.1.1	Enhance national liaison between CITES and national MEA focal points	Parties
5.1.2	Enhance regional and	Parties, Secretariat

³⁶ Resolution Conf. 9.5, '*Trade with States not party to the Convention*'.

³⁷ Article VIII, 7, (b), CITES.

³⁸ CITES Decision 11.1. The full text of the Strategic Vision and Action Plan is annexed to COP 11 Decisions as Annex 1.

	international liaison between CITES and MEA focal points.	
5.1.3	Develop and implement joint projects with other MEAs.	Parties, Secretariat
5.2.1	Develop a mechanism to ensure transfer and exchange of information between CITES and relevant conventions, agreements and associations for species of concern.	Parties, Secretariat
5.2.2	Consider the criteria and decisions of other conventions, agreements and associations when considering the proposals to amend the Appendices, draft resolutions and decisions.	Parties, Secretariat
5.2.3	Encourage other Conventions, agreements and associations, when making their decisions, to consider the criteria designed and Decisions made by CITES Parties.	Parties, Secretariat
5.3.1	Identify responsibilities of relevant technical partners (IUCN, UNEP-WCMC, TRAFFIC ³⁹ , etc.) and ensure adequate co-ordination and mutual awareness of work programmes to avoid duplication.	Parties, Secretariat

Source: Annex 1 to CITES COP 11 Decisions (<http://www.cites.org/CITES/eng/index.shtml>)

2.2.2 Co-operation and synergy between CITES and the CBD

The need for CITES to increase its synergies with the CBD and other agreements was identified in the Strategic Plan of the Secretariat adopted at the ninth meeting of the CITES COP in 1994⁴⁰.

A Memorandum of Co-operation (MoC) was endorsed by the two bodies in 1996 and there have been numerous references by CITES and CBD COPs to the co-operation developed between the two Secretariats. CBD COP Decision III/21 endorsed the MoC and also invited the governing bodies of biodiversity-related conventions to consider their possible contribution to the implementation of the objectives of the CBD, as well as to share experience on successful management practices. A Work Plan for the implementation of the MoC, over the period December 2000-June 2002, is in place. Joint activities include, among

³⁹ TRAFFIC is a programme of the conservation organisation WWF and IUCN – The World Conservation Union, established to monitor trade in wild plants and animals. See <http://www.traffic.org/>

⁴⁰ Document 9.17

others, the study of the impact of the harvesting of non-wood forest products, such as bush meat; the analysis of possible use of economic incentives to promote the sustainable use of fauna and flora; and compilation of best practices, case studies and lessons learned.

CITES COP 10⁴¹ adopted a resolution on co-operation and synergy with the CBD⁴². This Resolution recommended CITES Parties to take measures to achieve co-ordination and reduce duplication of activities between their national authorities for each Convention. Parties were also called upon to explore GEF funding opportunities for projects that fulfil the eligibility criteria and guidance provided by the CBD COP. This Resolution calls upon the CITES and CBD Secretariats to co-ordinate their programme activities, in particular through UNEP's co-ordination meetings (see section 3.5 below). In addition, discussions are underway between the CITES and the CMS Secretariats to agree a MoU and a joint work plan.

In the context of the review of the effectiveness of the Convention, COP 10 adopted Decision 10.63 directing the Standing Committee to ensure that the issue of the synergy between biodiversity-related conventions remains on the agenda of future COP meetings. Decision 10.92 stated that UNEP should produce meaningful results from the process of co-ordinating the activities of the Secretariats of environmental conventions⁴³. Decision 10.110 called for continued co-operation between CITES and the CBD, and stressed that this co-operation must be extended to include other relevant Conventions.

COP 11 also considered that synergy is most useful in combination with action to achieve a higher degree of regional co-operation and co-ordination of policy areas that are common to all biodiversity-related conventions⁴⁴. Addressing CITES implementation from a regional perspective illustrates the idea of synergy. According to the CITES Secretariat, the need for this regional co-ordination is clear in areas such as scientific and technical co-ordination; capacity building; project development and implementation; training; and awareness.

The CITES Secretariat has increased its effort, not only to co-operate with other biodiversity-related conventions, but also to enhance mutual understanding and co-operation with the Convention's 'technical partners', such as IUCN, WCMC-UNEP and TRAFFIC⁴⁵.

The Global Biodiversity Forum (GBF) met prior to CITES COP 10. Its purpose was to explore synergies between the CBD and CITES⁴⁶. The meeting addressed positive and negative linkages between community conservation, CITES and the CBD. Setting conservation and sustainable use as goals and allowing for NGO participation were identified as key elements.

The Forum identified specific ways to improve collaboration between CBD and CITES, in order to achieve their specific objectives and meet the needs of the global community:

⁴¹ The 10th meeting of the Conference of the Parties to CITES, was held on 9-20 June 1997, in Harare (Zimbabwe).

⁴² CITES Resolution Conf.10.4 'co-operation and synergy with the Convention on Biological Diversity'. See <http://www.cites.org/CITES/eng/index.shtml>

⁴³ Wijnstekers, W. 'The Evolution of CITES - A reference to the Convention on International Trade in Endangered Species of Wild Fauna and Flora'. CITES Secretariat, March 2000. See <http://www.cites.org/CITES/eng/index.shtml>

⁴⁴ Doc.11.12.3 'Co-operation and synergy with the Convention on Biological Diversity and other biodiversity-related conventions'.

⁴⁵ Doc.SC.42.17, 'Synergy between the biodiversity-related conventions and relations with other organisations', 42nd Meeting of CITES' Standing Committee, 28 September-1 October 1999.

⁴⁶ For information and documents relating to the 7th meeting of the GBF (GBF-7, 6-8 June 1997, Harare, Zimbabwe) including the meeting's report, see http://www.gbif.ch/present_session.as?no=10&lg=EN

- Parties to both conventions should address the potential for conflict between CITES and the CBD;
- Parties should identify incentive structures to address factors currently undermining biodiversity;
- the level of awareness and participation of local communities in both conventions and their strategies need to be raised;
- Parties should adopt the necessary legislation to ensure adequate biodiversity protection under CBD and CITES;
- More information should be shared between the two secretariats to ensure that the implementation of both conventions is complementary⁴⁷.

2.2.3 Where CITES and the CBD meet: Species protection, sustainable use, the precautionary principle and forest biodiversity.

Linkages with the CBD include the need for CBD Parties to identify 'categories of activities' which have significant adverse impacts on the conservation and sustainable use of biodiversity⁴⁸. Trade could be one of them. CBD Parties should maintain and organise data derived from the identification and monitoring of these activities. A related provision is that of Article 8(l), according to which CBD Parties should regulate or manage those processes and activities that have a 'significant adverse effect' on biodiversity⁴⁹. The recovery and rehabilitation of threatened species is also an obligation for CBD Parties, which should adopt measures to achieve this goal⁵⁰.

Although the text of CITES does not mention 'sustainability', as it was adopted in 1973, the Convention is implicitly concerned with sustainable use while regulating trade in Appendix II species⁵¹. The purpose of the Convention's 'Strategic Vision through 2005'⁵² is however to 'ensure that no species of wild fauna or flora becomes or remains subject to unsustainable exploitation because of international trade'. This highlights that a key area within the CBD framework, such as sustainable use, and the ecosystem approach, are also very relevant for CITES⁵³.

The sustainable use of biodiversity is one of the three objectives of the CBD and also links the CBD with CITES. CBD Article 10(b) asks Parties to adopt measures related to the use of biological resources in order to avoid or minimise its adverse effects on biodiversity. Article 8(i) is also relevant as it establishes the need for Parties to provide the necessary conditions for compatibility between present uses of biodiversity, and its conservation and sustainable use, in its natural surroundings ('in-situ' conservation). CITES Article IV regulates trade in Appendix II species. This should be allowed if 'such export will not be detrimental to the survival of that species', among other requirements. These include the need to 'maintain that species throughout its range at a level consistent with its role in the

⁴⁷ GBF-7 Report, para.125.

⁴⁸ CBD Article 7(c).

⁴⁹ CBD Article 8(l).

⁵⁰ CBD Article 9(c).

⁵¹ 'All species which although not necessarily now threatened with extinction, may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilisation incompatible with their survival', CITES Article II, 2(a).

⁵² CITES Decision 11.1, Annex 1.

⁵³ Although CITES focuses only on species protection, it explicitly mentions control measures aimed at maintaining ecosystems and species when it regulates trade of species in Appendix II (CITES Article IV, 3).

ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I⁵⁴.

CITES Strategic Vision refers to the precautionary principle: *'Where uncertainty remains as to whether trade is sustainable, the precautionary principle will prevail as the ultimate safeguard'*. The Strategic Vision states that its successful implementation would involve 'reducing the requirement to bring the precautionary principle into play'. The current review process to amend CITES Appendices has recognised the increasing acceptance of the precautionary principle by the international community⁵⁵. The Criteria Working Group is revisiting the criteria for amending Appendices I and II⁵⁶ to ensure that there is a scientific basis for the inclusion of species. The CBD includes the precautionary principle in its Preamble, and also in its programme of work on marine and coastal biodiversity⁵⁷.

A further linkage is provided by Article 11 of the CBD as international trade of endangered species of wild fauna flora could act as either a positive or perverse incentive for the conservation and sustainable use of biodiversity. The CBD requires incentives to be 'economically and socially sound measures'.

On non-timber forest resources and bush meat, CBD SBSTTA-7, held in November 2001, focused on forest biodiversity and recommended⁵⁸ that a liaison group on non-timber forest resources be established, including members of the Collaborative Partnership on Forests, the CITES Secretariat and IUCN. On the basis of the work of this liaison group, SBSTTA will prepare recommendations on this matter for consideration by CBD COP 7. The meeting further recommended the setting up of another liaison group to facilitate development of a joint work plan to bring harvesting of non-timber forest products (NTFPs), with a particular focus on bush meat, to sustainable levels. This group should have a proportionate regional representation, especially of areas where bush meat is a major issue, and representation of relevant organisations such as CITES⁵⁹.

2.3 The Convention on the Conservation of Migratory Species of Wild Animals

'Efforts aimed specifically at benefiting migratory species contribute to the broader objectives of conserving biodiversity and should be recognised as part of an integrated approach to the implementation of all the conservation-related conventions. The aims of the CMS and its sister conventions (Ramsar, CBD and CITES -to name just a few) are complementary and mutually reinforcing'
(Preamble, CMS Strategic Plan 2000-2005)

The Convention on the Conservation of Migratory Species of Wild Animals (CMS)⁶⁰ was signed in Bonn in June 1979 and it entered into force on 1st November 1983. There are currently 79 countries Party to this convention⁶¹. The CMS and CITES share the need to achieve international co-operation in order to meet their objectives. Another similarity with

⁵⁴ Article IV(3).

⁵⁵ Decision 11.1, Annex, 'Strategic Vision through 2005', at <http://www.cites.org/CITES/eng/index.shtml>

⁵⁶ See Decision 11.2 and SC45 Doc. 20.

⁵⁷ Decision II/10, Annex II, para.3(a) and Decision IV/5, Annex, B, para.4.

⁵⁸ SBSTTA Recommendation VII/6 para.1(j).

⁵⁹ Id, at Annex ('Elements for an expanded work programme on forest biodiversity'), Goal 4, objective 2, activity (a).

⁶⁰ CMS documents and decisions are available online at <http://www.wcmc.org.uk/cms>.

⁶¹ As of 1 February 2002.

CITES is the fact that the CMS lists species in different appendices, each providing for different types of measures that Parties must take.

The scope of this convention covers the protection of migratory species and their habitats. The CMS is the only global convention established exclusively for the conservation and management of migratory species. Although migratory species in general are included in the CBD, and migratory fish species are covered by the UN Convention on the Law of the Sea (UNCLOS), these conventions do not provide for special instruments for their conservation, as is the case with the CMS. Other global biodiversity conventions, such as Ramsar, CITES and the World Heritage Convention may also overlap with the CMS, and regional agreements concluded under the auspices of CMS may also overlap with other global or regional conventions. For this reason, the CMS Secretariat has developed instruments to communicate and co-operate with the secretariats of other international conventions.

Appendix I of the CMS includes a list of endangered migratory species, which are so considered on the basis of reliable evidence, including the 'best scientific evidence available'. The convention provides that the COP may remove certain species from Appendix I as long as reliable evidence indicates that the species is no longer endangered, and that its removal will not cause a loss of protection that may lead to it becoming endangered again.

Appendix II lists migratory species that have an 'unfavourable conservation status' and which require international agreements for their conservation and management. Migratory species that have a conservation status that would significantly benefit from international co-operation reached through international agreements are also listed in Appendix II. The agreements on species listed under Appendix II must have the purpose of restoring the migratory species concerned to a favourable conservation status or to maintain it in such status. Such agreements must cover the whole range of the migratory species and be open to accession by all Range States of that species, including countries that are not Party to the CMS. In specific circumstances, the CMS allows migratory species to be included in both appendices. Existing agreements and Memoranda of Understanding (MoU) concluded under the provisions on Appendix II include:

- Agreement on the Conservation of Seals in the Wadden Sea (1990);
- Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) (1991);
- Agreement on the Conservation of Bats in Europe (EUROBATS) (1991);
- Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) (1995);
- Agreement on the Conservation of Cetaceans of the Mediterranean and Black Seas (ACCOBAMS) (1996);
- MoU Concerning Conservation Measures for the Siberian Crane (1993);
- MoU Concerning Conservation Measures for the Slender-billed Curlew (1994);
- MoU Concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa (1999);
- MoU on the Conservation and Management of Marine Turtles and Their Habitats of the Indian Ocean and South-east Asia (2000);
- MoU on the Conservation and Management of the Middle-European Population of the Great Bustard (2000);
- Agreement on the Conservation of Albatrosses and Petrels (2001).

CITES and CMS appendices contain many species in common, although the latter does not include plant species and only covers migratory species. Another important distinction is that CITES only focuses on one type of threat posed to the animal and plant species,

international trade, while the CMS covers all threats relating to migratory species. In addition, the CMS also covers the conservation of the habitats of wild migratory species, which is not relevant for CITES but does provide an important link with the CBD.

A joint initiative led by UNEP and supported by several MEAs was launched in September 2001 by UNEP's Executive Director: a global partnership to combat the threats faced by the great apes of Africa and Asia. The partnership is called GRASP (Great Apes Survival Project). UNEP, together with CITES, the CMS, the CBD and a number of other partners, will bring world-wide attention to the ape crisis, raise funds for conservation, and develop a global conservation strategy for all great ape populations⁶².

2.3.1 Obligations of the Parties

The main obligation of the Parties to the CMS is to adopt, individually or in co-operation, measures to conserve migratory species and their habitat. Article II of the CMS states that Parties:

- '- *should* promote, co-operate in and support research relating to migratory species;
- *shall* endeavour to provide immediate protection for migratory species included in Appendix I; and
- *shall* endeavour to conclude Agreements covering the conservation and management of migratory species included in Appendix II'. (emphasis added)

Parties must keep the CMS Secretariat informed of the migratory species they host (concept of Range State). This means that Parties also have the obligation to inform the Secretariat about their flag vessels operating outside national jurisdictional limits and engaged in the taking of any of the migratory species listed in the Appendices.

Parties that are Range States of migratory species listed in Appendix I have some specific obligations. In particular, they must endeavour to:

- '- *conserve and, where feasible and appropriate, restore those habitats of the species which are of importance in removing the species from danger of extinction;*
- *prevent, remove, compensate for or minimise, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species; and*
- *to the extent feasible and appropriate, to prevent, reduce or control factors that are endangering or are likely to further endanger the species, including strictly controlling the introduction of, or controlling or eliminating, already introduced exotic species*⁶³.

A substantial and direct obligation of Range States Party to the CMS is to prohibit the taking of animals belonging to species listed in Appendix I. However, there are exceptions to this prohibition when the taking is for: scientific purposes; to enhance the propagation or survival of the affected species; or to accommodate the needs of traditional subsistence users of such species. A more general exception allows for any extraordinary circumstances that may require the taking of the species. Parties must always inform the Secretariat of any exceptions made.

In relation to those species listed in Appendix II, Range State Parties have the general obligation of concluding agreements to protect them, giving special priority to those species with an unfavourable conservation status. In addition, Range States of species included in

⁶² CMS Bulletin, Issue no. 14, of October 2001, p.12.

⁶³ CMS Article III,4.

any of the Appendices have the obligation to inform the COP about the measures they adopt to implement the Convention, and at least 6 months prior to each COP meeting.

The CMS does not affect the Parties' rights and obligations deriving from any other existing agreements. Parties are free to adopt stricter domestic measures concerning the conservation of migratory species listed in CMS Appendices I and II, and they can also adopt conservation measures for species not listed in the Convention's Appendices.

CMS COP 6 adopted the Convention's Strategic Plan for 2000-2005⁶⁴. The COP requested all Parties to pursue their obligations under the Convention by using the Strategic Plan as a basis for defining and implementing activities at national and regional level⁶⁵.

The four objectives of the Strategic Plan 2000-2005 are to:

- Objective 1: to promote the conservation of migratory species included in major animal groups listed in the CMS Appendices;
- Objective 2: to focus and prioritise conservation actions for migratory species;
- Objective 3: to enhance global membership in CMS through targeted promotion of the Convention aims;
- Objective 4: to facilitate and improve implementation of the Convention.

Objective 4 of the Strategic Plan is relevant to this study and further information is provided in the section below.

2.3.2 Co-operation and synergies between the CMS and the CBD

The need to protect migratory species is implicit in the text of CBD. In fact, migratory species are specifically mentioned in Annex I to CBD, which refers to the identification of habitats important to such species. However, since migratory species are an important component of biodiversity, their conservation and sustainable use is a general obligation under the CBD, applying even to CBD Parties that are not Parties to the CMS. Migratory species depend on different specific sites on their migratory range, making them vulnerable to a wide range of natural and human-related threats occurring in any of the sites important to their range routes.

CBD Article 5 addresses the need for Parties to co-operate on matters of mutual interest for the conservation and sustainable use of biodiversity, such as the conservation of migratory species across neighbouring countries. The CBD and CMS Secretariats also realised the inter-linkages between the two conventions and the need to co-operate. The CBD took a first step towards co-operation at COP 3 by requesting the Secretariat to evaluate how the implementation of the CMS could complement CBD implementation 'through its transboundary co-ordinated and concerted action on a regional, continental and global scale'⁶⁶.

Funding is crucial to achieve effective implementation of biodiversity-related MEAs at the national level. CBD COP 3 invited Parties to biodiversity conventions to explore opportunities to access funding through the Global Environment Facility (GEF) for relevant projects, 'including projects involving a number of countries'⁶⁷. This provision is of particular relevance for CMS Parties in relation to projects of a transboundary nature.

⁶⁴ Resolution 6.4, adopted at CMS COP 6, in November 1999.

⁶⁵ Id, para.3

⁶⁶ Decision III/21, para.7(b).

⁶⁷ Decision III/21, para.12.

A report on '*Linkages and Co-ordination between the Convention on the Conservation of Migratory Species of Wild Animals and the Convention on Biological Diversity*'⁶⁸ was presented at CBD COP 4 by UNEP and CMS. Its consideration was postponed and a further study on '*How the Implementation of the Convention on Migratory Species Complements the Implementation of the Convention on Biological Diversity*'⁶⁹ was discussed by CBD COP 5.

This study concluded that 'CMS instruments fill a major area left incomplete by the CBD's design'. Complementarities were identified at the level of substantive obligations and also at the work programme level.⁷⁰ According to this Study, CMS instruments intersect with at least 23 of the CBD's substantive provisions.

The two most relevant intersections concern CBD actions applicable to processes and activities that affect biodiversity, for instance, all CMS instruments and CBD Articles 7(c) and 8(l) require that their Parties identify, regulate and manage threats to migratory species. Additionally, CMS agreements require Parties to endeavour to make present uses of biodiversity compatible with conservation and sustainable use. In this context, the study identifies a distinction between the primary modes of operation of the two conventions.

While CMS instruments operate at the global, regional and national levels, CBD's obligations are defined ultimately at the national level, through the national biodiversity action plans. In the case of migratory species, their inclusion in NBSAPs would constitute a good opportunity to link with ongoing CBD activities while promoting joint implementation.

While the CBD focuses on an ecosystem approach the CMS combines the need to conserve habitats (ecosystem approach) and to take species-specific conservation and management measures. The study reveals that migratory species do not fit neatly into the CBD's evolving concept of 'ecosystem approach' as the migratory range approach operates at a management level higher than the ecosystem approach. However, the study notes that a migratory range approach is not precluded by the ecosystem approach. Concerning marine and coastal biodiversity, the study highlights that CMS and AWEA address alien species for both terrestrial and marine environments, requiring Range State Parties to strictly control alien species introductions. This is a very important link between the CMS and CBD, and also with Ramsar and CITES, since the latter is also concerned with the potential threats to species conservation that may be caused by the *introduction of species from the sea*⁷¹.

CBD COP 5 requested the Secretariat to collaborate with the CMS to develop a proposal on the integration of migratory species into the CBD work programmes, and the role that the CMS could play in implementing the CBD⁷². This Decision requested the CBD SBSTTA to provide advice on this matter to CBD COP 6 in April 2002. In this context, the CBD Secretariat prepared a report on '*Migratory Species and Co-operation with the Convention on the Conservation of Migratory Species of Wild Animals*'⁷³ which was considered at

⁶⁸ UNEP/CBD/COP/4/Inf.22, of 27 April 1998

⁶⁹ UNEP/CBD/COP/5/INF/28, of 10 May 2000.

⁷⁰ Decision II/10 on 'Conservation and Sustainable Use of Marine and Coastal Biological Diversity' invited 'migratory species agreements' to review their programmes to improve existing measures and develop new actions that promote the conservation and sustainable use of marine biodiversity (para.13).

⁷¹ This means '*transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State*' (Article I, CITES).

⁷² Decision V/21, para.7.

⁷³ UNEP/CBD/SBSTTA/6/12, of 20 December 2000.

SBSTTA's sixth meeting in March 2001. This meeting adopted a series of recommendations⁷⁴ (see box below):

Co-operation between the CBD and the CMS
(SBSTTA-6 recommendations to CBD COP 6)

- COP 6 should invite the CMS Secretariat and its Parties to compile and disseminate case-studies (through the CBD's Clearing House Mechanism) on migratory species and their habitats, relevant to the thematic areas and cross-cutting issues under the CBD;
- COP 6 should invite the CBD Secretariat to generate guidance for the integration of migratory species into NBSAPs and ongoing and future programmes of work under the CBD;
- COP 6 should examine the need for financial resources to support capacity-building and specific projects aimed at incorporating the conservation and sustainable use of migratory species and their habitats;
- COP 6 should urge CBD Parties to include in their national reports the extent to which they address migratory species at the national level, and their co-operation with other Range States;
- COP 6 should recognise the CMS as the lead partner in conserving and sustainably using migratory species over their entire range, and should also recognise that the CMS provides an international legal framework through which range States can co-operate on migratory species issues.
- COP 6 should request the CBD Secretariat to work with the CMS Secretariat to develop a joint work programme for the two conventions. This joint work programme should include priority areas for action, time frames, key actors, mechanisms and financial considerations.

Objective 4 of the CMS Strategic Plan for 2000-2005 (see above) is to facilitate and improve implementation of the Convention. The Plan recognises that the aims and objectives of CMS complement and reinforce those of other international conventions. A specific 'operational objective' refers to linkages with other conventions and aims to strengthen institutional linkages with partner organisations and to work with the main biodiversity-related conventions to define the 'scope of their responsibility and the ways to improve their tasks and enhance their synergistic effect'⁷⁵.

Linkages between CMS and CITES are also relevant and a MoU is being discussed between the two secretariats to address transboundary international co-ordination. As an example, the same sturgeon species listed in CITES Appendix II are included in CMS Appendix II.

2.4 The Ramsar Convention on Wetlands of International Importance

'The Convention's mission is the conservation and wise use of wetlands by national action and international co-operation as a means to achieving sustainable development throughout the world'

⁷⁴ UNEP/CBD/COP/6/3, SBSTTA Recommendation VI/8.

⁷⁵ CMS Resolution 6.4, Objective 4, Operational Objective 4.4.

(Mission Statement, Ramsar Strategic Plan 1997-2002)

The Convention on Wetlands of International Importance especially as Waterfowl Habitat ('Ramsar Convention')⁷⁶ was signed in Iran in 1971 and it came into force in 1975. The Ramsar Convention constituted the first attempt to establish a legal instrument providing comprehensive protection for a particular type of ecosystem⁷⁷.

The convention provides a framework for national action and international co-operation for the conservation and wise use of wetlands for the benefit of humankind. (Article 1). The official name of this agreement reflects its original emphasis on the conservation and wise use of wetlands, primarily to provide habitat for waterfowl. Over the years, the Convention has broadened its scope to cover all aspects of wetland conservation and wise use, recognising wetlands as ecosystems that are extremely important for biodiversity conservation and for the well being of human communities⁷⁸.

The Ramsar Convention currently has 130 Parties⁷⁹, with 1,162 wetland sites of international importance included on its list⁸⁰. UNESCO serves as Depositary for the Convention, but its administration is carried out by the Ramsar Bureau, its secretariat housed in the headquarters of IUCN in Switzerland.

The convention has also established the Wise Use Resource Centre, an evolving section of the Ramsar website⁸¹ designed to provide advice, assistance and guidance to wetland managers. The Resource Centre includes a Wetland Experts Database; the Ramsar Handbook series on the wise use of wetlands; the Wise Use Resource Library; and a Catalogue of Training Opportunities.

The Ramsar Handbooks for the Wise Use of Wetlands (or 'Ramsar Toolkit')⁸² includes nearly all the guidelines that have been adopted by the Ramsar COPs to assist wetland managers, national authorities, and others, in implementing the Convention's mission and objectives. The nine brochures are organised along the lines of the three 'pillars' of the Convention: (i) the wise use of wetlands; (ii) wetlands of international importance; and (iii) international co-operation.

The Ramsar COP may confer the status of 'International Organisation Partner' (IOP) to both intergovernmental and non-governmental organisations that 'contribute on a regular basis and to the best of their abilities to the further development of the policies and technical and scientific tools of the Convention and to their application'. Four international NGOs associated with the Convention since its inception have been recognised as IOPs: BirdLife International; IUCN–The World Conservation Union; Wetlands International; and WWF.

2.4.1 Obligations of the Parties

The Convention includes the following main commitments:

⁷⁶ Ramsar documents and decisions are available online at <http://www.ramsar.org>

⁷⁷ Bowman, M.J. *The Ramsar Convention Comes of Age*, Netherlands International Law Review, XLII:1-52, (1995) Kluwer Law International. Also available at http://www.ramsar.org/about_infopack_2e.htm

⁷⁸ Ramsar Information paper no.2.

⁷⁹ As of 22 January 2002. Ramsar membership is limited to UN members, members of one of its specialised agencies, the International Atomic Energy, and Parties to the Statute of the International Court of Justice (Article 9, Ramsar Convention).

⁸⁰ As of 29 January 2002. See Ramsar website.

⁸¹ See http://www.ramsar.org/wurc_index.htm

⁸² Available at http://www.ramsar.org/lib_wise_1.htm

- **Listed sites**

The first obligation under the Convention is to designate at least one wetland for inclusion in the List of Wetlands of International Importance (the 'Ramsar List') and to promote its conservation, including, where appropriate, its wise use. Selection for the Ramsar List must be based on the wetland's significance in terms of ecology, botany, zoology, limnology, or hydrology. The Ramsar Parties have adopted specific criteria and guidelines for identifying sites that qualify for inclusion in the List of Wetlands of International Importance⁸³.

The international principle of state sovereignty over natural resources is upheld as the Convention provides that the listing of wetlands does not deprive a Party of its exclusive sovereignty over them.

A strategic framework for the inclusion of wetlands in the Ramsar List was adopted by COP 7, pursuant to article 2(4) of the Ramsar Convention. Its objective is 'to develop and maintain an international network of wetlands which are important for the conservation of global biological diversity for sustaining human life through the ecological and hydrological functions they perform'⁸⁴.

The Montreux Record is a register of wetland sites on the List of Wetlands of International Importance where changes in ecological character have occurred, are occurring, or are likely to occur as a result of technological developments, pollution or other human interference. It is maintained as part of the Ramsar Sites Database⁸⁵.

The Montreux Record was established by Recommendation 4.8 of COP 4, in 1990. COP 5 Resolution 5.4 (1993) determined that the Montreux Record should be employed to identify priority sites for positive national and international conservation attention. Guidelines for the Montreux Record indicate the procedures for including and removing Ramsar sites from the Montreux Record. Resolution VI.1 (1996) established more precise procedures for the utilisation of the Montreux Record mechanism. Sites may be added to and removed from the Record only with the approval of the Parties where they lie. As of January 2002, 60 sites are included in the Montreux Record.

- **Wise use**

Under Article 3.1 of the Convention, Parties agree to formulate and implement their planning so as to promote the conservation of the wetlands included in the List and, as far as possible, the wise use of wetlands in their territory. In 1987, Ramsar COP 3 recognised the need for greater precision and adopted the following definition: '*The wise use of wetlands is their sustainable utilisation for the benefit of mankind in a way compatible with the maintenance of the natural properties of the ecosystem*'⁸⁶. At the same meeting, 'sustainable utilisation' of a wetland was defined as: '*Human use of a wetland so that it may yield the greatest continuous benefit to present generations while maintaining its potential to meet the needs and aspirations of future generations.*'

⁸³ Ramsar COP 4, 'Criteria for Identifying Wetlands of International Importance' (Recommendation 4.2). COP 6, adopted further criteria for identifying Wetlands of International Importance based on fish, which also included in its Annex detailed guidelines for the application of these criteria (Resolution VI.2). See also *Review of the Ramsar Criteria for Identifying Wetlands of International Importance* and the accompanying *Guidelines*, adopted at COP 6 (Resolution VI.3)

⁸⁴ *Strategic Framework and guidelines for the future development of the List of Wetlands of International Importance*, COP 7, Resolution VII.11.

⁸⁵ Ramsar Information Paper no.6, at http://www.ramsar.org/about_infopack_6e.htm

⁸⁶ Recommendation 3.3 '*Wise use of wetlands*'

The Ramsar Strategic Plan 1997-2002, adopted in 1996, states that Ramsar Parties consider the term 'wise use' to be synonymous with 'sustainable use', one of the three CBD objectives. The Strategic Plan explains that through the concept of 'wise use', the Convention 'has always emphasised that human usage on a sustainable basis is entirely compatible with Ramsar listing and wetland conservation in general'⁸⁷.

COP 4 adopted *Guidelines for the Implementation of the Wise Use Concept*⁸⁸. The Wise Use Guidelines were supplemented by *Additional Guidance for the Implementation of the Wise Use Concept*, adopted at COP 5⁸⁹.

- **Environmental impact assessment**

Although impact assessment is not mentioned explicitly in the text of the Convention, Article 3 establishes that parties must *'formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible the wise use of wetlands in their territory'*.

The Ramsar Bureau has recently signed a MoU with the International Association for Impact Assessment (IAIA)⁹⁰ to:

- improve the use and application of impact assessment tools in the conservation and wise use of wetlands;
- develop new or innovative impact assessment tools for managing wetlands;
- extend the use of impact assessment to strategic decision-making levels in relation to wetlands;
- ensure the use of impact assessment tools in the development and implementation of incentive measures for wetlands conservation and wise use;
- identify and develop cross-linkages between the impact assessment agenda item and other components of the Ramsar Convention tools; and
- ensure that all policies, programmes and projects potentially affecting wetlands are subjected to an adequate impact assessment that addresses impacts on biodiversity and other wetland functions and values.

- **International co-operation**

Article 5 of the Ramsar Convention establishes the Parties' obligation to consult with each other about implementing the Convention in the case of wetlands extending over the territories of more than one Party, as well as when a water system is shared by Parties. Parties must also endeavour to co-ordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna.

To assist Parties with the implementation of these obligations, COP 7 adopted *Guidelines for international co-operation under the Ramsar Convention*⁹¹. The Ramsar COP called upon Parties to⁹²:

⁸⁷ Ramsar Information Paper no.7, at http://www.ramsar.org/about_infopack_7e.htm

⁸⁸ Recommendation 4.10.

⁸⁹ Annex to Resolution V.6.

⁹⁰ MoU agreed in June 2001. See text at http://www.ramsar.org/key_iaia_mou.htm.

⁹¹ Resolution VII.19, Annex. See Ramsar Information Paper no.13. See

http://www.ramsar.org/about_infopack_13e.htm

⁹² Resolution VII,19, para.10. See http://www.ramsar.org/key_res_vii.19e.htm

- give special attention to the identification of shared wetlands, river basins, and wetland-dependent species, and to co-operate with other Parties in their management;
- harmonise the implementation of the Ramsar Convention with that of other treaties;
- increase the number of site twinning arrangements;
- raise the level and effectiveness of international development assistance programmes directed at the long-term conservation and sustainable use of wetlands.

COP 7 urged all Parties to consider the implementation of these *Guidelines*, adapting them as necessary to suit national circumstances.

Ramsar COP 6⁹³ adopted the Strategic Plan 1997-2000⁹⁴. The Plan groups the Convention's many priorities under eight 'general objectives'.

RAMSAR STRATEGIC PLAN 1997-2002: GENERAL OBJECTIVES

1. To progress towards universal membership of the Convention.
2. To achieve the wise use of wetlands by implementing and further developing the Ramsar Wise Use Guidelines.
3. To raise awareness of wetland values and functions throughout the world and at all levels.
4. To reinforce the capacity of institutions in each Contracting Party to achieve conservation and wise use of wetlands.
5. To ensure the conservation of all sites included in the List of Wetlands of International Importance (Ramsar List).
6. To designate for the Ramsar List those wetlands which meet the Convention's criteria, especially wetland types still under-represented in the List and transfrontier wetlands.
7. **To mobilise international co-operation and financial assistance for wetland conservation and wise use in collaboration with other conventions and agencies, both governmental and non-governmental.**
8. To provide the Convention with the required institutional mechanisms and resources. (emphasis added)

A mid-term review was carried out prior to COP 7, held in May 1999, in Costa Rica, in order to determine the level of success of various bodies in implementing their relevant part of the Strategic Plan. As a result of this review, COP 7 adopted the Convention's Work Plan for 2000-2002⁹⁵, based on the Strategic Plan but setting quantifiable targets for each of the Strategic Plan's actions.

Further detailed assessments of the implementation of the Work Plan will be made at COP 8, which will be held in Valencia, Spain, on 18-26 November 2002⁹⁶. The review will be based on the National Reports submitted by Parties, as their structure should follow that of

⁹³ Ramsar COP 6 was held on 19-27 March 1996 in Brisbane, Australia.

⁹⁴ See http://www.ramsar.org/key_strat_plan_e.htm

⁹⁵ Resolution VII.27. See http://www.ramsar.org/key_res_vii.27e.htm

⁹⁶ See at http://www.ramsar.org/index_cop8.htm

the Work Plan 2000-2002. The format for the National Reports was distributed to Contracting Parties in 2000, so that they may use it as a planning tool towards the implementation of the Convention. COP 8 will discuss a new Strategic Plan for the Convention for 2003-2008 and a new Work Plan for 2003-2005.

2.4.2 Co-operation and synergies between the Ramsar Convention, the CBD and other biodiversity-related conventions

Although the CBD was adopted 21 years after the Ramsar Convention, the two agreements share the goal of biodiversity conservation. While Ramsar targets the conservation of specific habitats, the CBD aims at conserving biological diversity as a whole, including wetlands. For instance, CBD Article 8 on 'in-situ conservation' refers to the protection of ecosystems and natural habitats, which include wetlands. The two conventions are by their very nature drawn to work in collaboration.

As explained above, the CBD requires collaborations with the executive bodies of those conventions dealing with matters related to biodiversity (Art. 23(4)). This requirement was emphasised by '*The Kushiro Statement*'⁹⁷ at Ramsar COP 5, which stressed the need to respond to Agenda 21 and to the challenge of promoting biodiversity conservation and the wise use of wetlands. The Statement reinforced the urgency of the immediate application of the Convention on Biological Diversity, and the aim of Ramsar Parties to meet their commitments under the Convention through the following actions:

- Conservation and management of wetlands of international importance;
- Formulation and implementation of planning so as to promote the conservation and wise use of wetlands;
- Promotion of international co-operation through development assistance and management of shared wetland ecosystems, water resources, and species;
- Increasing awareness of the Convention and promotion of its aims.

In January 1996, the Ramsar Bureau and CBD Secretariat signed a Memorandum of Co-operation. In March of that year, Ramsar COP 6 instructed the Bureau to give high priority to implementing the MoC. Both Secretariats undertook to harmonise the institutional process, exchange of information and experience, programme of work, consultation and reporting as well as establish a joint conservation strategy⁹⁸.

In November 1996, the CBD's COP3 invited Ramsar 'to co-operate as a lead partner' in implementing CBD activities related to wetlands, and accordingly a Joint Work Plan (JWP) 1998-1999 was developed between the two conventions. The JWP was endorsed by the CBD COP 4⁹⁹ in 1998 and by Ramsar's COP 7 in 1999¹⁰⁰ as a 'framework for enhanced co-operation'¹⁰¹. The main issues covered by the JWP were: in-situ conservation; sustainable use of resources; incentives measures; research and training; public education and awareness; technical and scientific co-operation; and transboundary co-operation.

⁹⁷ Resolution V.I, Annex 1, Ramsar COP 5, 9-16 June 1993, Kushiro, Japan. See http://www.ramsar.org/key_res_5.1a.htm

⁹⁸ Resolution VI.9 on 'Co-operation with the Convention on Biological Diversity'.

⁹⁹ CBD COP Decision IV/15, para.2.

¹⁰⁰ Resolution VII.4 on '*Partnerships and co-operation with other Conventions, including harmonised information management infrastructures*' endorsed the second JWP with the CBD (in Annex I).

¹⁰¹ CBD COP Decision IV/4, para.4.

Following the first joint work plan, the two conventions endorsed a second joint work plan for 2000-2001¹⁰². This JWP, like its predecessor, does not constitute a new and additional work programme for either convention but it seeks to identify and describe those issues and areas of work where common interests prevail, and collaborative approaches will lead to better and more effective 'tools' and approaches to implementation. These issues of common interest included a wide range of co-operative actions, including cross-cutting issues and thematic ecosystems under the CBD. The Ramsar Bureau and CBD Secretariat are evaluating the second JWP and developing a third JWP. Drafts will be circulated to the Ramsar Standing Committee for approval prior to the CBD's COP6 in April 2002. The CBD proposes to harmonise criteria for site designation between the two conventions. It is also envisaged that the third JWP will also reach out to other conventions, in addition to Ramsar and CBD, and will focus more on joint actions for Parties at the national level¹⁰³.

The CBD's thematic work programme on inland water biological diversity¹⁰⁴ includes numerous references to collaboration with the Ramsar Convention. CBD COP 4 recommended its Parties to take a series of actions to implement this work programme¹⁰⁵. These include issues of concern for Ramsar Parties, as all of the following are addressed in both the CBD's thematic work programme and in Ramsar's Work Plan for 2000-2002¹⁰⁶: planning and site management; research; monitoring and assessment; sustainable use; environmental impact assessments; education and public awareness; and transboundary co-operation.

Ramsar also has links with the CBD's programme of work on marine and coastal biodiversity¹⁰⁷. Although the primary basis is action at the national and local levels, the COP called for activities associated with this work programme to be cost-effective and efficient¹⁰⁸. In this respect, the harmonisation of work programmes is to be pursued through strong co-ordination between the CBD and partner organisations, including the Ramsar Convention¹⁰⁹. Coral bleaching is one of the urgent priorities of this work programme and COP 5 called on the Secretariat to co-operate with the UNFCCC to develop a specific work plan on coral bleaching, and to do so in liaison with the Ramsar Convention, CITES, UNESCO and other organisations¹¹⁰.

The second JWP between Ramsar and the CBD focused on the River Basin Initiative, endorsed at COP 5¹¹¹, and based on the need for an integrated approach to river basin management, which incorporates ecosystem functions and values. There is also a demand for a mechanism to promote sharing of best practices and issues relating to integrated management of river basins based on an ecosystem approach. The objective of this Initiative is *'to establish a global network to share information and link and support activities where the principles of integrated management of biodiversity, wetlands and river basins are demonstrated'*.¹¹²

¹⁰² See http://www.ramsar.org/key_cbd_jwp2_e.htm and CBD Decision V/2.

¹⁰³ Report of the 26th Meeting of the Standing Committee (3-7 December 2001), at para.56.

¹⁰⁴ Adopted at CBD COP 4 (Decision IV/4, para.1).

¹⁰⁵ CBD COP Decision IV/4, Annex I, para.9.

¹⁰⁶ See http://www.ramsar.org/key_workplan_2000.htm

¹⁰⁷ Adopted by CBD COP Decision IV/5, para.1 (arising from Decision II/10 on the Jakarta Mandate on Marine and Coastal Biological Diversity).

¹⁰⁸ Decision IV/5, para.14.

¹⁰⁹ Id.

¹¹⁰ Decision V/3, para.4.

¹¹¹ Decision V/2, para. 2.

¹¹² See http://www.ramsar.org/key_rbi_brochure_e.htm

CBD and Ramsar Parties have been asked¹¹³ to provide an assessment of national needs and contributions on integrating biodiversity, wetlands and river basin management. The objective of this request is to enable CBD National Focal Points and Ramsar Administrative Authorities to indicate their country's needs and potential contribution to the Initiative.

The second Joint Work Programme identifies, under each theme, opportunities for collaboration with other global environment conventions and programmes, as appropriate. This is in recognition of the existing, or developing, MoUs or MoCs that both CBD and the Ramsar Convention have in place with other conventions and programmes.

The Strategic Framework of the Ramsar Convention¹¹⁴ includes the objectives for the Ramsar List of Wetlands of International Importance. Two of the four objectives relate to co-operation (see box below).

STRATEGIC FRAMEWORK OF THE RAMSAR CONVENTION

Objectives for the Ramsar List

- Objective 3: To foster co-operation among Parties, the Convention's International Organisation Partners and local stakeholders in the selection, designation and management of Ramsar sites.
- Objective 4: To use the Ramsar site network as a tool to promote national, supranational/regional, and international co-operation in relation to complementary environmental treaties.

Ramsar COP 7 adopted a set of 'Guidelines for International Co-operation under the Ramsar Convention'¹¹⁵ covering: the management of shared wetlands and river basins and shared wetland-dependent species; partnerships with international and regional environment Conventions and agencies; and sustainable harvesting and international trade in wetland-derived plant and animal products, among other topics.

The Ramsar Bureau and the CMS Secretariat signed a Memorandum of Understanding in February 1997. The Memorandum seeks to ensure co-operation between the two secretariats in the fields of joint promotion of the two conventions; joint conservation action; data collection, storage and analysis; and new agreements on migratory species, including endangered migratory species and species with an unfavourable conservation status. A joint work plan between Ramsar and the CMS, as well as its AEWA agreement, is being developed.

Wetlands are crucially important everywhere, and even more so in arid lands. Thus the Ramsar Bureau was present at the first CCD COP in October 1997, where an information document on 'Wetlands in Arid Zones' was distributed. At CCD COP 2, in December 1998, the Secretary General of the Ramsar Convention and the Executive Secretary of the CCD signed a Memorandum of Co-operation to help increase communication between the two secretariats, co-ordinate efforts, and avoid duplication. For CCD COP 3, the CCD secretariat prepared a document¹¹⁶ which included a detailed analysis of the synergies between CCD and the other conventions, including Ramsar, with concrete recommendations for joint

¹¹³ 'Preliminary National Needs and Contributions Assessment on Integrating Biodiversity, Wetlands and River Basin Management', Notification and questionnaire. See CBD website.

¹¹⁴ Strategic Framework for the List of Wetlands of International Importance, adopted at COP 7 (1999) by Ramsar Resolution VII.11.

¹¹⁵ Adopted as an annex to resolution VII.19. See http://www.ramsar.org/key_guide_cooperate.htm

¹¹⁶ ICCD/COP(3)/9, 'Review of Activities for the Promotion and Strengthening of Relationships with other Relevant Conventions and Relevant International Organisations, Institutions and Agencies'.

actions at the field level. Discussions between the Ramsar Bureau and CCD Secretariat are under way to develop a joint work plan.

Another MoU was signed between the Ramsar Bureau and the World Heritage (WH) Centre in May 1999. As some 60 Ramsar sites are also WH sites, the Ramsar Bureau and the World Heritage officer in charge of natural sites maintain a close working relationship with a view to:

- promoting nominations of wetlands sites under the two conventions;
- reviewing reporting formats and coordinating the reporting about shared sites;
- contributing to both conventions' training efforts;
- coordinating fundraising initiatives concerning shared sites;
- and encouraging the establishment of joint national committees.

In preparation for UNFCCC COP 5, in 1999, the Ramsar Bureau commissioned IUCN to prepare a technical document entitled 'Wetlands and Climate Change: exploring collaboration between the Convention on Wetlands and the UN Framework Convention on Climate Change'. The paper was distributed to the UNFCCC's Subsidiary Body for Scientific and Technological Advice (SBSTA) and to delegates to COP 5. As a result, SBSTA requested the UNFCCC Secretariat to liaise with the Ramsar Bureau on specific issues in order to determine how co-operation between the conventions could be strengthened.

The Ramsar Convention Work Plan 2000-2002¹¹⁷ requested the Scientific and Technical Review Panel (STRP) to prepare a comprehensive review of the potential impacts of climate change on wetlands and the roles that wetlands can potentially play in mitigating the effects of climate change and sea level rise. In 2000, the STRP established an expert Working Group on Climate Change and the Ramsar Convention in order to address this substantial action. The expert working group developed an outline and scope for this review drawing on information relating to wetlands in the Intergovernmental Panel on Climate Change's (IPCC) Third Assessment Report, and on other information relating to climate change and wetlands. This report will be finalised in May 2002 and it will provide a sound basis for action in developing a joint agenda for future work on climate change and wetlands with the UNFCCC, as called for in Action 7.2.7 of the Convention's Work Plan¹¹⁸.

The Global Biodiversity Forum met in May 1999, prior to Ramsar COP 7, and recommended that a Memorandum of Understanding between the Ramsar Convention and the UNFCCC should be established to identify the adverse effects of climate change to freshwater ecosystems¹¹⁹.

On 1 May 2000, the Ramsar Bureau signed a MoC with the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Cartagena, Colombia, 1983). Both secretariats agreed to co-operate to enable Parties to the Conventions to identify and strengthen conservation of those sites of international importance which are relevant to both Conventions. In February 2001, a similar MoC was signed with the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean ('Barcelona Convention').

¹¹⁷ Action 5.1.6.

¹¹⁸ Decision SC26-6 of the Standing Committee authorised the finalisation of a draft Resolution and the background paper for consideration in May 2002 in preparation for COP 8. . See report of the 10th meeting of the STRP, June 2001. See at http://www.ramsar.org/strp10_minutes.htm#bookmark1.

¹¹⁹ Statement of the 13th Global Biodiversity Forum (GBF-13) to the 7th COP to the Ramsar Convention on Wetlands, San Jose, Costa Rica, 7-9 May 1999. See <http://www.gbf.ch/sessions/gbf13/index.html>

The Ramsar Convention's work plan for 2000-2002 includes the specific objective of promoting international co-operation and mobilising financial assistance for wetland conservation and wise use in collaboration with other conventions and agencies (Objective 7). The targets of this work plan go beyond the current Memoranda of Understanding or Co-operation, and aim at developing joint work plans with other biodiversity-related conventions, following the example and experience of the two JWPs between the Ramsar Convention and the CBD.

In implementation of the Ramsar's Strategic Plan 1997-2002, the Ramsar Bureau and MAB secretariat have developed a programme of joint work for 2002-2003 to develop co-operation, especially on wetlands designated as WH sites, Biosphere Reserves and/or Ramsar sites¹²⁰.

RAMSAR WORK PLAN 2000-2002		
OBJECTIVE 7		
Operational Objective Ref.	Objective	Targets
7.2	To strengthen and formalise linkages between Ramsar and other international and/or regional environmental conventions and agencies, so as to advance the achievement of shared goals and objectives relating to wetland species or issues	<ul style="list-style-type: none"> • A Joint Work Plan between the Ramsar Convention and the Convention to Combat Desertification • To see the Joint Work Plan implemented in full and resulting in co-operative implementation of both conventions at the international, national and local levels. • A Memorandum of Co-operation with the Man and the Biosphere Programme (MAB), leading to Joint Work Plans with the MAB Programme and with the World Heritage Convention. • A Joint Work Plan between the CMS and Ramsar Convention • A Memorandum of Co-operation with CITES, leading to a Joint Work Plan between the Conventions.

The Strategic Plan stresses that, in the context of these targets, Ramsar seeks co-operative implementation with all the above conventions at the *international, national and local levels*. To further develop the institutional linkages between the CBD and Ramsar, the CBD

¹²⁰ Decision SC26-5 of the Standing Committee (December 2001). See at http://www.ramsar.org/key_sc26_decisions_e.htm

SBSTTA is exploring opportunities for co-operation with the Scientific and Technical Review Panel of the Ramsar Convention¹²¹.

In relation to CCD, desertification and wetlands are intricately linked. The maintenance and rehabilitating of wetlands in drylands can contribute to alleviate the impacts of desertification as well as meeting the increasing demand for scarce water resources. If wetland conservation and wise use are to be developed and implemented effectively they need to interact with national strategies and action plans on desertification control.

2.5 The Convention Concerning the Protection of the World Natural and Cultural Heritage

'The most significant feature of the World Heritage Convention is to link together in a single document the concepts of nature conservation and the preservation of cultural sites. Nature and culture are complementary and cultural identity is strongly related to the natural environment in which it develops'.
(UNESCO/WHC website)

The Convention Concerning the Protection of the World Cultural and Natural Heritage ('World Heritage Convention' or WHC)¹²² was adopted by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in 1972. The WHC currently has 167 Parties¹²³.

The WHC aims to encourage the identification, protection and preservation of the world's cultural and natural heritage of outstanding value to humanity. This Convention links the concepts of nature conservation and the preservation of cultural sites. It considers nature and culture complementary, as cultural identity strongly relates to the natural environment where it develops. Thus, it provides for the protection of cultural and natural properties, addressing both the way in which people interact with nature, and the fundamental need to preserve the balance between nature and culture.

The Convention provides for the protection of those cultural and natural properties deemed to be of outstanding universal value. It is not intended to provide for the protection of all properties of great interest, importance or value, but only for a select list of the most outstanding of these from an international viewpoint. The outstanding universal value of cultural and natural properties is defined in Articles 1 and 2 of the Convention.

Cultural heritage refers to monuments, groups of buildings and sites with historical, aesthetic, archaeological, scientific, ethnological or anthropological value. *Natural heritage* covers outstanding physical, biological and geological formations, habitats of threatened species of animals and plants and areas with scientific, conservation or aesthetic value. There are currently 721 properties inscribed on the World Heritage List¹²⁴. Of these, 554 are cultural properties and 144 natural properties, as well as 23 mixed natural and cultural properties, and 23 cultural landscapes¹²⁵, located in 124 States Parties.¹²⁶

¹²¹ CBD COP Decision IV/4, para.8(c).

¹²² See the WH's website, <http://www.unesco.org/whc>

¹²³ As of 24 January 2002.

¹²⁴ As of January 2002.

¹²⁵ Mixed sites have both outstanding natural and cultural values. Since 1992, significant interactions between people and the natural environment have been recognised as 'cultural landscapes'.

¹²⁶ See <http://www.unesco.org/whc/heritage.htm>

The purpose of the Convention is to establish an effective system of 'collective protection' of cultural and natural heritage of outstanding value, organised on a permanent basis and in accordance with modern scientific methods.

This collective protection system is based on three elements:

- The 'outstanding universal value' of the cultural and natural properties, which reflects the world's common concern on safeguarding unique and irreplaceable properties. This is a key concept as it serves to differentiate a World Heritage site from a site of national heritage¹²⁷.
- The need to preserve cultural and natural properties as part of the 'world heritage of mankind as a whole'¹²⁸. Parties recognise that sites located on their national territory, and which have been inscribed on the World Heritage List, constitute a world heritage 'for whose protection it is the duty of the international community as a whole to co-operate', and without prejudice to national sovereignty or ownership (Article 6.1 of the WHC).
- The link between cultural and natural heritage: World Heritage sites include selected cultural and natural properties¹²⁹ considered of outstanding universal value.

Main institutions and instruments under the WHC	
The Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value ('The World Heritage Committee')	Established within UNESCO, it consists of representatives from 21 Parties to the Convention and is responsible for the implementation of the World Heritage Convention.
The World Heritage Bureau	Made up of seven members of the Committee, it is a small executive body that meets mid-year to prepare the work of the Committee.
World Heritage List	The List is based on Parties' inventories of properties part of their cultural and natural heritage. The Committee has the final say on the inclusion of sites on the World Heritage List.
List of World Heritage in Danger	List of property appearing in the World Heritage List which is seriously threatened and requires major operations and assistance, requested under the Convention.
Fund for the Protection of the World Cultural and Natural Heritage of Outstanding Universal Value ('The World Heritage Fund')	Trust Fund set by the Convention (currently with an annual budget of over US\$4 million provided through mandatory and voluntary contributions from Parties). The Committee allocates its funds to: sites in need of repair or restoration; emergency action; technical assistance and training; and promotional and educational activities. The Fund is administered by the World Heritage Centre.

¹²⁷ WHC Article 11.2; Article 12.

¹²⁸ Preamble to the WHC.

¹²⁹ WHC Article 11.1

General Assembly of States Parties to the Convention	It meets every two years, during the ordinary session of UNESCO's General Conference, to: elect the members of the World Heritage Committee; examine the statement of accounts of the World Heritage Fund; and decide on major policy issues.
The World Heritage Centre	Set up in 1992 to ensure the day-to-day management of the Convention. It organises the annual session of the World Heritage Bureau and Committee, provides advice to Parties in the preparation of sites nominations, organises international assistance upon request and co-ordinates the reporting on the condition of sites and the emergency action undertaken when a site is threatened.
World Heritage Information Network http://www.wcmc.org.uk/whin/	Clearing house for information on the natural and cultural sites of the World Heritage List.
Advisory bodies to the Convention:	<ul style="list-style-type: none"> • the International Centre for the Study of the Preservation and the Restoration of Cultural Property (ICCROM); • the International Council on Monuments and Sites (ICOMOS); and • the World Conservation Union (IUCN)

The Convention defines the type of natural and cultural sites that can be considered for inclusion on the *World Heritage List*¹³⁰, and sets out the duties of States Parties in identifying potential sites, as well as their role in protecting and preserving them.

A Global Strategy 1994-1998 was adopted by the World Heritage Committee to achieve a balanced and representative World Heritage List. The Global Strategy provides a framework and operational methodology for implementing the WHC and its aim is to ensure that the List reflects the world's cultural and natural diversity of outstanding universal value. A series of regional¹³¹ and thematic meetings and studies linked to the implementation of the Global Strategy were subsequently organised by the World Heritage Centre.

In 1998, the World Heritage Committee assessed the regional activities undertaken and adopted regional action plans (1999-2000) on the Global Strategy for Sub-Saharan Africa; Arab Region; Asia; the Pacific; Europe and North America; and Latin America and the Caribbean¹³². The 1999 session of the Committee reviewed the implementation of the regional activities and adopted a regionally based Global Strategy Action Plan for 2000-2002¹³³.

¹³⁰ When a property has deteriorated to the extent that it has lost those characteristics that determined its inclusion in the World Heritage List, it should be placed on the World Heritage in Danger List. Subsequently, the procedure concerning the possible deletion from the World Heritage List can be applied (WHC, Article 11.4).

¹³¹ Activities related to regional implementation of the WHC have taken place in Africa, the Arab States, Asia, the Pacific, Europe and North America, and Latin America and the Caribbean.

¹³² WHC-98/CONF.203/12, 'Progress report, synthesis and action plan on the Global Strategy for a representative and credible World Heritage List'.

¹³³ WHC-99/CONF.209/8, 'Progress report on the implementation of the regional actions described in the Global Strategy Action Plan adopted by the Committee at its twenty-second session'.

The 24th session of the World Heritage Committee, held on 27 November-2 December 2000 in Cairns, Australia, highlighted the need to link the implementation of the Global Strategy Action Plan with improving the coverage of the World Heritage List. Critical gaps in the List need to be identified, especially in relation to the application of the Convention in coastal and marine ecosystems. World Heritage sites in coastal and marine ecosystems are currently under-represented¹³⁴. The 25th Session of the World Heritage Committee¹³⁵ was held in Helsinki, Finland, on 11-16 December 2001, resulting in 31 new sites being added to the WH List¹³⁶.

2.5.1 Obligations of the Parties

The Convention recognises that the protection of the world's heritage is an international responsibility. Whilst the Convention respects the sovereignty of the States where the cultural and natural heritage is situated, Parties recognise that such heritage constitutes a world heritage and therefore the international community has the duty to co-operate for its protection (Article 6.1).

Each Party to the WHC must 'identify and delineate the different properties situated on its territory' forming part of its cultural and natural heritage, as defined in Articles 1 and 2 of the Convention, respectively¹³⁷. The Convention recognises that States have the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations, of the cultural and natural heritage situated on their territory. By becoming a Party, countries pledge to conserve not only the World Heritage sites situated on their territory, but also to protect their national heritage.

In order to ensure that effective measures are taken for the 'protection, conservation and presentation' of the cultural and natural heritage situated on their territory, Parties to the WHC must endeavour to:

- adopt a general policy to give heritage a function in the life of the community, and to integrate the protection of that heritage into planning;
- set-up services for the protection, conservation and presentation of heritage;
- develop scientific and technical studies and research and to develop operating methods for counteracting threats to heritage;
- take appropriate legal, scientific, administrative and financial measures necessary for the identification, protection, conservation and rehabilitation of this heritage;
- foster the development of national or regional centres for training in the protection, conservation and measurement of heritage and to encourage a scientific research in this field.

Parties must submit to the World Heritage Committee an 'inventory of property' or Tentative List that provides a forecast of the properties that they may decide to submit for inscription in the next five to ten years. These Tentative Lists may be updated at any time and preparatory assistance is available to Parties if requested.

Applications for inscription of sites in the World Heritage List must come from a Party to the Convention, as UNESCO makes no recommendations for listing. The World Heritage Committee meets once a year to examine site nominations on the basis of independent

¹³⁴ WHC-2000/CONF.204/21(16 February 2001), Report of the 24th Session of the World Heritage Committee. See <http://www.unesco.org/whc/toc/mainf15.htm>.

¹³⁵ WHC-01/CONF.208/24

¹³⁶ see <http://www.unesco.org/whc/nwhc/pages/news/main2.htm>

¹³⁷ Article 3 of the WHC.

technical evaluations provided by two advisory bodies: the International Council on Monuments and Sites (ICOMOS) and the World Conservation Union (IUCN). A third advisory body, the International Centre for the Study of the Preservation and Restoration of Cultural Property (ICCROM), provides expert advice on restoring monuments and organises training courses.

In 1996, the World Heritage Committee adopted the *Operational Guidelines for the implementation of the World Heritage Convention*,¹³⁸ which are revised on a regular basis. They were prepared to inform WHC Parties of the principles that guide the work of the Committee in establishing the World Heritage List and the List of World Heritage in Danger, and in granting international assistance under the World Heritage Fund. The Operational Guidelines use two sets of criteria, one for cultural and another for natural property.

The Operational Guidelines were reviewed by an International Expert Meeting on the Revision to the Operational Guidelines held on 10-14 April 2000 in Canterbury, UK. At the December 2000 meeting, the Committee decided that the Guidelines should be restructured according to a proposed new overall framework¹³⁹. The revised Guidelines were submitted to the 25th session of the World Heritage Committee in December 2001¹⁴⁰.

2.5.2 Co-operation and synergies between the WHC and the CBD

These two international agreements reflect different stages of awareness of the threats recognised by countries worldwide and the need to take collective action, as there is a twenty-year gap between the adoption of the WHC and the CBD. In 1972, when the WHC was agreed, the importance of the global environment and the need for protective measures were starting to emerge as international priorities.

In comparison, the WHC has a more specific scope than the CBD, as the former is limited to those sites with natural properties of 'outstanding universal value' included in the List, whilst the latter is a broader agreement addressing all aspects of biological diversity, including genetic resources, species, and ecosystems. Due to the nature of the WHC, the closest link between the two instruments is the relationship between world natural sites, cultural landscapes and mixed properties listed under the WHC, and protected areas under the CBD.

The CBD's coverage of in-situ conservation refers to its Parties' obligation to create a system of protected areas (Article 8, CBD). A protected area is defined as '*a geographically defined area that is designated or regulated and managed to achieve specific conservation objectives*' (Article 2, CBD). Protected areas are a central part of the CBD and its Parties have identified their efforts to develop and maintain their national protected area network as the central element of their strategy to implement the Convention¹⁴¹.

Protected areas under the CBD, and world natural heritage sites under the WHC, have to comply with very similar requirements on the management of the world's natural heritages and protected areas (Article 5 of the WHC and Article 8 of the CBD). Some of the natural properties included in the World Heritage List also overlap with Biosphere Reserves¹⁴² designated under UNESCO's Man and the Biosphere (MAB) Programme. However, the

¹³⁸ See <http://www.unesco.org/whc/opgutoc.htm#debut>

¹³⁹ WHC-2000/CONF.204/INF.10.

¹⁴⁰ Report not yet available (WHC-01/CONF.208/24).

¹⁴¹ See document UNEP/CBD/COP/4/11/Rev.1. COP/4 considered protected areas on the basis of UNEP/CBD/COP/4/13.

¹⁴² Areas of terrestrial and coastal ecosystems which are internationally recognised within the framework of this Programme.

WHC *Operational Guidelines* especially mention that natural heritage sites 'should be the most important sites for the conservation of biological diversity'.

The World Conservation Union (IUCN) has classified protected areas in six categories based on management objectives provided to help with the implementation of the CBD¹⁴³. The IUCN World Commission on Protected Areas¹⁴⁴, supported by IUCN's Programme on Protected Areas¹⁴⁵, and the World Conservation Monitoring Centre (UNEP-WCMC), have worked together to define and categorise protected areas. The result is the *UN List*¹⁴⁶, a definitive list of the world's protected areas compiled by UNEP-WCMC on behalf of IUCN, and published by IUCN¹⁴⁷.

In the context of co-operation between the two conventions, CBD COP 4 endorsed a Memorandum of Co-operation with UNESCO¹⁴⁸. At its meeting in 2000, the World Heritage Committee made a reference to 'fruitful exchanges' exchanges with the Convention on Biological Diversity, the Convention on Migratory Species and the Ramsar Convention¹⁴⁹.

The CBD Secretariat has broader links with UNESCO in the context of a proposed global initiative on biological diversity education and public awareness.

COP 5¹⁵⁰ requested the Secretariat, in co-operation with UNESCO, to convene a consultative working group of experts, including UNEP and other international organisations and NGOs, to further advance and identify priority activities for the proposed global initiative on biological diversity education and public awareness. The CBD-UNESCO Consultative Group of Experts on Biological Diversity Education and Public Awareness held two meetings in 2000¹⁵¹ and a third one in November 2001¹⁵². The discussion paper¹⁵³ for the 2001 meeting included a compilation and review of the different elements produced by the Group and advice on a strategy to communicate the importance of communication and education instruments to the Parties.

The WHC's *Operational Guidelines* include a section on 'Links with other Conventions and Recommendations' where it is recognised that WHC's collective interest would be advanced by closer co-ordination of its work with other international conservation instruments. The *Guidelines* specifically mention the Ramsar Convention¹⁵⁴ and CITES, 'as well as other

¹⁴³ IUCN (1994) *Guidelines for Protected Areas Management Categories*. See http://www.unep-wcmc.org/protected_areas/categories/eng/index.html

¹⁴⁴ See <http://wcpa.iucn.org/>

¹⁴⁵ See <http://wcpa.iucn.org/wcpainfo/aboutppa.html>

¹⁴⁶ The *UN List* is regularly compiled, under the authority of the United Nations. From 1962 to 1990, ten editions of the *UN List* were printed. Since then the 1993 *UN List* and the 1997 *UN List* have been available both as printed publications and web-based databases. The next edition of the *UN List* will be released in 2003.

¹⁴⁷ http://www.unep-wcmc.org/protected_areas/UN_list/index.htm

¹⁴⁸ CBD COP Decision IV/15, para.3.

¹⁴⁹ Report of the 24th Session of the World Heritage Committee, para. IV.6. WHC-2000/CONF.204/21(16 February 2001).

¹⁵⁰ Decision V/17, para.2.

¹⁵¹ See <http://www.biodiv.org/outreach/awareness/global-initiative.asp>.

¹⁵² See <http://www.biodiv.org/outreach/awareness/epa-03.asp>

¹⁵³ UNEP/CBD-UNESCO/CWGEBDEPA./3/2, of 27 August 2001, 'Discussion paper for the proposed global initiative on Biological Diversity Education and Public Awareness'

¹⁵⁴ The WHC and the Ramsar Bureau signed a Memorandum of Understanding in May 1999, with the objective of co-operating with a view to enabling the Parties to these Conventions to identify and strengthen conservation of those sites of international importance which are recognised by both Conventions.

regional conventions and future conventions that will pursue conservation objectives¹⁵⁵. There are plans to include the CMS in the next version of the Operational Guidelines. The Secretariat is charged with ensuring, through the World Heritage Centre, appropriate co-ordination and information sharing between the Committee and other conventions, programmes and international organisations related to the conservation of cultural and natural heritage.

2.5.3 UNESCO's Man and Biosphere Programme (MAB)

*'MAB develops the basis, within the natural and the social sciences, for the sustainable use and conservation of biological diversity, and for the improvement of the relationship between people and their environment globally'.
(MAB website¹⁵⁶)*

MAB is not a Convention but a programme set up by UNESCO with the objective of promoting scientific research, information gathering, and linking with traditional knowledge on the use of resources¹⁵⁷. It also aims at helping implement Agenda 21 and related Conventions, with a particular focus on the Convention on Biological Diversity. The main overlap between the CBD and the MAB programme is in the area of protected areas¹⁵⁸. Under MAB, countries nominate Biosphere Reserves: areas of terrestrial and coastal ecosystems that are internationally recognised within the framework of UNESCO's MAB Programme¹⁵⁹. Collectively, these reserves constitute a World Network. Nominated sites must meet a minimal set of criteria and adhere to a set of conditions before being admitted into the World Network.

Biosphere Reserves are intended to fulfil three basic functions:

- a conservation function: to contribute to the conservation of landscapes, ecosystems, species and genetic variation;
- a development function: to foster economic and human development which is socio-culturally, as well as ecologically, sustainable;
- a logistic function: to provide support for research, monitoring, education and information exchange related to local, national and global issues of conservation and development.

Each biosphere reserve remains under the sovereign jurisdiction of the country where it is situated. Some countries have enacted legislation specifically to establish biosphere reserves. However, in many cases, areas already protected under national law are designated as biosphere reserves. They consist of a core area, a buffer zone and a transition area, but only the core area requires legal protection. A number of biosphere reserves simultaneously encompass protection under other systems, national and/or international (such as World

¹⁵⁵ WHC's Operational Guidelines, para.139.

¹⁵⁶ <http://www.unesco.org/mab/>

¹⁵⁷ The UNESCO Conference on the Conservation and Rational Use of the Biosphere, in 1968, gave rise to the launching of the MAB Programme within UNESCO.

¹⁵⁸ *The Network constitutes a tool for the conservation of biological diversity and the sustainable use of its components, thus contributing to the objectives of the Convention on Biological Diversity and other pertinent conventions and instruments* (Article 2.2 of the Statutory Framework of the World Network of Biosphere Reserves, see at <http://www.unesco.org/mab/docs/statframe.htm>).

¹⁵⁹ Id., Article 1

Heritage or Ramsar wetland sites). As of September 2001, the World Network of Biosphere reserves consists of 411 sites in 94 countries¹⁶⁰.

The idea behind MAB's biosphere reserves was to help achieve the objective of striking a balance between the goals of conserving biodiversity, promoting economic and social development and maintaining associated cultural values. Biosphere Reserves were conceived as sites where this objective was to be tested, refined and implemented.

The 62 wetlands in 38 countries¹⁶¹ that are both Biosphere Reserves and Ramsar sites are listed in a joint website¹⁶² launched in February 2001 and hosted by MAB. This initiative is part of the increasing co-operation between Ramsar and MAB, in which a joint work plan is presently under development.

National MAB Committees or focal points are responsible for preparing biosphere reserve nominations and for involving the appropriate government agencies, institutions and local authorities in preparing the nomination. Nominations are examined by an UNESCO Advisory Committee for biosphere reserves, which makes recommendations to the International Co-ordinating Council of the MAB Programme, the final decision-maker on nominations. Once designated, national authorities are encouraged to publicise their biosphere reserves.

The MAB Programme has links with both the CBD and the WHC¹⁶³, as it establishes that one of its goals is to use Biosphere Reserves to conserve natural and cultural diversity¹⁶⁴. An International Conference on Biosphere Reserves, held in Seville (Spain), on 20-25 March 1995 drew up the Seville Strategy for Biosphere Reserves. The International Co-ordinating Council of the MAB Programme gave its strong support to the Seville Strategy at its meeting in June 1995. Objective I.2 of this Strategy is to integrate biosphere reserves into conservation planning.

Countries are encouraged to establish transboundary biosphere reserves as a means of dealing with the conservation of organisms, ecosystems, and genetic resources that cross national boundaries. Other specific recommendations from the Strategy that link with the CBD implementation at the national level are as follows¹⁶⁵:

- Biodiversity planning: integrate biosphere reserves in strategies for biodiversity conservation and sustainable use, in plans for protected areas, and in the national biodiversity strategies and action plans provided for in Article 6 of the CBD;
- Funding: Include projects to strengthen and develop biosphere reserves in programmes to be initiated and funded under the CBD and other multilateral conventions;
- Protected areas: Link biosphere reserves with each other, and with other protected areas, through green corridors and in other ways that enhance biodiversity conservation, and ensure that these links are maintained;
- In situ conservation: Use biosphere reserves for in situ conservation of genetic resources, consider their use as rehabilitation/re-introduction sites, and link them as appropriate with ex situ conservation programmes.

¹⁶⁰ See <http://www.unesco.org/mab/brlist.pdf> for a complete list of Biosphere Reserves.

¹⁶¹ As of January 2002.

¹⁶² See <http://www.unesco.org/mab/ramsarmab.htm>

¹⁶³ For a list of those Biosphere Reserves that are wholly or partly WH sites, as of January 2002, see <http://www.unesco.org/mab/BR-WH.htm>

¹⁶⁴ MAB, The Seville Strategy for Biosphere Reserves, Goal 1. See

<http://www.unesco.org/mab/docs/stry-1.htm>

¹⁶⁵ Id., Objective 1.2.

2.6 The UN Framework Convention on Climate Change (UNFCCC) and the Convention to Combat Desertification (CCD): linkages with the CBD.

The 'Rio Conventions' are one of the major results of the UN Conference on Environment and Development in 1992, which enshrined the principle of sustainable development. The CBD, UNFCCC, and CCD share a broad membership and are closely inter-related. The negative impacts of climate change and desertification on biological diversity are no longer considered a threat, but a reality.

2.6.1 The UNFCCC and the CBD

The objectives of the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change (UNFCCC)¹⁶⁶ overlap and are, to a large extent, mutually supportive. Climate change is a significant threat to biodiversity, and the need to limit it to allow ecosystems to adjust to climate change is recognized in the objective of the UNFCCC. The inter-linkages between these two conventions are being explored from both sides: the impact of climate change on biodiversity and the role biodiversity plays, especially forests, in the implementation of the UNFCCC and its Kyoto Protocol¹⁶⁷. Measures such as the conservation and sustainable management of forests and other ecosystems can, if implemented wisely, contribute simultaneously to the objectives of both conventions.

Under the Kyoto Protocol, developed countries (Annex I Parties) are allowed to use certain human-induced activities that absorb greenhouse gases (known as carbon 'sinks') to contribute to their emission targets. These activities, generally referred to as land-use, land-use change and forestry (LULUCF) activities, include afforestation and reforestation. Conversely, changes in these activities that deplete carbon 'sinks' (e.g. deforestation) will be subtracted from the amount of emissions that developed countries may emit. The scientific uncertainty and complexity surrounding the accounting for emissions of LULUCF activities, as well as the biodiversity and social concerns related to their implementation, have made discussions on which LULUCF activities to include and under what conditions, one of the key issues in the elaboration of the rules for the implementation of the Kyoto Protocol.

CBD COP 4 requested its Secretariat to strengthen relationships, 'in particular', with the UN Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol, and with the Convention to Combat Desertification (CCD) with the objective of 'making implementation activities and institutional arrangements mutually supportive'¹⁶⁸. COP 5 further invited the CBD Secretariat to strengthen co-operation with UNFCCC¹⁶⁹ and called for collaboration on: coral bleaching¹⁷⁰; the impact of climate change on forest biodiversity¹⁷¹; incentive measures¹⁷²; and the integration of biodiversity considerations in the Kyoto Protocol¹⁷³. This process involves a range of activities that may require co-

¹⁶⁶ UNFCCC documents and decisions are available online at <http://www.unfccc.org>

¹⁶⁷ 'Note by the Executive Secretary of the Convention on Biological Diversity submitted to the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) at its sixth session and the UNFCCC Subsidiary Body on Scientific and Technological Advice at the second part of its thirteenth session' 27 October 2000. See <http://www.biodiv.org/doc/ref/climate-change.asp>.

¹⁶⁸ Decision IV/15, para.3

¹⁶⁹ Decision V/21, para.3.

¹⁷⁰ Decision V/2, para.4.

¹⁷¹ Decision V/4, para.11.

¹⁷² Decision V/15, para.6.

¹⁷³ Decision V/4, para. 17.

ordination within countries, and the collaboration of Parties, the Conferences of the Parties, subsidiary bodies, secretariats and financial mechanisms of the two conventions, and with the Intergovernmental Panel on Climate Change (IPCC)¹⁷⁴.

To tackle coral bleaching, the CBD COP called for collaboration with UNFCCC in the development and implementation of a specific work plan, taking into account a number of recommendations for priority actions¹⁷⁵. These actions include the initiation of efforts to develop joint actions between the CBD, the UNFCCC, and the Ramsar Convention.

In 2000, the CBD Secretariat¹⁷⁶ began to compile relevant information to assist SBSTTA in preparing scientific advice to integrate biodiversity considerations into the implementation of the UNFCCC and its Kyoto Protocol¹⁷⁷. In this respect, three areas of potential relevance were identified:

- the impact of climate change on biodiversity in the context of sustainable development;
- the role of biodiversity in the mitigation of climate change and the impacts of mitigation measures on biodiversity; and
- the role of biodiversity in measures to adapt to the adverse effects of climate change and the identification of fragile ecosystems.

However, as noted by the IPCC Special Report on LULUCF¹⁷⁸, there is also a risk of negative impacts on biological diversity by measures taken under the Kyoto Protocol. The report discusses at length the different implications of forest-related activities as a result of implementing the Kyoto Protocol.

At the resumed UNFCCC COP 6 in July 2001, Parties adopted the 'Bonn Agreement'¹⁷⁹, a political agreement which addressed the types of LULUCF activities that Annex I Parties can account for, as well as specific 'caps' on the extent that they are allowed to do so¹⁸⁰. The Bonn Agreement confirmed Parties' obligation to account for activities under Article 3.3 of the Kyoto Protocol, which include afforestation, reforestation and reforestation, and set out the basis for the definition of these activities. It also settled the controversy on the inclusion of additional LULUCF activities by deciding that forest management, cropland management, grazing land management and revegetation may be accounted for under Article 3.4 for the first commitment period. The eligibility of LULUCF projects under the Clean Development Mechanism (CDM – Article 12 of the Kyoto Protocol) was also limited to afforestation and reforestation.

The Bonn Agreement furthermore set caps on the emission reductions that Parties can claim from these activities and, importantly, contains the principle that the implementation of LULUCF activities must contribute to the conservation of biodiversity and sustainable use of natural resources.

¹⁷⁴ Decision V/4, paras.11, 17 and 18.

¹⁷⁵ Decision V/3, para. 4, and Annex, Part C.

¹⁷⁶ See section of CBD website on 'Climate Change and Biodiversity', at <http://www.biodiv.org/programmes/cross-cutting/climate/default.asp>

¹⁷⁷ UNEP/CBD/SBSTTA/6/11, of 21 December 2000, 'Biological Diversity and Climate Change, including Co-operation with the UNFCCC'.

¹⁷⁸ IPCC (2000). 'Land Use, Land-Use Change, And Forestry'. A special report of the Intergovernmental Panel on Climate Change (presented at UNFCCC SBSTA 12 in June 2000).

¹⁷⁹ FCCC/CP/2001/5/Add.2, of 25 September 2001, Report of COP 6 Part II, Addendum, Part Four: *Draft Decisions on which progress was noted by the COP at the Second Part of its Sixth Session and which the COP decided to forward to its Seventh Session for Elaboration, Completion and Adoption, Land Use, land-use change and forestry.*

¹⁸⁰ FCC/CP/2001/L.7 of 24 July 2001, Implementation of the Buenos Aires Plan of Action.

The LULUCF elements of the Bonn Agreement were elaborated into specific decision text, which was finalised at COP 7 in Marrakesh (November 2001) in the following Decisions:

- Decision 11/CP.7¹⁸¹ requests SBSTA-16 to develop definitions and modalities for including afforestation and reforestation project activities under the CDM, taking into account their environmental impacts, “including impacts on biodiversity and natural ecosystems”. The aim is to adopt a decision on these definitions and modalities at COP 9, which will be forwarded to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its first session.
- Decision 17/CP.7¹⁸² establishes that the eligibility of LULUCF project activities under the CDM is limited to afforestation and reforestation. It provides also that the total addition to a Party’s assigned amount resulting from eligible LULUCF project activities under the CDM must not exceed 1% of base year emissions of that Party, times five.

CBD SBSTTA 6 (March 2001) recommended to take immediate action, under both the CBD and UNFCCC, to reduce and mitigate the effects of climate change on the biodiversity of coral reefs and their associated socio-economic effects. The meeting also initiated the first step in the wider assessment of the inter-linkages between biodiversity and climate change by establishing an ad hoc technical expert group charged with conducting a pilot assessment to prepare scientific advice to integrate biodiversity considerations into the implementation of the UNFCCC and its Kyoto Protocol. In carrying out its task, the technical expert group must develop recommendations based upon a review of possible approaches and tools such as criteria and indicators. It should also identify areas where further work is needed to improve scientific advice for the integration of biodiversity considerations into the implementation measures to mitigate or adapt to climate change¹⁸³.

At the IPCC XVII meeting in April 2001¹⁸⁴, the SBSTTA-6 recommendations were discussed, especially the wider assessment of the inter linkages between biological diversity and climate change¹⁸⁵. The IPCC had been invited to contribute to this assessment process by preparing a technical paper and identifying experts. The Panel agreed to prepare a technical paper and decided to set up a scoping team, which prepared a scoping paper and an outline for the technical paper in time for the UNFCCC SBSTA-14 in July 2001. A final decision on scope, outline and selection of authors was taken at IPCC-XVIII, held on 24-29 September 2001. The ‘Scoping Paper for the Technical Paper on Climate Change and Biological Diversity’¹⁸⁶ set out that the specific issues to be covered were:

- (i) the impact of climate change on biodiversity and the impact of biodiversity changes on climate
- (ii) the effects of potential LULUCF mitigation options for climate change on biodiversity; and
- (iii) the effect of conservation and management of biodiversity options on climate change.

¹⁸¹ FCCC/CP/2001/13/Add.1, of 21 January 2002, pp.54-63: Decision 11/CP.7 on ‘*Land use, land-use change and forestry*’.

¹⁸² FCCC/CP/2001/13/Add.2, of 21 January 2002, pp.20-24: Decision 17/CP.7 on ‘*Modalities and procedures for a clean development mechanism as defined in Article 12 of the Kyoto Protocol*’.

¹⁸³ UNEP/CBD/COP/6/3, of 27 March 2001, ‘*Report of the Sixth Meeting of the Subsidiary Body on Scientific, Technical and Technological Advice*’.

¹⁸⁴ From IPCC XVII draft report available at http://www.ipcc.ch/meet/meet_rep.htm

¹⁸⁵ Document IPCC-XVII/Doc.4, Add. 2.

¹⁸⁶ IPCC-XVIII Doc. 4 (f) , of 14 August 2001. See at <http://www.ipcc.ch/meet/session18.htm>

UNFCCC SBSTA 14 emphasized the need for enhanced cooperation between the Climate Change and other relevant conventions and stressed the importance of co-ordination at the national level. The SBSTA welcomed the proposal by the CBD SBSTTA on potential areas of collaboration and coordinated action between the CBD and the UNFCCC. It further encouraged Parties to promote the involvement of climate change expertise in the CBD pilot assessment of the inter-linkages between climate change and biological diversity¹⁸⁷. The meeting also endorsed the formation of a joint liaison group between the UNFCCC and CBD Secretariats, where the CCD is also invited to participate in order to enhance co-ordination between the three conventions and explore opportunities for further co-operation¹⁸⁸.

In October 2001, SBSTA 15 requested the liaison group to examine the possibility of holding a joint workshop before SBSTA 18 (June 2003) to explore the issues relating to inter-linkages between the three conventions¹⁸⁹. The meeting agreed to consider these issues further and requested the secretariat to report at SBSTA 16 (June 2002). To begin preparations for the liaison group the SBSTA invited Parties to submit further views including suggestions for specific actions towards achieving such co-operation with other relevant intergovernmental bodies, in particular the UNFCCC, the CCD and the CBD, by 15 March 2002.

The first meeting of the Ad-Hoc Technical Working Group on the Inter-linkages between Biological Diversity and Climate Change was held in Helsinki, Finland, on 21-25 January 2002. The meeting discussed a 'Review of the impact of climate change on forest biological diversity'¹⁹⁰ and a first draft of the IPCC Technical Paper on Climate Change and Biodiversity¹⁹¹. It is envisaged that the technical Working Group will meet twice.

2.6.2 The CCD and the CBD

The scope of the UN Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (CCD)¹⁹², and that of the CBD make them closely interlinked. Soil productivity, degradation and erosion, and over-exploitation of scarce water resources place stress on plant and animal life, with serious socio-economic consequences for humans. The CCD has food security and the eradication of poverty as its goals. Efforts to combat desertification should complement efforts to protect biological diversity. The CCD advocates international co-operation and an integrated approach, consistent with Agenda 21¹⁹³.

The CCD establishes that Parties must encourage the co-ordination of activities carried out under the CCD, particularly with the UNFCCC and CBD, in order to derive maximum benefit from activities under each agreement while avoiding duplication of efforts¹⁹⁴. Parties should encourage joint programmes, particularly in the fields of research, training, systematic observation, and information collection and exchange, to the extent that such activities may contribute to achieving the objectives of the conventions concerned.

The CBD and the CCD have a number of similar provisions in different areas, such as the protection of traditional knowledge: Article 17(1)(c) of the CCD, and Article 8(j) of the

¹⁸⁷ FCCC/SBSTA/2001/2, of 18 September 2001, Report of SBSTA 14, pp. 10-12.

¹⁸⁸ Id, at p.11.

¹⁸⁹ See n.12, at para.53.

¹⁹⁰ UNEP/CBD/AHTEG-BDCC/1/2, of 19 December 2001.

¹⁹¹ See at <http://www.biodiv.org/doc/meetings/tegcc/tegcc-01/tegcc-01-ipcc-en.pdf>

¹⁹² 178 countries are Parties to the CCD as of January 2002. See <http://www.unccd.int>.

¹⁹³ CCD Article 2(1).

¹⁹⁴ CCD Article 8(1).

CBD. Sustainability is also a major concern for both Conventions, either in the form of sustainable development¹⁹⁵, sustainable use¹⁹⁶, or sustainable management of resources¹⁹⁷.

The CCD addresses a specific problem, desertification and drought, with a clear focus on human livelihoods. It advocates research into the causes of desertification and the implementation of measures to fight against it. The CBD has a wider scope and concentrates on habitat and ecosystem conservation through the promotion of 'biodiversity-friendly' planning, policies and legislation. It aims at finding a balance between utilisation and protection. The CCD does not expressly address habitat conservation but it recognises the importance of co-operation for understanding the value of land and scarce water resources in order to work towards sustainable use¹⁹⁸.

Following CBD COP Decision IV/15, the CBD and the CCD secretariats signed a Memorandum of Co-operation in July 1998 which focuses on institutional co-operation, co-ordination of programmes of work, exchange of information and experiences, joint actions, liaison arrangements and consultation reporting and further guidance.

COP 5 requested its Secretariat to collaborate with the CCD Secretariat, 'including through the development of a joint work programme'¹⁹⁹. Possible elements of that joint work programme²⁰⁰ were discussed at COP 5, including assessments, targeted actions and joint reporting. Work is underway to develop and implement the joint work programme on dry and sub-humid land whose overall aim is to promote CBD's objectives in areas faced with the threat of drought and desertification²⁰¹.

The UNCCD and the CBD secretariats constituted a contact group specifically conceived for addressing this issue. The contact group held its first meeting in Bonn, Germany in April-May 2001 with a view to advising the CBD and UNCCD on how to advance the implementation of the joint work programme. The contact group agreed that the overall aim of the programme of work should be the promotion of the common objectives of both conventions in dry and sub-humid lands. The secretariats of the CBD and UNCCD further agreed to encourage the strengthening and co-ordination of policies and instruments that promote the development of synergistic and complementary approaches in the implementation of these conventions at the country level, mainly through 'demonstrable cases of convergence of objectives'.

Priority activities identified in the joint work plan drafted by the contact group include the promotion of specific measures for the conservation and sustainable use of the biological diversity of dry and sub-humid lands, such as²⁰²:

- Co-operation with the Ramsar Convention on Wetlands and the CMS with regard to integrated catchment management, incorporating wetlands ecosystems as integral parts of dry and sub-humid lands, and the creation of migratory-species corridors across dry and sub-humid lands during seasonal periods, and

¹⁹⁵ CCD Articles 2(1), 4(2)(b), 5(b), 9(1), 10 (2)(a), 17(1)(f) and 18(1); and CBD Preamble.

¹⁹⁶ CCD Articles 3(c), 17(a), 19(1)(c), 19(3)(a); and CBD Articles 6, 8(c), (g), (i) and 10.

¹⁹⁷ CCD Articles 2(2) and 10(4); and CBD Article 8(c).

¹⁹⁸ CCD Article 3(c).

¹⁹⁹ Id., para.8.

²⁰⁰ UNEP/CBD/COP/5/INF/15, 'Possible elements for a joint work programme between the CBD and the CCD on biological diversity of dry and sub-humid lands'.

²⁰¹ UNEP/CBD/QR/11, of 17 January 2001, 'Quarterly Report on the Administration of the CBD'.

²⁰² ICCD/COP(5)/6, 'Review of activities for the promotion and strengthening of relationships with other relevant conventions and relevant international organisations, institutions and agencies', of 20 August 2001. Available on-line at <http://www.unccd.int/cop/officialdocs/cop5/pdf/6eng.pdf>.

- Co-operation with CITES with regard to rare and endangered species in dry and sub-humid lands.

CBD COP 5 also established and endorsed a new programme of work on the biological diversity of dryland, Mediterranean, arid, semi-arid, grassland and savannah ecosystems (work programme on 'dry and sub-humid lands')²⁰³. The COP urged Parties, international and regional organisations to implement the work programme, support it and foster co-operation among countries sharing similar biomes²⁰⁴. The CBD Secretariat was asked to review the work programme and identify expected outcomes, activities, actors and timetables for action, in 'close collaboration' with the CCD to provide synergy and avoid duplication²⁰⁵. CBD's dry and sub-humid programme of work proposes that Parties report on its implementation through both their national reports under the CBD, and reports made in the context of the CCD and other relevant conventions, 'with due regard to promoting harmonisation, avoiding duplication, and enhancing transparency'²⁰⁶.

Also of relevance to the CCD is CBD's work programme on forest biodiversity²⁰⁷. COP 4 called for collaboration with the CCD and UNFCCC in the context of this work programme²⁰⁸. CBD COP 5 called for strengthened co-operation between its secretariat and the CCD²⁰⁹.

CCD COP 4, held in December 2000, addressed collaboration and synergies among Rio conventions for the implementation of the CCD. The review of relevant activities in this area stated that, through the joint work programme, the two secretariats plan to encourage and support the strengthening, enactment and co-ordination of policies and instruments that will promote synergistic and complementary approaches in the implementation of the two conventions at the country level²¹⁰. CCD COP 5 was held on 1-12 October 2001 in Geneva, Switzerland. The decision²¹¹ on strengthening relations with the CBD, Ramsar and CMS encourages Parties to share information on synergies and to report on this at UNCCD COP 6 (to be held in Bonn, Germany, in October 2003).

Decision 7/COP.5²¹² encouraged Parties to share information, experiences and recommendations on synergies with other relevant conventions and to report to UNCCD COP 6. It also invites the secretariat to present a report to UNCCD COP 6 on its activities relating to enhanced collaboration between the UNCCD, the CBD, the UNFCCC, the Ramsar Convention and the Convention on Migratory Species²¹³.

The UNCCD Secretariat has taken the initiative to organise a series of *National Workshops on Synergies of Sustainable Development Conventions at the National Level*. In 2001, workshops have been held in Bolivia, Tunisia, Burkina Faso, etc, with forthcoming ones in Cuba and Venezuela later on this year.

²⁰³ Decision V/23, paras.1 and 2. The Programme is contained in Annex 1 of the Decision.

²⁰⁴ Id., para.3

²⁰⁵ Id., para.6.

²⁰⁶ Decision V/23, Annex 1, III.

²⁰⁷ Endorsed by COP 4 in Decision IV/7.

²⁰⁸ Decision IV/7, para.9 and Annex, I, para.9.

²⁰⁹ Decision V/4, para.20

²¹⁰ ICCD/COP(4)/6, of 1 November 2000, 'Review of activities for the promotion and strengthening of relationships with other relevant conventions and international organisations, institutions and agencies'.

²¹¹ ICCD/COP(5)/L.23.

²¹² ICCD/COP(5)/11/Add.1, of 13 November 2001, 'Promotion and strengthening of relationships with other relevant conventions and relevant international organizations, institutions and agencies', para.7.

²¹³ Id. at para.8.

CBD SBSTTA 7 encouraged the development of a mechanism to co-ordinate the activities of the CBD and UNCCD, and suggested that NBSAPs under the CBD and the National Action Programmes under the CCD should be linked and integrated²¹⁴.

2.7 UNEP's Regional Seas Programme

The Regional Seas Programme was initiated in 1974 as a global programme implemented through regional components²¹⁵. The Programme currently includes thirteen regions involving more than 140 coastal States²¹⁶. The most recent component is the North East Pacific regional seas programme, adopted in March 2001, with a specific convention under development. Plans for the South West Atlantic are being negotiated, and three similar independent agreements amongst developed countries are in place in the Baltic, Arctic and North East Atlantic (so-called 'non-UNEP regional seas'²¹⁷).

The Regional Seas programme focuses on the causes of environmental degradation and its mitigation or elimination. It aims at combating environmental problems through the management of marine and coastal areas. Some of the priority issues covered by the Regional Seas Agreements include: biodiversity and ecosystems; land-based sources of pollution; shipping and sea-based pollution; coastal development; and the vulnerability of small islands. The programme is under the overall co-ordination of UNEP's Water Branch but it also depends on the work of specialised organisations and centres dealing with specific regions covered by the programme, or with specific subjects common to most or all of the regions.

Action Plans are adopted by countries with a view to establishing a comprehensive strategy to combat environmental problems. In 11 of the 17 regional programmes, the Parties have adopted a legally binding convention setting out obligations to implement the Action Plan²¹⁸. Most conventions have adopted Protocols, which are separate but linked legal agreements addressing specific issues such as protected areas or land-based pollution.

Action Plans have developed and adapted to new components. The main new elements are:

- Biodiversity conservation, including activities to protect marine species and habitats
- Land-based activities aimed at tackling the main sources of environmental degradation at their source²¹⁹; and
- Integrated coastal management, as it pursues the sustainable development of coastal zones. UNEP's Technical Co-operation branch, together with the Priority Actions Programme/Regional Activity Center (PAP/RAC) of the Mediterranean Action Plan, has extended the scope of its Freshwater, Ocean and Coastal Areas programme to address multi-sectoral issues, using the concept of Integrated Coastal Area and River Basin Management (ICARM). This tries to harmonise economic development and ecosystem functional integrity.²²⁰

²¹⁴ SBSTTA-7 Recommendation VII/3, para.1.

²¹⁵ See website at <http://www.unep.ch/seas/rshome.html>

²¹⁶ There are currently 17 regional programmes.

²¹⁷ See at <http://www.gpa.unep.org/seas/seas.htm>

²¹⁸ See booklet 'The Regional Seas: A Survival Strategy for Our Oceans and Coasts' available at <http://www.unep.ch/conventions/info/seas/RSbooklet-E.pdf>

²¹⁹ The Global Programme of Action for the Protection of the Marine Environment from Land-based Activities (GPA). See at <http://www.gpa.unep.org>

²²⁰ See <http://www1.unep.org/icarm/>. General guidelines and case studies can be downloaded from this site. Contact Takerhiro Nakamura, Technical Cooperation Branch, DEPI, UNEP, PO Box 30552, Nairobi, Kenya. Tel: 254-2-624249, Email: takehiro.nakamura@unep.org

The Third Global Meeting of Regional Seas Conventions and Action Plans was held in Monaco on 6-11 November 2000 and it addressed strengthening linkages with biodiversity-related conventions. A background paper on '*Strengthening co-operation between the Regional Seas Conventions and Action Plans and the Convention on Biological Diversity*'²²¹ was discussed. The meeting adopted the following recommendations²²² related to its linkages with the CBD:

- The regional seas conventions and action plans should report to the secretariat of the Convention on Biological Diversity on the implementation of the marine and coastal programme of work within the respective regions, which will subsequently be reported to SBSTTA and the CBD COP;
- The regional seas conventions and action plans should seek to identify experts on marine and coastal biological diversity from the respective regions and encourage their nomination to the roster of experts of the CBD through the appropriate national focal points;
- The regional seas conventions and action plans and the CBD should seek to identify common elements between the respective regional activities and the marine and coastal programme of work, with a view to harmonising work plans, bearing in mind that one issue common to all regional seas programmes and the CBD is the application of the ecosystem approach to their programmes of work;
- The regional seas conventions and action plans, together with the CBD secretariat, should seek to encourage national reporting consistent with the guidelines approved by the Conference of the Parties, with a view to harmonizing reporting requirements of regional and global instruments.

Sponsored by UNEP, the Fourth Global Meeting of the Regional Seas Conventions and Actions Plans was held on 21-23 November 2001 in Montreal, Canada. The meeting considered the way forward on chemicals pollution, the ecosystem-based management of fisheries, scientific assessments of the marine and coastal environment, and the Caspian Sea sturgeon crisis, among other issues²²³.

2.7.1 Linkages with the CBD and other biodiversity conventions

Both regimes share common objectives in relation to the sustainable use of coastal and marine resources and the prevention of alterations and destruction of habitats. The Parties to the CBD have reflected their concerns with the severity of the risks threatening marine and biological diversity through:

- the Jakarta Mandate on Marine and Coastal Biological Diversity, Indonesia (1995);
- the programme of work on marine and coastal biological diversity, adopted in Bratislava, Slovakia in 1998;
- other COP decisions on marine and coastal biological diversity.

These concerns with development related activities were stressed at the Third Global Meeting of Regional Seas Conventions and Action Plans as it addressed '*Strengthening co-operation between the Regional Seas Conventions and Action Plans and the Convention on Biological Diversity*' (see previous section). The Regional Seas Conventions and Action

²²¹ UNEP(DEC)/RS 3.7.2

²²² 'Draft report of the third global meeting of regional seas conventions and action plans', available at <http://www1.unep.org/monaco/>

²²³ See UNEP press release on <http://www.unep.ch/conventions/press/seas/pr11-01.htm>.

Plans play an important role in the implementation of the CBD's Jakarta Mandate. In this respect, many of the Conventions and Action Plans include several of the programme elements of the Jakarta Mandate, as well as relevant activities requested in COP decisions. Examples of co-operation activities include:

- A Memorandum of Co-operation between the CBD and the Cartagena Convention (1997). It provides for institutional co-operation between secretariats and national focal points; exchange of information and experience; and co-ordination of programmes of work, as well as joint conservation action. The Secretariats aim to encourage integration and consistency between National Strategies, Plans or Programmes under the Convention on Biological Diversity and the Cartagena Convention and its Protocol Concerning Specially Protected Areas and Wildlife (SPAW Protocol).
- A Memorandum of Co-operation between the CBD and the Secretariat of the Permanent Commission of the South Pacific (1998). It aims to harmonise implementation of the CBD, the Action Plan for the protection of the marine environment and coastal areas of the South East Pacific, and the Convention for the protection of the marine environment and the coastal zone of the South East Pacific (Lima Convention). It facilitates regional co-operation with regard to: methods for exchange of information; marine and coastal protected areas; conservation of coastal and marine resources, integrated management; and effects of pollution.
- A Memorandum of Understanding between the Secretariats of the CBD and the Barcelona Convention, signed at CBD COP 5 in May 2000. It provides a list of activities that contribute towards the implementation of the Jakarta mandate. The list includes: a consultative meeting on the harmonisation of the implementation of the Specially Protected Areas (SPA) Protocol and the CBD in the Mediterranean region; regional guidelines for the mitigation of impacts of alien species; development of indicators of biological diversity; and promotion of the ecosystem approach.

CBD COP Decision V/3 requested the Secretariat to co-ordinate with the Secretariats of the Regional Seas Conventions and Action Plans with the view to exploring the possibility of further collaboration and the identification of priorities for action at the regional level. This will facilitate the implementation of the programme of work on marine and coastal biological diversity through the use of regional networks, such as the Regional Conventions and Action Plans.

Accordingly, efforts will be made towards harmonising work on the following issues:

- Coral bleaching
- Information on the status, threats and ongoing initiatives addressing the physical degradation and destruction of coral reefs.

A Memorandum of Co-operation between the CBD Secretariat and the Co-ordination Office of the Global Programme of Action (GPA) for the Protection of the Marine Environment from Land-based Activities, was signed in Monaco in November 2000²²⁴. The objective of this Memorandum is '*...to ensure harmonised implementation, at the global, regional and national levels, of the CBD and the GPA, in particular to facilitate the implementation of programmes dealing with the conservation and sustainable use of coastal and marine biodiversity and with measures to prevent and reduce physical alteration and destruction of habitats from land-based activities.*'

²²⁴ UNEP/GPA/CBD/1/2.

The CBD secretariat and the GPA Co-ordination Office agreed on institutional co-operation to develop programmes, project planning and fundraising activities. Both are committed to facilitating co-operation at the national and regional levels and will continue to further develop joint activities, including clearing-house standards, technical co-operation in the development of application of tools and other supporting activities.

3. Overview of recent and ongoing international initiatives addressing linkages and synergies between MEAs

This chapter covers, in chronological order, existing international activities aimed at identifying synergies and addressing inter-linkages among multilateral environmental agreements (MEAs). This compilation is non-exhaustive as the number of such initiatives is increasing. However, they are relatively recent and most of their conclusions and recommendations are relevant in the context of this project. The need to address co-ordination and inter-linkages between MEAs should be given priority by governments and international governmental organisations if national implementation of environmental conventions is to become more effective. The challenges faced by developing and developed countries alike often derive from lack of co-ordination and awareness when implementing international commitments. This lack of action, or duplication of efforts, may result in non-compliance, inefficient implementation or simply a waste of valuable resources, all of them important reasons to tackle the need for legislative harmonisation.

3.1 UNDP Inter-linkages: 'Synergies in national implementation - The Rio agreements'

'The conferences of the parties to conventions signed at the United Nations Conference on Environment and Development - or as a result of it - as well as other conventions related to sustainable development, should co-operate in exploring ways and means of collaborating in their work to advance the effective implementation of the conventions to continue to pursue sustainable development objectives'.

(1997 Special Session of the UN General Assembly, 'Rio+5')

This programme was approved by the XIX Special Session of the United Nations General Assembly (UNGASS) in June 1997 in the context of furthering the implementation of Agenda 21. The Inter-linkages programme gives special priority to collaboration among the three Rio Conventions:

The four thematic areas of the United Nations Development Programme (UNDP) are all relevant when addressing synergies at national level:

- Institutional requirements and structures
- Capacity requirements
- National planning requirements
- Information and reporting requirements

In 1997, UNDP's Sustainable Energy and Environment Division (UNDP/SEED) organised an Expert Meeting on 'Synergies in National Implementation between the Rio Agreements'²²⁵. The meeting focused on institutions; policy and planning; information and reporting; and capacity building. The international regimes covered were the CBD, the

²²⁵ Meeting held in Sede Boqer (Israel), on 17- 20 March 1997. For further information, see <http://www.undp.org/seed/guide/synergies/siner1.htm#ex>

UNFCCC, the CCD and the Forest Principles Statement. The following common requirements at national, regional and local level, were addressed: policy development and reform of legal framework; impact assessment; science and research; inventory and monitoring; reporting; information and data management; education and public awareness; and training.

A series of recommendations for integrated planning were made at this UNDP meeting. Four years on, these recommendations are still extremely relevant to the current situation:

- An inter-ministerial or inter-departmental committee, composed of high level representatives, National Focal Points, NGOs and other stakeholders, should be established to co-ordinate integrated planning.
- Developing countries need support if they are to produce synergy in implementing international instruments. They need adequate financial resources, technical assistance, and technology transfer. Decisions by the Conference of the Parties of the different Conventions should address these needs.
- National planners need written material with recommendations, suggestions and guidance on seizing opportunities for synergies. They need to be given a range of options with ways to maximise complementarities, remove or reduce obstacles and overlaps, and produce synergies in implementing these instruments.
- Information on 'good practices' in implementing international instruments needs to be identified and shared among countries.
- There is a need for information on the 'Rio instruments': how they overlap and complement each other, and different approaches to producing country-level synergy among them. The challenge of implementing global conventions at the local level is to translate global agreements into national policies, regional programmes and action plans, and subsequently take them to the local level.

UNDP Expert Meeting (1997): Messages for implementing countries

- Synergy is possible: However, producing such synergy is no easy matter; it is the culmination of a process in which complementarities between the conventions are identified and used to further implementation, while overlaps are eliminated or, at least, conflicts between them are reduced.
- Planning is essential: To turn duplicative efforts and substantive burdens into possible synergies requires planning: national and sectoral development planning, and plans built specifically for national implementation of the conventions. The key is to anchor implementation plans into national development priorities and policies.
- Implementation requires new and strengthened capacities: A high priority is to develop the institutions and capacities necessary to enable countries to translate international agreements into action at national, regional, district, and community levels. A problem countries face is that the level of capacity diminishes from the national to the local level. Therefore, government efforts to decentralise and devolve authority must be supported by additional financial and human resources.
- Information systems are a key to sustainable development: Underlying the challenge parties face in fulfilling the reporting requirements of the conventions is the

fundamental issue of the lack of effective information management. A systematic approach to information management not only allows a country to have the data necessary to fulfil its obligations and generate reports, but also to better define, guide and assess the progress being achieved on its development policies.

UNDP Expert Meeting (1997): Messages for the international community

- Interventions at the international level can support — and in many cases are required in order to produce — synergy at the national level. Several messages emerged for the international community, not only associated with the Rio instruments but also with other environmental and sustainable development conventions as well.
- Instructions by the COPs to their Secretariats to work collaboratively and synergistically with the Secretariats of the other conventions would contribute greatly to opportunities for national-level synergy.
- Shared reporting schedules could be developed between instruments, thus lessening the reporting burden on developing country Parties.
- The instruments could be analysed in detail to identify data and information needed to monitor and assess progress. Carrying out such an analysis at the international level would provide a valuable resource to all parties. Interpretation of this global analysis at the national level will allow different data needs, scale, precision, and definitions to be developed locally.
- The conventions Secretariats can contribute to the development and dissemination of training modules and information tools that increase understanding of, and give greater access to, the conventions at the country level.

3.2 WCMC Feasibility Study for a Harmonised Management Information Infrastructure for Biodiversity-related Treaties and UNEP-WCMC follow-up activities

Information flow could be managed and directed to greater effect. This is especially the case from the Secretariats to the Parties, where information disseminated is largely administrative, but could be extended to include more scientific and analytical information or more sharing of experience. Information flow and co-ordination are impeded by the multiple channels that reflect the diversity of agencies charged with implementation at national level. Greater co-ordination at national level would be beneficial.

(WCMC Feasibility Study, Conclusions)

The *Feasibility Study for a harmonised information management infrastructure for Biodiversity-related treaties*²²⁶ was commissioned to the World Conservation Monitoring Centre (WCMC) by UNEP and the secretariats of the same five biodiversity-related conventions that this BPS project addresses: CBD; CITES; CMS; the Ramsar Convention; and the World Heritage Convention.

The *Feasibility Study* responded to the 'growing realisation that decisions on development and sustainability depend on access to well organised information, and that the secretariats

²²⁶ Study authors: Timothy H. Johnson, Ian K. Crain, and Martin V. Sneary. The report is available at <http://www.unep-wcmc.org/>

could collaborate more closely to gain synergies, avoid duplications and reduce the burden of reporting carried out by the Parties to the conventions²²⁷. Indeed, the *Feasibility Study* recognises the need for an effective development of information infrastructure to facilitate 'both strategic and operational needs, as well as reporting obligations'²²⁸.

The purpose of the *Feasibility Study* was to present and analyse options for the harmonisation and management of information concerning biodiversity-related treaties in order to help convention secretariats to improve the current system of information management. The objective was to improve 'effectiveness and efficiency in gathering, handling, disseminating and sharing of information'²²⁹. This information not only includes convention provisions, but also feedback from secretariats to States, case studies, etc.

The information and data required from countries to assess the implementation of different biodiversity-related conventions (often included in the periodic reports to the Conventions' secretariats) are sometimes very similar and often overlap. The *Feasibility Study* compared the implementation and reporting obligations of the parties within each convention and produced a series of recommendations. They would help countries set up their own national schemes of co-operation between the different authorities responsible for the implementation of each convention.

The *Feasibility Study's* recommendations included three streams of action intended to improve the management of information:

- The development of a harmonised convention information resource
- Streamlining national reporting to, and implementation of, conventions
- The development of a 'lessons-learned' network

3.2.1 Beyond the Feasibility Study

The *Feasibility Study* succeeded in identifying specific areas for harmonisation between the five conventions. There are areas where the five conventions need information on the same sectors of biodiversity and therefore practical steps can be taken towards harmonising information management. Species information data required by CITES and CMS, and the site-based information needed by Ramsar and WHC are two clear examples. There is scope to harmonise information management and the information requirements from national reports to improve efficiency at all levels²³⁰.

A series of approaches to the harmonisation of national reporting were presented and discussed at a workshop convened by UNEP in October 2000²³¹. Four pilot project ideas are being further developed for implementation in a number of countries²³²:

- *Consolidated reporting*: The concept here is to prepare one 'consolidated' report that would satisfy the obligations of a range of international conventions to which the country is party. In the pilot phase this would be for biodiversity-related conventions to which the country was Party. This could be extended later to other multi-lateral environmental treaties.

²²⁷ *Feasibility Study*, 3.

²²⁸ *Feasibility Study*, 5.

²²⁹ *Feasibility Study*, 6.

²³⁰ Harrison J. and Collins M. 'Harmonizing the information management infrastructure for biodiversity-related treaties', WCMC, July 1999. See <http://www.unep-wcmc.org>

²³¹ 'Towards the harmonisation of national reporting' held on 30-31 October 2000. The meeting was attended by representatives of eight convention secretariats, eight countries and a number of international organisations. See <http://www.unep-wcmc.org/conventions/harmonization.htm>

²³² Ghana, Indonesia, Panama and Seychelles, see WCMC website.

- *Information management and regional co-ordination*: In combination with those mentioned above, this project will identify ways to improve national reporting by building capacity for information management at the national level, and fostering co-operation among neighbouring countries through the use of existing regional organisations.

- *Modular reporting*: The concept of modular reporting is based on the idea that the information required for implementation of the conventions, and reporting on that implementation, can be defined as a series of discreet *information packages* or *modules*, which between them respond to the reporting requirements of any given convention. The information required, for any given purpose, could be defined as a series of modules. The aim of this project is to test the principle and practicality of modular reporting to multiple biodiversity-related conventions.

- *State of Environment reporting*: Many countries already have State of Environment reporting processes, which may or may not be linked to international reporting requirements. The aim of this project is to test the principle and practicality of building convention reporting into national 'State of Environment' reporting processes.

A related event is the "Informal Meeting on Formats, Protocols and Standards for Improved Exchange of Biodiversity-related Information" that will be held in Montreal, Canada, on 19-20 February 2002²³³. The purpose of the informal meeting, as established in CBD COP Decision V/14²³⁴, will be to identify possible formats, protocols and standards for the improved exchange of biodiversity-related data, information and knowledge, including national reports, biodiversity assessments and Global Biodiversity Outlook reports. The meeting will also address issues related to the identification of possible formats, protocols and standards in the Global Invasive Species Information Network.

3.3 UNU Inter-linkages: 'Synergies and co-ordination between MEAs'

'The full and effective participation of national delegations at the regional and global level, particularly from developing countries, is essential for promoting synergies and improving the quality of decision-making'

(1999 UNU Conference, conclusions)

This is a three-year programme designed to improve understanding of inter-linkages among MEAs and to provide input into the 'Rio+10' World Summit on Sustainable Development (WSSD). Its three components are: framework building, capacity building, and information dissemination.

The United Nations University (UNU)²³⁵ and its partners²³⁶ convened an *International Conference on Synergies and Coordination between Multilateral Environmental Agreement* in July 1999. The conference objectives were:

- To create awareness at the public, governmental and inter-governmental level of the importance of synergies and coordination.
- To survey existing initiatives on synergies and co-ordination between MEAs.

²³³ See CBD website at <http://www.biodiv.org/chm/chmim-fps-01.asp>

²³⁴ Decision V/14, Annex II, item (h).

²³⁵ The UNU is an independent research institution within the United Nations framework.

²³⁶ GEIC (Global Environment Information Centre); UNU/IAS (UNU/ Institute for Advanced Studies) and UNEP.

- To foster discussion and interaction among international institutions, scholars, and other relevant stakeholders who can cooperate to identify and examine opportunities for synergy and co-ordination.
- To identify concrete mechanisms, 'next steps', and feasible win-win paths forward on this important issue

The table below includes some conclusions²³⁷ reached at the 1999 conference.

Conclusions of the UNU Conference on Inter-linkages (1999):

- A fundamental shortcoming is the lack of an overarching institutional structure. This makes the co-ordinated efforts of some bodies unsuccessful due to their broad and vague mandates and the weakness of international law and institutions to create or enforce rules.
- Emphasis on improving the individual and combined environmental effectiveness and cost-effectiveness of MEAs. Co-ordination has the potential to improve the output, outcome and impact of MEAs effectiveness by promoting the coherence of rules and norms ending mutually enforcing signals about behavioural change.
- Principle of subsidiarity: many ecosystems of concern are best defined, understood and protected at the regional or local level rather than at the global level.
- Principle of comparative advantage recognises that international institutions are endowed with different mandates, legal personality and capacity, resources and expertise.
- Initiatives on inter-linkages must be sensitive to the fact that efforts at co-ordination will arouse vested institutional interests (drives for efficiency don't necessarily lead to availability of additional resources).

The UNU conference also addressed the concept of issue management ('a practical method of co-ordinating activities that require an integrated, systematic approach to issues mandated by various governing bodies of UN, and aimed at involving inter-governmental and non-governmental organisations') as a useful tool for enhancing and developing synergies between MEAs. This may include consideration of timing of work plans of various MEAs to avoid the development of conflicting measures. It would also include building linkages to enhance the development and implementation of programmes of work.

The conference concluded that there is a growing awareness of the need to take account of natural synergies and inter-linkages within the process of building a system of environmental governance. Work on this area has already been undertaken but the momentum needs to be maintained. The UNU project will culminate in the provision of concrete recommendations to the WSSD on September 2002.

3.4 UNU Informal regional consultation on inter-linkages: 'Synergies and co-ordination among MEAs' and follow-up meeting in 2001

The objective of this meeting, held on 26-27 February 2001 in Kuala Lumpur, Malaysia, was to examine the impacts of environmental degradation at both the national and the regional level. An additional objective was to help formulate holistic approaches to

²³⁷ See the 'Synthesis Paper' of the Conference in <http://www.geic.or.jp/interlinkages/docs/online-docs.html>

environmental governance, particularly by identifying lessons learnt from existing experience and through the development of 'tool-kits' for future work²³⁸.

The UNU presented a survey on promoting synergies that included interviews with delegates to a Ministerial conference on environment and development in Asia/Pacific in September 2000. This survey highlighted conflicts in communication and information flow within countries where national agencies responsible for negotiating MEAs differ from those responsible for implementation. Increased communication among National Focal Points is needed during the development of national plans and strategies, as well as the promotion of shared databases. The national level was identified as the most appropriate to address synergies.

Recommendations from the UNU meeting in Kuala Lumpur (2001):

- Need for improved access to data and information exchange;
- Harmonisation of data management systems;
- Address MEA inter-linkages at the policy, strategy and planning stages;
- Promote capacity building to negotiating, conflict solving and reporting;
- Promote financing to support and increase incentives for promoting inter-linkages at national level;
- Improve communications and outreach;
- Promotion of inter-linkages with non-MEAs;
- Address inter-linkages among regions;
- Recognise the contributions to the debate by civil society and the private sector.

The meeting identified the need for pilot activities focusing on key sites and issues, as well as case studies that address the following:

- costs and benefits of implementing MEAs;
- barriers to national efforts to create inter-linkages;
- the design of relevant financial mechanisms; and
- the preparation of a 'biodiversity, climate, wetlands and sustainable development' national strategy.

The identification of national priorities and needs should be the first step before attempting to cluster related MEA obligations. Countries are at different stages of implementing MEA obligations and they need to consider the most appropriate geographical level for action. As a follow up to this meeting, case studies have been carried out and discussed at the WSSD International Eminent Persons Meeting on Inter-linkages (*'Strategies for Bridging Problems and Solutions to Work towards Sustainable Development'*), hosted by UNU on 3-4 September 2001 in Tokyo, Japan²³⁹.

The meeting focused on three areas: (i) inter-linkages between chapters of Agenda 21; (ii) inter-linkages among MEAs; and (iii) Strategies for Sustainable Development. The meeting's conclusions on the second issue suggested the clustering of conventions into five groups (biodiversity; oceans and seas; freshwater, forests and lands; the atmosphere; and chemicals and hazardous waste). The conclusions also recommended that MEA Parties 'fully operationalise their treaty obligations'. On the need for national and regional co-ordination, the meeting recommended the 'establishment of national units to ensure

²³⁸ See <http://www.iisd.ca/sd/interlinkages/interlink2/>

²³⁹ See summary report at <http://www.iisd.ca/sd/interlinkages/interlink3/>

harmonisation and coherence for each cluster' (eg. biodiversity) and of 'national multi-stakeholder councils'.

3.5 UNEP's work to promote synergies among environmental conventions

*'Governments, with the co-operation of the relevant United Nations bodies and, as appropriate, intergovernmental organisations, (...) should:
Promote co-operation between the parties to relevant international conventions and action plans with the aim of strengthening and co-ordinating efforts to conserve biological diversity and the sustainable use of biological resources'*
(Agenda 21, Chapter 15, para.15.7(e))

Decision 19/9 C of UNEP's Governing Council recognised the importance of the Programme's role in promoting and supporting co-operation and co-ordination with and amongst environmental agreements and their secretariats. This Decision requested the Conferences of the Parties of the relevant conventions to encourage their respective convention secretariats to 'engage and continue to participate actively in the co-ordination process'²⁴⁰.

In response to the incremental, rather than strategic, development of international environmental conventions and actions plans, UNEP is stressing the need to facilitate collaboration and identify synergies among conventions. In 1999, a Division for Environmental Conventions was set up at UNEP's headquarters in Nairobi. The Division is in charge of identifying synergies and promoting collaboration amongst international agreements. It also facilitates links between UNEP's own programmes and activities and those of the conventions. UNEP's *Synergies* newsletter was subsequently launched with the aim of promoting collaboration among environmental treaties.

The UN Task Force on Environment and Human Settlements, established in 1998, recommended that UNEP's Executive Director should continue to sponsor the joint meetings of heads of MEAs Secretariats to recommend actions to 'ensure that work programmes are complementary, fill gaps, take advantage of synergies, and avoid overlap and duplication'²⁴¹.

UNEP regularly convenes meetings among the secretariats of the conventions it provides the secretariat for, as well as with other relevant conventions, to discuss matters of common interest. Two expert meetings were held in October 2000 involving the secretariats and the scientific and technical subsidiary bodies of MEAs. The first discussed how best to co-operate on issues of common interest (the Consultative Meeting on Collaboration among Multilateral Environmental Conventions), while the second was a Meeting to Assess the Need for a Second Inter-linkages Assessment. The conclusion was that this would be useful 'if it were focused, led to practical outcomes, and complemented other ongoing assessment activities'²⁴².

UNEP's work on synergies was launched on the basis of five priorities²⁴³:

²⁴⁰ Decision 19/9 on 'Co-ordination and co-operation within and outside the UN system', 19th Meeting of UNEP's Governing Council

²⁴¹ Report of the United Nations Task Force on Environment and Human Settlements, Recommendation 2(b), A/53/463, Annex, of 6 October 1998. See, [gopher://gopher.un.org/00/ga/docs/53/plenary/a53-463.en](http://gopher.un.org/00/ga/docs/53/plenary/a53-463.en)

²⁴² See Toepfer, K. 'Meeting the challenges through collaboration', in *Synergies*, Volume I, Issue 2, April 2000.

²⁴³ Toepfer, K. 'UNEP's convention priorities', in *Synergies*, Volume I, Issue 1, October 1999.

- promote information exchange among convention secretariats
- strengthen collaboration among the conventions' scientific and technical bodies
- revitalise UNEP's support to the Regional Seas conventions and action plans
- make the international trade and environment regimes more compatible
- streamline national reporting for the environmental conventions

The first initiative was a project on 'Co-ordinating reporting mechanisms at the national level to meet the reporting requirements under a selected set of global environmental conventions'. The project focused on the CBD, CITES and CMS conventions. This project ran in parallel to the project on harmonised reporting carried out by the World Conservation Monitoring Centre (UNEP-WCMC) - see section 3.2 above.

The Secretary-General of the Ramsar Convention on Wetlands, Mr Delmar Blasco, gave a statement²⁴⁴ to the 21st Session of UNEP's Governing Council, held on 5-9 February 2001. Under agenda item 7 ('Linkages among and support to environmental and environment-related convention') he expressed the Ramsar Bureau's support to UNEP's role in addressing linkages between MEAs and proposed that UNEP should be mandated to prepare an action plan for achieving 'real synergies' among conventions. Mr Blasco stressed the urgent need for an effective and honest broker to ensure that treaties work more effectively together. He mentioned the periodicity and dates of the COP meetings under different MEAs as an example. In 2002, there will be a succession of MEAs COPs that will put considerable stress on government agencies and secretariats alike to obtain financial support from the same small number of donors.

UNEP's Governing Council adopted a Decision on 'Compliance with and enforcement of multilateral environmental agreements'²⁴⁵. The Governing Council requested the Executive Director to continue the preparation of draft guidelines on compliance with MEAs and 'on the capacity-strengthening, effective national environmental enforcement' and to submit them for consideration to the seventh special session of the Governing Council, in 2002.

Decision 21/21 of UNEP's Governing Council established an 'Open-ended Intergovernmental Group of Ministers or their Representatives on International Environmental Governance'. This Group first met on 18 April 2001 (IGM-1) to consider a UNEP report reviewing the status of MEAs. The report²⁴⁶ included a review of strengths and weaknesses of existing arrangements, and concluded that co-ordination among MEAs has focused on co-operation among COPs, Secretariats and subsidiary bodies²⁴⁷. Insufficient attention has therefore been given to co-ordinating implementation of the conventions the national level. Lack of consistency regarding compliance and enforcement mechanisms at the national level was also highlighted.

Further meetings of the open-ended intergovernmental group of ministers, to discuss specific options for strengthening international environmental governance, were held on 17 July 2001 (IGM-2)²⁴⁸ and 9-10 September 2001 (IGM-3)²⁴⁹. Discussions have focused on the future role of the Global Ministerial Environment Forum (GMEF), the 'clustering' of

²⁴⁴ See http://www.ramsar.org/speech_unep_gov21.htm

²⁴⁵ Decision 21/27, adopted on 9th February 2001. See http://www.unep.org/GC_21st/

²⁴⁶ UNEP/IGM/1/INF/3, 'International Environmental Governance: Multilateral Environmental Agreements (MEAs)', of 6 April 2001.

²⁴⁷ The 9th Meeting on Co-ordination of Secretariats of Environmental Conventions, held on 11-12 February 2001, agreed on a process for involving MEAs in the follow-up to Decision 21/21, including a meeting of MEAs immediately following the first meeting of the Intergovernmental Group of Ministers on 18 April 2001.

²⁴⁸ Report of the Chair, UNEP/IGM/2/6, of 2 August 2001. See at <http://www.unep.org/IEG/meetings.asp>.

²⁴⁹ See summary at <http://www.iisd.ca/unepgc/ieg3>

MEAs, and financial issues. The results of these meetings will feed into the preparatory process of the WSSD, as international environmental governance is emerging as one of the main topics for consideration.

The conclusions from the first three meetings of the IGM were synthesised and presented in an amended version, including an additional 'building block' on capacity building, technology transfer and country level co-ordination for the environmental pillar of sustainable development, to IGM-4, held on 30 November-1 December 2001 in Montreal, Canada. A further one-day meeting on 25 January 2002 (IGM-5) discussed draft recommendations of the IGM to UNEP's Governing Council/Global Ministerial Environment Forum²⁵⁰. The final meeting of the IGM will take place on 12 February 2002 in Cartagena, Colombia, and the recommendations arising from this process will be considered by the Seventh Special Session of UNEP's Governing Council (13-15 February 2002, Cartagena, Colombia)²⁵¹.

The regional seas conventions and action plans, under UNEP's Regional Seas Programme (see section 2.7 above) are closely linked to some of the conventions covered in this paper. The regional seas conventions are proving to be useful regional mechanisms that support the implementation of global biodiversity agreements. Decision 21/28 of UNEP's Governing Council²⁵² recognises that a common issue to all regional seas programmes and the CBD is the application of the ecosystem approach to their programmes of work. Consequently, both the CBD and the regional seas programmes were encouraged to further their collaboration in the conservation and sustainable use of marine and coastal biodiversity, including:

- the elaboration of modalities for co-operation and
- a commitment to identify common elements between the respective regional activities and the marine and coastal programme of work of the CBD, with a view to harmonising work plans²⁵³.

3.6 The role of the Global Environment Facility (GEF)

The GEF²⁵⁴ finances actions to address four critical threats to the global environment: biodiversity loss, climate change, degradation of international waters, and ozone depletion. The GEF provides grants through 12 operational programs (OPs), plus specialised funding windows, such as Enabling Activities and the NGO Small Grants Programme. Eleven of these OPs reflect GEF's primary focal areas: biodiversity, climate change, and international waters.

3.6.1 Operational Programme 12: 'The integrated ecosystem management approach'

OP 12, Integrated Ecosystem Management²⁵⁵, encompasses cross-sectoral projects that address ecosystem management in a way that optimises ecosystem services - ecological,

²⁵⁰ UNEP/IGM/5/2, of 16 January 2002. Draft report of the president of UNEP's Governing Council for consideration by IGM-5.

²⁵¹ See http://www.unep.org/governingbodies/gc/specialsessions/gcss_vii/

²⁵² UNEP GC Decision 21/28, 'Further development and strengthening of regional seas programmes: promoting the conservation and sustainable use of the marine and coastal environment, building partnerships and establishing linkages with multilateral environmental agreements'.

²⁵³ Id. at para.8.

²⁵⁴ The GEF was launched in 1991 as an experimental facility, and was restructured after the Earth Summit in Rio de Janeiro in 1992.

²⁵⁵ http://www.gefweb.org/Operational_Policies/Operational_Programs/operational_programs.html

social, and economic. The GEF has also indirect linkages with Ramsar, CITES, CMS and the CCD.

The GEF recognises that traditional attempts to address human-induced impacts on ecosystems are invariably based on a sectoral approach, and that this has resulted in fragmentation of policies, institutions, and interventions. This Operational Programme no.12 recognises the urgent need for the adoption of management systems embracing comprehensive and cross-sectoral approaches and focuses on integrated ecosystem management as a useful approach.

GEF Operational Programme no.12 provides a 'comprehensive framework to manage natural systems across sectors, and political or administrative boundaries. It facilitates inter-sectoral and participatory approaches to natural resource management planning and implementation on an ecosystem scale. It also facilitates prioritisation and strategic sequencing of needed policy reforms, investments, and other interventions'.

This OP is aimed at bringing about synergy between three of the GEF focal areas (biodiversity, climate change and international waters) and land degradation. It responds to growing stakeholders' interest in addressing holistically multiple convention objectives in accordance with national priorities. It builds on and complements GEF's existing OPs by providing opportunities to address a range of issues through a programmatic approach.

The draft report of the GEF to CBD COP 6²⁵⁶ specifies that most projects under this OP relate to soil erosion and long-term loss of natural vegetation, with almost 70% of GEF projects address land degradation components within the biodiversity focal area. More than 77% of these projects are in protected areas, and close to half of them are located in Africa.

3.6.2 National Capacity Needs Self Assessments (NCSAs)

There GEF and its implementing agencies have recognised their role in addressing this issue of co-ordinated planning by providing financial incentives to promote projects that integrate different environmental regimes. GEF's most recent Operational Guidelines²⁵⁷ promote country-driven 'national capacity needs self-assessments (NCSAs), whose main objective is to identify national priorities and needs for capacity building to address global environmental issues, in particular biodiversity, climate change and land degradation. Specific objectives include, among others, the exploration of related capacity needs within and across the three thematic areas, as well as linking country action to the broader national environmental management and sustainable development framework²⁵⁸.

The GEF Guidelines state that NCSAs should explore the synergies among these three thematic areas, 'as well as linkages with wider concerns of environmental management and sustainable development'. One of the outputs of each NCSA should be an identification of cross cutting issues and synergies²⁵⁹.

Two documents were prepared to assist countries in the preparation of capacity building needs assessments: A Guide for Self Assessment of Country Capacity Needs for Global

²⁵⁶ Of 4 December 2001, see at http://www.gefweb.org/Whats_New/CDB_Draft_Report.pdf

²⁵⁷ (GEF, September 2001) '*Operational guidelines for expedited funding of national self assessments of capacity building needs*'. Available on-line at http://www.gefweb.org/Whats_New/Operational_Guidelines.pdf

²⁵⁸ (GEF Secretariat, September 2001) '*A guide for self-assessment of country capacity needs for global environmental management*'. Available on-line at

http://www.gefweb.org/Whats_New/Guide_01-10-01.pdf

²⁵⁹ 'Operational Guidelines' (see n.196 above), at para.10(d).

Environment Management²⁶⁰, and Operational Guidelines for Expedited Funding of National Self Assessment of Capacity Building Needs²⁶¹.

²⁶⁰ *Operational Guidelines for Expedited Funding of National Self Assessments of Capacity Building Needs*. See at: http://www.gefweb.org/Whats_New/Operational_Guidelines.pdf

²⁶¹ A Guide for Self-Assessment of Country Capacity Needs for Global Environment Management, see at http://www.gefweb.org/Whats_New/Guide_01-10-01_.pdf