

Biodiversity Planning Support Programme

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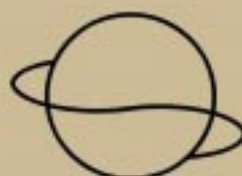


Guide to Best Practices for Sectoral Integration:

LEGISLATIVE COMPLEMENTARITY AND HARMONISATION OF BIODIVERSITY-RELATED MULTILATERAL ENVIRONMENTAL AGREEMENTS

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Global Environment Facility



Biodiversity Planning Support Programme

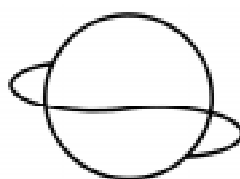
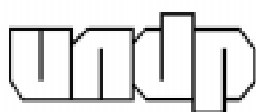
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The Biodiversity Planning Support Programme

The UNDP/UNEP/GEF Biodiversity Planning Support Programme (BPSP) had a mandate to provide assistance to national biodiversity planners as they develop and implement their national biodiversity strategies and action plans, or equivalent plans, programmes and policies. The integration of biodiversity into other sectors of the national economy and civil society has been identified as a critical indicator of successful implementation of sustainable development practices and of the objectives of the Convention on Biological Diversity (CBD). Article 6(b) of the CBD states:

Each Contracting Party shall, in accordance with its particular conditions and capabilities:

(b) Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

Exactly how this integration is to be achieved has not been described clearly by the Convention, subsequent Decisions of the Conference of Parties (COP), or by other specialist bodies. The BPSP was therefore established to respond to needs recognized by the Parties to the CBD for strengthening national capacity to prepare and implement National Biodiversity Strategies and Action Plans (NBSAP) in compliance with Article 6 of the Convention.

The present document is one of eight thematic studies designed to provide guidance to biodiversity planners to mainstream biodiversity into sectoral and economic policy development and planning.

Acknowledgements

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1. Introduction

“Over the years we have seen a proliferation of conventions, agreements and memorandums of understanding (MOUs) covering everything from migratory birds to regional seas. If we can streamline the way these many conventions and agreements operate, then there could be substantial savings. Some experts have suggested up to 40 per cent of the current costs or several million dollars. The winners here will be the world’s wildlife”.

(Klaus Toepfer, UNEP’s Executive Director)¹

The need to improve the co-ordination and integration of different international legal regimes addressing biological diversity is increasingly being recognised. For the last thirty years, international agreements have been negotiated in relative isolation, and the institutional arrangements and implementing activities they set up have not facilitated a co-ordinated approach in their implementation by the countries Party to those conventions. The result of that piecemeal approach has been fragmentation in the design and application of legal and policy instruments at both the national and international level.

National biodiversity planners, focal points and other government officials and agencies responsible for implementing international agreements related to biodiversity currently face the challenge of having to comply with overlapping, and sometimes conflicting, international obligations. This situation affects developed and developing countries alike.

This guide stems from a project undertaken on *Legislative Harmonisation: Meeting the requirements of the Convention on Biological Diversity (CBD) and other Multilateral Environmental Agreements*, under UNEP/UNDP/GEF Biodiversity Planning Support Programme (BPSP). This project aims to provide national authorities with a useful tool to help them tackle the implementation of biodiversity-related MEAs in a co-ordinated way. The project objectives were:

- To facilitate a harmonised, integrated and cost-effective approach to implementing the CBD and other biodiversity-related conventions at the national level;
- To contribute to improving policy, legal and administrative co-ordination at national level in order to comply effectively with international obligations;
- Publication and dissemination of a set of best practice guidelines on co-ordinated implementation of biodiversity-related conventions at national level targeted at biodiversity planners.

This Synthesis Report provides a summary and quick reference guide to two longer reports and the several case studies produced for UNEP/UNDP/GEF Biodiversity Planning Support Programme, under the thematic report on harmonisation of CBD implementation with other biodiversity-related conventions. The two longer reports, available on the BPSP website², include a “Discussion Document”, that highlights and analyses key areas of overlap and synergy between the CBD and other biodiversity-related conventions, and an Annex/Information Document with background information on all the conventions covered.

This guide focuses on identifying and addressing synergies and gaps between international biodiversity regimes, with a view to assisting biodiversity planners, and other national authorities, with the implementation of the Convention on Biological Diversity (CBD) at the national level. In particular, the scope of the guide covers key linkages between the CBD and the following global biodiversity agreements: the Convention on International Trade on Endangered Species of Wild Fauna and Flora (CITES); the Convention on Migratory Species (CMS); the Ramsar Convention on Wetlands of International Importance; and the World Heritage Convention (WHC)³. UNESCO’s Man and the Biosphere Programme (MAB) is also included⁴.

1.1 Structure of the Guide

This guide is structured into the following sections dealing with different aspects of harmonisation:

2. Biodiversity Planning;
3. Legislative Measures;
4. Institutional Framework;
5. Exchange of Information;
6. Reporting;
7. Public Education and Awareness; and
8. Public Participation

Each of the sections after the introduction opens with an introduction to the issue and a link to the relevant section of the much longer “Discussion Document” is available on the Biodiversity Planning Support Program Website² and on CD ROM providing further information. The main report also includes a comprehensive Annex with background information on each of the biodiversity-related agreements included in this study as well as identification of key areas of synergy among them.

Best practice guidance for each section is presented, followed by a non-exhaustive checklist that summarises the key problems identified throughout this project for achieving national co-ordination and legal harmonisation when implementing international biodiversity-related conventions. Some solutions and suggested approaches are included as a list of questions which biodiversity planners and other relevant national authorities may want to consider when tackling the implementation of the CBD and other related conventions.

The text in boxes highlights relevant examples on each of the seven topics, having been drawn from the five case studies commissioned as part of this project. Other country examples of interest³, discussed at the international workshop hosted by FIELD in London on 21-23 May 2001, have also been included.

A summary table has been added at the end of each of the seven chapters, listing relevant obligations for the Parties on the particular issue, be it exchange of information or biodiversity planning. The tables are intended to provide biodiversity planners and other relevant officials with a quick reference of the obligations derived from each convention. Finally, an 'overview table' is included to summarise the main contents of this paper.

1.2 Reporting Conventions

The guide follows basic narrative conventions. However, in keeping with its objectives, the guide also highlights various principles, referred to as ‘Best Practice Guidance’, and typically marked:

- **Take a strategic approach**

Following these statements of best practice are checklists of points or questions to aid biodiversity planners in harmonising their approaches to fulfilling the requirements of the different biodiversity-related conventions, marked as:

- To what extent have you taken into account the strategic plans of biodiversity-related conventions as they address planning?

Case studies, taking various models on the ground to emphasise the links between biodiversity and tourism are presented in boxes, such as Box 1 on the following page.

Web addresses or other sources for information are given in the endnotes listed in the Appendix or in the other longer reference documents (“Discussion Document” and “Annex/Information document”) available on the BPSP website and on CD ROM.

2. BIODIVERSITY PLANNING

All global biodiversity-related conventions include provisions related to biodiversity planning. Parties to these conventions have the obligation to look at planning with a view to achieving the conventions' specific conservation objectives. In addition, many countries are tackling planning from a broader environmental/sustainable development perspective to which biodiversity planning is a subset. Harmonisation should be ensured across biodiversity-related instruments. National Biodiversity Strategies and Action Plans (NBSAPs) can play a key co-ordinating and harmonising role by making linkages between different planning obligations under a range of biodiversity conventions. There is also need to co-ordinate biodiversity planning with other types of planning, such as land-use planning or development plans, and at various levels including regional, national and local.

Biodiversity Planning Checklist:

The list below includes a best practice guidance, followed by a number of points or questions identified as relevant for achieving a more harmonised and co-ordinated biodiversity planning at the national level, linking the Convention on Biological Diversity with other biodiversity-related multilateral environmental agreements (MEAs) and broader strategic processes.

- **Take a strategic approach**
- **National biodiversity planning should be co-ordinated with other broad strategic planning processes in your country (ie. national environment plan, sustainable development strategy, etc.). These processes, which often run in parallel and have different review timeframes, should be made flexible enough to allow input from other planning processes with a view to achieving co-ordination at the strategic level.**
- To what extent have you taken into account the strategic plans of biodiversity-related conventions as they address planning?

Box 1 - Cuba

Under an overarching economic development plan, Cuba's National Environment Strategy (NES) had identified the country's key environmental problems and was therefore the starting point for the NBSAP process in Cuba. Territorial and sectoral strategies (agricultural, fisheries, tourism, etc.) followed the NES, covering all communities and economic sectors. These sectoral activities are beginning to assess their actions in an integrated manner, taking into consideration the impact they have on ecosystems.

The National Biodiversity Strategy and its Action Plan, adopted in 1998, have completed the country's strategic framework, which is subject to constant revision. As a result, the economic sectors have incorporated the measures of the Action Plan into their sub-national environmental strategies.

- **Link specific issues under the same planning tool - eg. maximise the scope of your NBSAP**
- To what extent does your NBSAP address: (i) sectoral integration; (ii) access to genetic resources and benefit sharing; (iii) measurable targets; (iv) wetlands; (v) migratory species and their habitats; (vi) cross-border co-ordination and regional co-operation?
- Does your NBSAP include a specific policy or strategy on wetlands? Is the National Wetland Policy (NWP) compatible and complementary with the NBSAP? Has the NWP been revised after your country joined the CBD, in the context of NBSAP development?

- How is your country planning to implement the particular objectives of the CMS Strategic Plan? Are there any national broad biodiversity planning processes under way, such as draft NBSAP or sustainable development strategy, where these CMS objectives could be integrated?
- Is your country affected by desertification and/or drought? If so, is preparation of the National Action Programme under the CCD being co-ordinated with other plans such as the NBSAP, a broader environmental plan or sustainable development strategy?
- Are your country's Biosphere Reserves, designated under UNESCO's MAB Programme, integrated in your NBSAP and/or in other land-use or regional development plans?
- Have you considered the integration of your national natural, cultural and mixed heritage sites, under the WHC, into regional or national planning? Are they included in the NBSAP?

Box 2 - Chile

Rather than focusing on the development of a NBSAP, Chile has concentrated on improving its co-ordination methods. The National Environment Commission (CONAMA) was set up in 1994 with the legal mandate of co-ordinating the environmental management of sectoral ministries such as Foreign Affairs, Public Works, Agriculture, Mining, etc. Thirteen Ministers make the Executive Board, with the Secretary-general Minister as Chair. The Executive Board's decisions are implemented through the instructions of the relevant Board Minister.

- **Learn from other countries' experience and apply any useful lessons to your own circumstances**
- To what extent is your country using information/experience from other countries (in the same region and/or Parties to the same conventions) in your biodiversity planning process? Does your country exchange information with other Parties? And the results of technical or scientific research?

For more detailed information and analysis of the different planning obligations under the biodiversity-related MEAs, see section 2.1 of the Discussion Document on the BPSP website¹ and on CD ROM.

Table 1 Summary of relevant planning obligations for Parties:

CBD^A	<p>“Each Contracting Party shall, in accordance with its particular conditions and capabilities:</p> <p>(a) Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programmes which shall reflect, inter alia, the measures set out in this Convention relevant to the Contracting Party concerned; and</p> <p>(b) Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.” (CBD, Article 6)</p>
Ramsar^B	<p>“The Contracting Parties shall 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.” (Ramsar Convention, Article 3.1)</p> <p>“Contracting Parties to integrate environmental considerations in relation to wetlands into planning decisions in a clear and publicly transparent way;” (Recommendation 6.2)</p>
WHC^C	<p>“To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavor, in so far as possible, and as appropriate for each country: to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;” (WHC, Article 5(a))</p>
MAB^D	<p>“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 Convention on Biological Diversity.” (Seville Strategy, Objective I.2.2)</p> <p>“Include biosphere reserves in regional development policies and in regional land-use planning projects.” (Seville Strategy, Objective II.3.1)</p>
CMS^E	<p>“[T]o ensure that concerns related to the conservation of migratory species are integrated in national planning and priority-setting” (CMS Resolution 6.4, Scope)</p> <p>“To ensure that the activities of the Convention are in line with national and regional priorities, and vice versa, and that government policies at those levels include consideration of migratory species, particularly with regard to planning for economic development, land-use planning, designation and development of reserves, development of ecological networks, and planning of powerlines, fences, dams... etc.)”. (CMS Resolution 6.4, Objective 2.2)</p>
CCD^F	<p>Affected country Parties undertake to “establish strategies and priorities, within the framework of sustainable development plans and/or policies, to combat desertification and mitigate the effects of drought;” (CCD, Article 5(b))</p>

^A Convention on Biological Diversity.

^B Convention on Wetlands of International Importance especially as Waterfowl Habitat.

^C Convention Concerning the Protection of the World Cultural and Natural Heritage.

^D UNESCO's Man and the Biosphere Programme.

^E Convention on the Conservation of Migratory Species of Wild Animals.

^F Convention to Combat Desertification.

3. LEGISLATIVE MEASURES

All biodiversity-related conventions include legislative obligations of one kind or another, from trade regulations on certain species to the establishment of protected areas. Legislative measures can be closely linked to planning obligations as they develop and implement specific aspects of a country's NBSAP. In addition, legislative harmonisation involves a review process to assess the status and content of existing laws and regulations on biodiversity issues with a view to identifying gaps and overlaps that can then be addressed to achieve a more effective biodiversity legal regime.

Legislative Measures Checklist:

The list below offers a non-exhaustive reference of legal linkages to consider when tackling legislative harmonisation in the area of biodiversity from a national perspective.

- **Look at linkages between biodiversity planning and legislative measures**
- Are there any linkages between your country's NBSAP and existing sectoral legislation?

Box 3 - Kenya

The 2000 Environmental Management and Co-ordination Act is the legislative cornerstone of Kenya's efforts to conserve and sustainably use biodiversity. The new Act has created a completely new administrative structure, which includes a legally powerful National Environment Management Authority (NEMA). This agency has been given the mandate to regulate many areas that are not detailed enough in the Act. NEMA has also been given the legal mandate to act as the umbrella agency for environmental identification and monitoring activities.

Article 124(1) of the 2000 Act makes specific reference to translating the obligations imposed by international environmental conventions that Kenya is a Party to into the national context. Kenya's biodiversity Action Plan identifies as a policy objective and specific 'Action', the need to 'strengthen and harmonise national policies and legislation for the effective conservation and sustainable utilisation of biodiversity' by 2003.

- Have you reviewed your country's obligations under biodiversity-related conventions when undertaking the NBSAP process? Has the NBSAP process identified overlaps and gaps in existing legislation?

Box 4 - Hungary

In Hungary there are numerous layers of legislation inter-linked in a complex web of overlapping old and new laws, where it is difficult to know what has been derogated and what rules apply in case of overlap. The country's key political priority is accession to the European Union (EU) and this leads its legislative programme, aimed at complying with EU laws. CBD implementation is viewed through the adoption of EU-compliant nature conservation legislation. However, biodiversity considerations are included in their EIA legislation.

Box 5 - Cuba

The 1997 Environment Act (Law No.81) is a framework law and it established the obligation of all state agencies and bodies to adopt the necessary measures to ensure the conservation of the country's biological diversity and the sustainable use of its components (Article 84). After a comprehensive legal assessment, a specific biodiversity law was not considered necessary. Cuba's legal approach to biodiversity issues includes a number of instruments, such as the Forest Law, a Biosafety Decree, and a Decree-Law on a National System of Protected Areas.

- Is there any mechanism in your country to review and harmonise the legal instruments adopted under separate biodiversity conventions?

Box 6 - Chile

A comprehensive legislative review has been initiated in Chile aimed at harmonising national laws with international agreements, including MEAs. The 'Programme of Systematisation and Harmonisation of Chile's Environmental Law' was established in response to the country's signature of a series of trade agreements, bilateral, regional and international, and the impact of trade issues, and not specifically to comply with obligations deriving from MEAs.

The main objective of this Programme was to fully diagnose the state of environmental legislation by establishing which laws are in force, which overlap and which have been partly or totally derogated. The aim was to then propose a system to harmonise and systematise the country's legislation. The review was not limited to formal considerations and the contents of the laws were also analysed to identify obsolete, unclear provisions and gaps that could later be addressed.

- Are you aware of the legislative support offered by the CITES Secretariat to Parties and their dissemination of best practice for legislative options to implement CITES?
- Harmonise legal measures on protected areas under different conventions
- Are all the natural heritage sites of your country included in the World Heritage List of protected areas under national legislation? Are there specific legal instruments for their protection? Are they included or mentioned in the NBSAP?
- Does your network of protected areas integrate the management of all marine and terrestrial sites designated under CBD, Ramsar, WHC and MAB?
- To what extent is there co-ordination at the national level between the authorities responsible to protect and manage your country's protected areas? How do you deal with cross-border protected areas? And with buffer zones?
- Integrate biodiversity considerations into your EIA and SEA provisions
- Does your country legislation on EIA include the consideration of adverse impact of proposed projects on biodiversity?
- Do you have legislation on strategic environmental assessment? If so, does it include consideration of adverse impact of proposed programmes plans and/or policies on biodiversity?
- Do you have specific legislation or legal provisions on impact assessment of proposed projects and policies that may have an impact on Ramsar sites?
- How has your country regulated its CMS obligation to 'prevent, remove, compensate or minimise' the adverse effects that certain activities can have on the migration of Appendix I species?

For more detailed information and analysis of the different legal obligations under the biodiversity-related MEAs, see sections 2.2 and 2.3 of the Discussion Document, on the BPSP CD ROM.

Table 2

Summary of relevant legal obligations for Parties:

<p>CBD</p>	<p>- Each Contracting Party shall, as far as possible and as appropriate:</p> <ul style="list-style-type: none"> (a) Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity; [...] (c) Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas with a view to ensuring their conservation and sustainable use; [...] (j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application [...]; (k) Develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations; (l) Where a significant adverse effect on biological diversity has been determined pursuant to Article 7, regulate or manage the relevant processes and categories; [...]. (CBD, Article 8) <p>- “Each Contracting Party shall, as far as possible and as appropriate, and predominantly for the purpose of complementing in-situ measures: [...] (d) Regulate and manage collection of biological resources from natural habitats from ex-situ conservation purposes so as not to threaten ecosystems and in-situ populations of species [...]”. (CBD, Article 9)</p> <p>- “Each Contracting Party shall, as far as possible and as appropriate: [...]</p> <ul style="list-style-type: none"> (b) Adopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity; (c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements” [...] (CBD, Article 10) <p>- “Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, and in accordance with Articles 16 and 19 [...] with the aim of sharing in a fair and equitable way the results of research and development and the benefits arising from the commercial and other utilisation of genetic resources with the Contracting Party providing such resources. Such sharing shall be on mutually agreed terms.” (CBD, Article 15(7))</p> <p>- “3. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, with the aim that Contracting Parties, in particular those that are developing countries, which provide genetic resources are provided access to and transfer of technology which makes use of those resources, on mutually agreed terms, including technology protected by patents and other intellectual property rights [...].</p> <p>4. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, with the aim that the private sector facilitates access to joint development and transfer of technology [...]”. (CBD, Article 16)</p> <p>- “Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, to provide for effective participation in biotechnological research activities by those Contracting Parties, especially developing countries, which provide the genetic resources for such research, and where feasible in such Contracting Parties”. (CBD, Article 19(1)).</p>
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CITES⁶	<p>- “The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof.” (CITES, Article VIII.1)</p> <p>- [The COP] “directs the Secretariat, within available resources:</p> <ol style="list-style-type: none"> a) to identify those Parties whose domestic measures do not provide them with the authority to: <ol style="list-style-type: none"> i) designate at least one Management Authority and one Scientific Authority; ii) prohibit trade in specimens in violation of the Convention; iii) penalise such trade; or iv) confiscate specimens illegally traded or possessed; b) to seek from each Party so identified information indicating the procedures, action and time frames that are needed in order to establish the measures necessary to properly enforce the provisions of the Convention; and c) to report its findings, recommendations or progress to the Standing Committee and at the ninth meeting of the Conference of the Parties; <p>Urges all Parties that have not adopted the appropriate measures to fully implement the Convention to do so and inform the Secretariat when such measures have been adopted;” (Resolution Conf. 8.4)</p> <p>- The COP recommended Parties to:</p> <ol style="list-style-type: none"> “i) ensure strict compliance and control in respect of all mechanisms and provisions of the Convention relating to the regulation of trade in animal and plant species listed in Appendix II, and of all provisions ensuring protection against illegal traffic for the species listed in the Appendices; ii) in case of violation of the above-mentioned provisions, immediately take appropriate measures pursuant to Article VIII, paragraph 1, of the Convention in order to penalize such violation and to take appropriate remedial action; and iii) inform each other of all circumstances and facts likely to be relevant as regards illegal traffic and also of control measures, with the aim of eradicating such traffic;” (Resolution Conf. 11.3).
Ramsar	<p>- “Suggests that Contracting Parties review their legal mechanisms to ensure that there are adequate measures for the establishment and effective protection of wetland nature reserves;” (Recommendation 4.4)</p> <p>- “To review and, if necessary, amend national or supra-national (e.g., European Community) legislation, institutions and practices in all Contracting Parties, to ensure that the Wise Use Guidelines are applied.” (Strategic Plan 1997-2002, Operational Objective 2.1)</p>
WHC	<p>- “[T]o take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage;” (WHC, Article 5(d))</p>
MAB	<p>- “General criteria for an area to be qualified for designation as a biosphere reserve: (...) should include these functions, through appropriate zonation, recognizing:</p> <ol style="list-style-type: none"> (a) a legally constituted core area or areas devoted to long-term protection, according to the conservation objectives of the biosphere reserve, and of sufficient size to meet these objectives; (b) a buffer zone or zones clearly identified and surrounding or contiguous to the core area or areas, where only activities compatible with the conservation objectives can take place; (c) an outer transition area where sustainable resource management practices are promoted and developed.” (Statutory Framework of the World Network of

⁶ Convention on International Trade in Endangered Species of Wild Fauna and Flora.

<p>CMS</p>	<p>- “[T]he Parties: a) should promote, co-operate in and support research relating to migratory species; b) shall endeavour to provide immediate protection for migratory species included in Appendix I; and c) shall endeavour to conclude Agreements covering the conservation and management of migratory species included in Appendix II.” (CMS, Article II(3)).</p> <p>- “Parties that are Range States of a migratory species listed in Appendix I shall endeavour: a) 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; b) to 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 c) 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. Parties that are Range States of a migratory species listed in Appendix I shall prohibit the taking of animals belonging to such species.” (CMS, Articles III (4) and (5))</p>
<p>Table 3 Summary of EIA-related obligations:</p>	
<p>CBD</p>	<p>- “Each Contracting Party, as far as possible and as appropriate, shall: (a) Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures; (b) Introduce appropriate arrangements to ensure that the environmental consequences of its programmes and policies that are likely to have significant adverse impacts on biological diversity are duly taken into account; [...]. (CBD, Article 14.1)</p>
<p>Ramsar</p>	<p>- “Each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as a result of technological developments, pollution or other human interference. Information on such changes shall be passed without delay to the organisation or government responsible for the continuing bureau duties specified in Article 8.” (Ramsar Convention, Article 3.2)</p> <p>- “Contracting Parties to reinforce and strengthen their efforts to ensure that any projects, plans, programmes and policies with the potential to alter the ecological character of wetlands in the Ramsar List, or impact negatively on other wetlands within their territories, are subjected to rigorous impact assessment procedures and to formalise such procedures under policy, legal, institutional and organizational arrangements;” (Resolution VII.16, para. 10)</p>
<p>CMS</p>	<p>- “Parties that are Range States of a migratory species listed in Appendix I shall endeavour: [...] to 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;” (CMS, Article III, para. 4(b))</p> <p>- “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.” (CMS, Article III, para. 4(c))</p>

4. INSTITUTIONAL FRAMEWORK

The effective implementation of biodiversity-related conventions at the national level requires the involvement and co-ordinated efforts of an increasing number of government departments and agencies, scientists and researchers, and civil society. Adequate levels of financial and human resources are crucial to implement biodiversity-related conventions effectively. In addition, co-ordination, information exchange and good communication systems are crucial both across government departments and administrative divisions. Biodiversity planning needs to be co-ordinated with trade, agriculture, land-use planning, culture and other departments, including finance.

UNDP has proposed a series of institutional options to improve the implementation of the Rio Agreements⁷:

- Option one: a cross-cutting national committee bringing together key participants
- Option two: separate institutions with a co-ordinating mechanism
- Option three: a single institution responsible for all three instruments

Institutional Framework Checklist:

The list below explores some of the possible co-ordination mechanisms and ideas to improve institutional co-operation and linkages among biodiversity-related conventions.

- **Improve co-ordination between national authorities and country delegations participating in international negotiations**
- What are the linkages between your country delegations attending international negotiations and meetings, and the national authorities implementing the biodiversity-related conventions on the ground?
- Does your country have an internal mechanism or arrangement to co-ordinate the activities of National Focal Points (NFPs) and other authorities in charge of implementing the CBD and other biodiversity conventions? If so, does it have a legal mandate as a co-ordinating agency? Does this include the power to solve conflicts between institutions?
- Address co-ordination among 'environmental authorities' working on different biodiversity-related conventions
- Does your country have a mechanism to co-ordinate activities and share information between CBD-related authorities and Ramsar Administrative Authorities and National Committees?

Box 7 - Hungary

The Nature Conservation Department, which operates within the Ministry of Environmental Protection, co-ordinates the implementation of all biodiversity-related conventions. This Department has regional units (the National Parks Directorates) but they often lack the necessary staff and/or expertise to cover all the relevant agreements. Co-operation across government departments is generally adequate although there is need to improve training.

There is also an inter-ministerial committee with the mandate to integrate biodiversity concerns into other sectors.

Box 8 - India

The overarching institution responsible for environmental protection, the Ministry of Environment and Forests, has no mandate to co-ordinate policies in the country. Having a legal mandate to exercise a co-ordination role, as is the case in Peru and Cuba, is key in having an institution that performs this function effectively.

While there is not much co-ordination at the national level, there is considerable opportunity for co-ordination at the field level, as the same sites are designated under different Conventions. There is a consolidated service, the Indian Forest Service, with the responsibility of managing most of these convention-related sites. However, the conservation success of these sites relies also on factors other than continuity in their management.

Box 9 - Peru

Institutional conflicts have risen between the National Institute for Natural Resources (INRENA) and the co-ordinating agency, the National Environmental Council (CONAM), which has a legal mandate to co-ordinate biodiversity issues. CONAM was set up before the NBSAP process started and it has led and supported the country's biodiversity planning process. CONAM is the national authority responsible for co-ordinating environmental policies and is currently developing a formal institutional framework.

In addition, the National Commission for Biodiversity (CONADIB) was established in 1993 to ensure adequate implementation of the CBD and to develop national positions ahead of CBD meetings. This Commission was initially conceived as a co-ordinating body but has developed over time into an effective technical assistance agency. CONADIB includes a wide range of actors from the public and private sectors, NGOs, indigenous people and the academics.

- **Address the need to co-ordinate with other government departments working in sectoral policies**
- Is there a forum or mechanism in your country where environment and non-environment authorities (such as Customs, Agriculture, Research, Finances, Foreign Affairs, Fisheries, etc.) charged with the implementation of biodiversity-related agreements can exchange information and discuss issues of common interest and concern?

Box 10 - Cuba

As a direct consequence of the NBSAP process, institutional structures were re-arranged in Cuba. All National Focal Points and environmental authorities were harmonised under the Environmental Department, within the Ministry of Science, Technology and Environment, established in 1994. This Ministry has the mandate of reconciling discrepancies among agencies, bodies and other institutions in relation to environmental protection and the rational use of natural resources.

There are two co-ordinating elements: (i) the Environment Committee, which meets monthly to assess international conventions and their implementation, as well as to discuss strategies for negotiating meetings; and (ii) the Treaty Commission, which discusses ratification and signature of agreements. It is led by the Foreign Affairs Ministry and consults with other government departments. The implementation of international conventions in Cuba has also resulted in the setting up of new institutions. This has been the case of the National Centre for Biological Diversity, the National Centre for Protected Areas, the National Biosafety Centre, or the Eastern Centre of Ecosystems and Biodiversity, among others.

However, problems remain regarding cross-departmental co-ordination. They mostly concern the overlapping jurisdiction of the Ministries of Agriculture, Industry and Environment on the issue of land use changes, especially in regard to protected areas considered for mining and agricultural interests. Public decisions regarding flora and fauna, as well as the use of fisheries and other marine resources are also contentious. In some areas, there is need to define and allocate administrative powers to public authorities where there is confusion regarding institutional responsibilities.

Box 11 - Kenya

The Environmental Management and Co-ordination Act, adopted in 2000, creates a unified system for environmental planning built around the country's National Environment Action Plan (NEAP), to be prepared every 5 years and sent to Parliament for approval. Upon adoption, it will be binding on all citizens, government departments and state corporations. A committee has been set up to prepare and oversee the development of NEAP. The success of this new measure will largely depend on the funding and staffing levels provided to the new National Environment Management Authority (NEMA), established by the Act.

Kenya's draft NBSAP has been developed as one of the tools to tackle the lack of co-ordination among a number of sectoral strategies and programmes. A number of sectoral strategies, plans and programmes, such as the Forestry Master Plan and the Botanic Gardens Strategy, have also been adopted. It is unclear how these biodiversity-related plans will interact with NEAP. Co-ordination and integration cannot be fully realised, as agriculture and fisheries legislation and policy are not included in the new Act. These issues need to be explicitly included in the country's biodiversity agenda.

- **Ensure adequate co-ordination and collaboration between authorities working on biodiversity issues at the international, regional, national and local levels.**
- If your country has a decentralised system, are there internal mechanisms in place so that information and policy co-ordination takes place at the territorial level between central government and regions/districts/provinces/local level? - These communication and co-ordination activities should work both ways: in 'bottom-up' and 'top-down' flows to ensure that all policy- and implementation-relevant information is passed on.

For more detailed information and analysis of the institutional frameworks needed under the biodiversity-related MEAs see section 2.4 of the Discussion Document, on the BPSP website².

Table 4

Summary of relevant obligations for Parties:

CBD	<p>- The COP “[t]akes note of the designation by Parties of their national focal point for the clearing-house mechanism (...) and calls upon those who have not designated their focal point to do so, where appropriate, as soon as possible, and no later than February 1996;” (COP Decision II/3, para. 7)</p> <p>- The COP “[e]ncourages governments and regional economic integration organisations to identify and communicate to the Secretariat competent national authorities responsible for granting access to genetic resources and/or competent national authorities to provide information on the granting of access to genetic resources;” (COP Decision III/15, para.6)</p>
Ramsar	<p>- The COP “Encourages Contracting Parties to establish, or recognize the establishment of, national committees according to the needs of each Contracting Party, to provide a focus at national level for implementation of the Convention;” (Recommendation 5.7)</p> <p>- The COP “Requests all Contracting Parties, in accordance with the Outreach Programme, to nominate, by 31 December 1999, suitable Government and Non-government Focal Points for Wetland Communication, Education and Public Awareness (CEPA) to undertake the functions therein specified; [...]” (Resolution VII.9, Convention’s Outreach Programme, para. 7)</p>
CITES	<p>- “1. Each Party shall designate for the purposes of the present Convention:</p> <p>(a) one or more Management Authorities competent to grant permits or certificates on behalf of that Party; and</p> <p>(b) one or more Scientific Authorities.</p> <p>2. A State depositing an instrument of ratification, acceptance, approval or accession shall at that time inform the Depositary Government of the name and address of the Management Authority authorized to communicate with other Parties and with the Secretariat.</p> <p>3. Any changes in the designations or authorizations under the provisions of this Article shall be communicated by the Party concerned to the Secretariat for transmission to all other Parties. [...]” (CITES, Article IX)</p>
CMS	<p>- “At the administrative level, a Focal Point for the Convention should be nominated and communicated to the Secretariat(s) of the Convention/Agreements. This Focal Point should be an individual person responsible for communicating all information to the country’s governmental, administrative and scientific institutions involved, undertaking the necessary consultations with the respective institutions should decisions have to be taken, and reporting to senior levels of the leading state institution in accordance with the internal procedural rules of the respective Government.” (Guide to the CMS, July 2000)</p>

5. EXCHANGE OF INFORMATION

A good system to gather, analyse and update relevant information is crucial to ensure good implementation of biodiversity-related conventions. Investing in comprehensive and up-to-date information networks, databanks and clearing-house mechanisms, at regional and national levels, to make information publicly available and accessible, paves the road for effective biodiversity regimes. However, just as important as the setting up of such information systems is their maintenance and regular updating to ensure that they remain useful. Staff training on monitoring and maintenance of the systems is important, as is their wide use by biodiversity planners and decision-makers.

Exchange of Information Checklist:

- Assess your information gaps and address your information needs taking into account information needed under different biodiversity-related conventions
- Have you got a system to share information with all interested stakeholders on biodiversity issues (ie. as scientific and technical bodies, NGOs, academia, the private sector, indigenous peoples)?

Box 12 - Peru

Although information technologies are assisting in overcoming the problem of obtaining and systematising data and information, it is still very hard to co-ordinate implementation of a number of MEAs as there are important information gaps regarding who is doing what in the country in relation to those MEAs.

- Do you plan to set up a national biodiversity-related CHM? Are your national reports, biodiversity inventory, NBSAP, and other related documents publicly available?

Box 13 - Kenya

The country's Biodiversity Data Management Project (BDM) has developed a strategy for co-ordinating the existing databases and other information resources held by sectoral institutions. It is planned that this will lead to the creation of a 'meta-database', which will be internationally available through the CHM. The new Environmental Management and Co-ordination Act includes an implicit mandate for the National Environmental Management Authority (NEMA) to manage the BDM. The future success of this initiative depends on the funding and capacity that will be given to NEMA to carry out this work.

Kenya's draft NBSAP includes four 'general objectives', one of which is 'to enhance technical and scientific co-operation nationally and internationally, including the exchange of information, in support of biodiversity conservation'. The Biodiversity Action Plan of Kenya includes 'the need to strengthen national programmes for exchange of information (Action No.17).

Despite the general trend of inter-ministerial and inter-agency co-operation, there are sometimes communication problems between relevant agencies and other stakeholders resulting from factors such as inadequate staffing levels and, occasionally, institutional rivalries.

- Consider the benefits of a regional approach to sharing biodiversity-related information and the possibilities under existing regional institutions and/or fora.
- Is there a regional mechanism or forum to exchange biodiversity-related information with other countries in your region? Have you approached other countries to learn from their experiences in implementing biodiversity-related conventions?
- Is there a system in place to monitor and exchange information on migratory species with other Range States?
- To what extent is there an exchange of the results of technical and/or scientific research with other Parties?

Table 5

Summary of relevant obligations for Parties:

<p>CBD</p>	<p>“1. The Contracting Parties shall facilitate the exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, taking into account the special needs of developing countries. 2. Such exchange of information shall include exchange of results of technical, scientific and socio-economic research, as well as information on training and surveying programmes, specialized knowledge, indigenous and traditional knowledge as such and in combination with the technologies referred to in Article 16, paragraph 1. It shall also, where feasible, include repatriation of information.” (CBD, Article 17)</p>
<p>Ramsar</p>	<p>- “Each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as a result of technological developments, pollution or other human interference. Information on such changes shall be passed without delay to the organisation or government responsible for the continuing bureau duties specified in Article 8.” (Ramsar Convention, Article 3.2) - “The Contracting Parties shall encourage research and the exchange of data and publications regarding wetlands and their flora and fauna.” (Ramsar Convention, Article 4.3)</p>
<p>CMS</p>	<p>“Where appropriate and feasible, each CMS Agreement should provide for but not be limited to: [...] The exchange of information on the migratory species concerned, special regard being paid to the exchange of the results of research and of relevant statistics;” (CMS, Article V(5)(d))</p>
<p>CITES</p>	<p>- “To facilitate development and use of appropriate technologies and information management systems that enhance and expedite the collection, submission and exchange of accurate information.” (CITES Strategic Vision through 2005, Objective 1.4) - “Provide opportunities for Scientific Authorities to exchange information and data (e.g. sharing of non-detriment findings; sharing of data, management plans and case studies; postings to a website; and communication through a listserver).” (CITES Action Plan, Action Point 2.3.5) - “To encourage mutual technical assistance, including the exchange of information, in enforcement matters.” (CITES Strategic Vision through 2005, Objective 3.3)</p>

6. REPORTING

Parties to biodiversity-related conventions have the obligation to report on their implementation of each international agreement. National reports, either on general implementation or on a specific theme, allow for the monitoring of the application of international conventions. UNEP-WCMC produced a study on harmonised reporting of different biodiversity-related conventions in 1998, which has been followed by ongoing work on a 'Reporting Obligations Database'. For further information, see sections 2.6 of the Discussion Document and 3.2 of its Annex (Information Document), on the BPSP CD ROM.

Reporting Checklist:

- Consider the benefits of harmonised reporting and the internal sharing of information used in reporting under different biodiversity-related conventions
- Is there any internal mechanism in your country to share information and co-ordinate reporting under all biodiversity-related conventions?

Box 14 - Cuba

One recommendation to be achieved at the international level in the near future is that national reports that must be submitted to the different Convention Secretariats be integrated into a single 'National Report' where issues relevant to each Convention are included.

- What are the needs and obstacles to harmonised/co-ordinated reporting in your country?

Box 15 - Kenya

Kenya's first National Report was submitted in March 1998. The Report contains some information on specific activities undertaken to implement the Convention, but the main contents are principles and some planned activities. Reference is made to the NBSAP, which was then in the process of being developed.

Notably absent in Kenya's first National Report is the direct input from any of the lead agencies that are very relevant in the practical implementation of CBD's provisions and obligations.

- Are you aware of the UNEP-WCMC ongoing project to harmonise the reporting requirements of biodiversity-related conventions? - They are also planning a Reporting Obligations Database that will provide an inventory of all reporting obligations from MEAs.
- Do you consult internally and externally on the preparation of your periodic country report on the implementation of specific biodiversity-related conventions? When preparing national reports to the CBD, Ramsar, WHC, CMS and CITES, do you co-ordinate internally to minimise work and use information that may be available from either other national authorities or agencies?

Table 6 Summary of relevant obligations for Parties:

CBD	<p>- “Each Contracting Party shall, at intervals to be determined by the Conference of the Parties, present to the Conference of the Parties, reports on measures which it has taken for the implementation of the provisions of this Convention and their effectiveness in meeting the objectives of this Convention.” (CBD, Article 26)</p> <p>- “The COP [r]equests Parties to submit their next national report: (a) By 15 May 2001 [...] and thereafter for consideration at alternate ordinary meetings of the COP, and include them in their clearing-house mechanism national focal point where feasible [...]”. (COP Decision V/19, para.4)</p>
Ramsar	<p>- The COP “[r]ecommends that all Parties should submit detailed national reports to the Bureau at least six months prior to each ordinary meeting of the Conference of the Parties;” (Recommendation 2.1)</p> <p>- “Urges anew the Contracting Parties to submit detailed national reports to the Bureau at least six months prior to each ordinary meeting of the Conference of the Contracting Parties.” (Recommendation 4.3)</p>
WHC	<p>“1. The States Parties to this Convention shall, in the reports which they submit to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field.</p> <p>2. These reports shall be brought to the attention of the World Heritage Committee.</p> <p>3. The Committee shall submit a report on its activities at each of the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organisation.” (WHC, Article 29)</p>
CMS	<p>“The Parties shall keep the Secretariat informed in regard to which of the migratory species listed in Appendices I and II they consider themselves to be Range States, including provision of information on their flag vessels engaged outside national jurisdictional limits in taking the migratory species concerned and, where possible, future plans in respect of such taking.” (CMS, Article VI(2))</p>
CITES	<p>“Each Party shall prepare periodic reports on its implementation of the present Convention and shall transmit to the Secretariat:</p> <p>(a) an annual report containing a summary of the information specified in sub-paragraph (b) of paragraph 6 of this Article [(b) 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 species as included in Appendices I, II and III and, where applicable, the size and sex of the specimens in question.]; and</p> <p>(b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.” (CITES, Article VIII.7)</p>

7. PUBLIC EDUCATION AND AWARENESS

The link between public education, awareness and participation is a close and important one. All three are interconnected and have an impact on the other two. The levels of public awareness on the value of biodiversity and the threats it faces are related to the extent to which civil society participates and gets involved in its conservation and sustainable use.

Many country-driven processes to develop a NBSAP have been successful in raising awareness about biodiversity issues and the national commitments derived from the CBD. It is crucial that NBSAPs incorporate adequate measures so that the networks and activities undertaken to increase public awareness and education while developing the NBSAP are not only maintained but also strengthened.

Public Education and Awareness Checklist:

- **Improving the level of public education and awareness on biodiversity issues should be a shared task between environmental and education authorities.**
- To what extent is your country implementing or participating in the different initiatives on public education and awareness under the biodiversity-related conventions?
- Do your environment and education authorities co-operate to promote education on biodiversity issues and raise the level of public awareness?

Box 16 - Peru

The country obligations deriving from MEAs are being 'internalised' by the authority responsible for their implementation, as well as by those who will be directly or indirectly affected by them. Although this is not an easy task and results are not achieved overnight, concepts such as 'biodiversity' or 'benefit sharing' are becoming increasingly understood and used at all levels and, in particular, by public agencies.

This process is supported through training, technical assistance and public campaigns. It is part of an ongoing effort that requires the perseverance and commitment of national authorities, which must bear in mind the specific obligations that the country has undertaken.

- Do school curricula and teaching programmes include the promotion of understanding of what biological diversity is, as well as on its conservation and sustainable use?
- **Consider the role that sectoral activities and other stakeholders could play in improving public education and awareness on biodiversity-related issues**
- To what extent have you considered raising awareness in other sectors (land-use planning, industry, agriculture, etc.) about their potential adverse effects on biodiversity?
- Do you involve NGOs in your efforts to improve public education and awareness on biodiversity issues?
- To what extent do you collaborate with other public and private institutions to improve communication tools, strategies and training on public education and awareness?
- Have you got specific training programmes to increase biodiversity awareness among local authorities, sectoral departments (e.g Customs Officers, etc.) and the judiciary?

For more detailed information and analysis on public education and awareness requirements under the biodiversity-related MEAs see section 2.7 of the Discussion Document, on the BPSD CD ROM².

Table 7 Summary of relevant obligations for Parties:

<p>CBD</p>	<p>- “The Contracting Parties shall:</p> <ul style="list-style-type: none"> (a) Promote and encourage understanding of the importance of, and the measures required for, the conservation of biological diversity, as well as its propagation through media, and the inclusion of these topics in educational programmes; and (b) Cooperate, as appropriate, with other States and international organizations in developing educational and public awareness programmes, with respect to conservation and sustainable use of biological diversity.” (CBD, Article 13) <p>- “The COP urges Parties:</p> <ul style="list-style-type: none"> (a) To place special emphasis on the requirements of Article 13 of the Convention in the development of their national strategies and action plans; (b) To promote education on biological diversity through relevant institutions, including non-governmental organisations; (c) To allocate appropriate resources for the strategic use of education and communication instruments at each phase of policy formulation, planning, implementation and evaluation, including the identification of relevant target groups seeking to provide these with relevant, timely, reliable and understandable information; (d) To integrate biological diversity concerns into education strategies, recognising the particular needs of indigenous and local communities; and (e) To support initiatives by major groups that foster stakeholder participation in biological diversity conservation and sustainable use and that integrate biological diversity conservation matters into their practices and educational programmes; [...] (Decision IV/10, B, para. 1)
<p>Ramsar</p>	<ul style="list-style-type: none"> (i) Generate a greater awareness among people about the functions, services and values of wetlands so they are perceived as important assets of the natural infrastructure of each country; (ii) motivate people to care about wetlands so that they become involved in policy formulation and hands-on planning and management of wetlands. This is the key to encouraging those behaviours that impact positively on wetlands and lead to the sustainable use of the resource; (iii) build support for wetland conservation and wise use amongst policy makers, the private sector and all sectors of society - the Ramsar Convention’s constituency.” (Resolution VII.9, Outreach Programme, Annex, para. 5) <p>- “To develop and encourage national programmes of EPA on wetlands, targeted at a wide range of people, including key decision-makers, people living in and around wetlands, other wetland users, and the public at large.” (Strategic Plan 1997-2002, Operational Objective 3.2)</p>
<p>CMS</p>	<p>“To increase awareness of the relevance of CMS and its global importance in the context of biodiversity conservation and to convince decision-makers and stakeholders at all levels that conserving migratory animals throughout the world is a worthy objective”. (CMS Strategic Plan for 2000-2005, Operational Objective 4.1)</p>
<p>WHC</p>	<p>“The States Parties to this Convention shall endeavour by all appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect by their peoples of the cultural and natural heritage defined in Articles 1 and 2 of the Convention. They shall undertake to keep the public broadly informed of the dangers threatening this heritage and of the activities carried on in pursuance of this Convention.” (WHC, Article 27)</p>
<p>MAB</p>	<p>“Include information on conservation and sustainable use, as practised in biosphere reserves, in school programmes and teaching manuals, and in media efforts; Encourage participation of biosphere reserves in international networks and programmes to promote cross-cutting linkages in education and public awareness.” (Seville Strategy, Objective III.3, Recommendations 3 and 4)</p>

CITES

- “To strengthen communication and collaboration with national and international NGOs;” (**Strategic Vision Through 2005, Objective 3.5**)
- “To strengthen alliances with relevant local communities, consumer groups and traders.” (**Strategic Vision Through 2005, Objective 4.2**)
- “To promote greater awareness among and co-operation with the scientific community.” (**Strategic Vision Through 2005, Objective 4.3**)
- “To produce and disseminate informative materials to a broad public at local, national and regional levels.” (**Strategic Vision Through 2005, Objective 4.4**)
- “To improve communication and collaboration with the media.” (**Strategic Vision Through 2005, Objective 4.5**)
- “To strengthen knowledge, promote awareness and facilitate enforcement of flora issues in CITES.” (**Strategic Vision Through 2005, Objective 4.6**)

8. PUBLIC PARTICIPATION

The participation of non-governmental organisations (NGOs), scientists and academia, the media, the private sector and civil society in general is crucial to ensure the success of these biodiversity-related conventions. NGOs working in the fields of environment, development and the protection of indigenous people's rights have played, and continue to play, a very active role in the development and implementation of biodiversity-related conventions. Public participation is closely linked to a country's level of public awareness and education on biodiversity matters, as previously indicated.

Public Participation Checklist:

- **Consider the adoption of mechanisms allowing public participation in the country's implementation of biodiversity-related conventions.**
- Is there a process in place in your country to consult and involve civil society in biodiversity planning and in the implementation of biodiversity-related conventions? If so, are these ad hoc meetings or are they through a specific, institutionalised forum?

Box 18 - Peru

The creation of National Commissions and open and widely participatory groups to discuss MEAs and how best to improve their implementation has been extremely useful in promoting citizens' involvement and ensuring that broad-based inputs are provided to the decision-making process. The National Commission on Biodiversity (CONADIB) has become a useful and effective multi-stakeholder forum that allows for ongoing and transparent debates on biodiversity issues, and especially on CBD implementation.

One of the best practices of the country's biodiversity planning process is the level of public participation. The NBSAP process has been extremely valuable, as it has included a broad and wide variety of stakeholders, many of who had never been involved before in a strategic planning policy process led by the government. Furthermore, this participatory process has enabled biodiversity planning to become effectively de-centralised and receive substantial input from different regions in the country.

Box 19 - India

The biodiversity planning process is very participatory as government agencies are instructed to hold public hearings and promote participation through public announcements and the use of local languages.

India's diverse non-governmental sector has greatly contributed to the implementation of biodiversity-related conventions, at both the policy and the practical levels. NGOs have also influenced India's position at international negotiations on these conventions. They are frequently invited by the Ministry of Environment and Forests to contribute to policy development on environment and biodiversity issues, and some carry out direct conservation work on the ground. The development of local biodiversity action plans is co-ordinated by NGOs and they have achieved a good level of participation and outreach.

Box 20 - Kenya

The Committee that prepares and oversees the National Environment Action Plan (NEAP) has been established as a fairly inclusive body that brings together a wide range of government ministries and institutions, as well as NGOs, the private sector and specialised research institutions. However, the NEAP Committee does not represent the local community sector.

Box 21 - Cuba

The participation of local communities and civil society in general in the elaboration, implementation and execution stages of the NBSAP is recognised as an indispensable requirement.

The work in commissions or working groups contributes to great effectiveness in the cross-sectoral implementation of the country's international obligations. The National Group on Biological Diversity is a good example, as well as the existing groups and committees that focus on coasts, mountains or river basins. These groups have supplemented and enriched the performance of public authorities but need to include a wide variety of stakeholders to function effectively.

However, there is little practical experience in the use of methods to ensure effective public participation and involvement in the design of strategies and the implementation of their related action plans. This causes a prevalence of the government position in these issues.

- Has the experience of the NBSAP process been successful in improving the levels of public participation in environmental policies? Are there any lessons learnt from the NBSAP process that can be applied to other regimes?
- Does your country allow/promote the inclusion of NGOs, local and indigenous people in your country delegations to international biodiversity-related meetings?
- **Consider the benefits of linking biodiversity-related MEAs through common participatory processes**
- Have you run open participatory events to discuss biodiversity-related MEAs obligations and their implementation in your country?

For more detailed information and analysis on public participation under the biodiversity-related MEAs see section 2.8 of the Discussion Document, on the BPSP CD ROM.

Table 8

Summary of relevant obligations for Parties:

<p>CBD</p>	<p>“The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented as observers at meetings of the Conference of the Parties. Any other body or agency, whether governmental or non-governmental, qualified in fields relating to conservation and sustainable use of biological diversity, which has informed the Secretariat of its wish to be represented as an observer at a meeting of the Conference of the Parties, may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.” (CBD, Article 23(5))</p> <p>- See pages 43 and 44 of the Discussion Document for a detailed list of references to COP Decisions including requests to the Parties concerning public participation in the implementation of the thematic work programmes, Article 15, Article 8(j), etc.</p>
<p>CITES</p>	<p>- “To strengthen communication and collaboration with national and international NGOs.” (CITES Strategic Vision, Objective 4.1)</p> <p>- “Encourage Parties to enhance communication and collaboration with local and national NGOs.” (CITES Action Plan, Action Point 4.1.2)</p>
<p>CMS¹¹</p>	<p>- “Any agency or body technically qualified in protection, conservation and management of migratory species, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference of the Parties by observers, shall be admitted unless at least one-third of the Parties present object:</p> <p>a) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and</p> <p>b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located.</p> <p>Once admitted, these observers shall have the right to participate but not to vote.” (CMS, Article VII.9)</p>
<p>Ramsar</p>	<p>- “Also recognising the desirability of co-operation between the STRP and a number of expert networks, specialist groups and societies which exist, some in association with the official International Organisation Partners of the Convention;” (Resolution VII.2, para. 6)</p> <p>- “[I]nvites each official International Organization Partner of the Convention to designate a representative to participate as a member of the STRP and to liaise with their relevant expert networks or specialist groups to provide the necessary expertise and advice to STRP in undertaking its work plan;” (Resolution VII.2, para. 8(c))</p> <p>- The COP [u]rges Contracting Parties to include extensive consultation with local communities and indigenous people in the formulation of national wetland policies and legislation and to ensure that these instruments, when introduced, include mechanisms consistent with the Annex to this Resolution, for actively engaging and involving the general community with implementation”. (Resolution VII.8, para.14).</p> <p>- COP 7 also further invited ‘Contracting Parties to ensure that the stakeholders, including local communities and indigenous people, are represented on National Ramsar Committees or similar bodies, and that, where possible, these non-government stakeholders are represented in the national delegations to future meetings of the Conference of the Contracting Parties’. (Resolution VII.8, para.16)</p>

	<ul style="list-style-type: none"> - The COP “[c]alls upon Contracting Parties to make specific efforts to encourage active and informed participation of local and indigenous people, at Ramsar listed sites and other wetlands and their catchments, and their direct involvement, through appropriate mechanisms, in wetland management;” (Recommendation 6.3, para. 9) - Calls “Contracting Parties to recognise the value of the knowledge and skills of local and indigenous people, in relation to wetland management, and to make special efforts to encourage and facilitate from the outset their participation in the development and implementation of wetland policies and programmes;” (Recommendation 6.3, para. 11) - “Urges Contracting Parties to consider representation of local and indigenous people on National Ramsar Committees, and, where possible and appropriate, in the national delegations to future meetings of the Conference of the Contracting Parties;” (Recommendation 6.3, para. 12)
WHC ¹²	<ul style="list-style-type: none"> - “The Committee may at any time invite public or private organisations or individuals to participate in its sessions for consultation on particular problems. They shall not have the right to vote. (Rules of Procedure of the Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage, Rule 7)

9. PUBLIC EDUCATION AND AWARENESS

In this last section, an 'overview table' is included to summarise the main contents of this guide and to highlight the points of comparison and potential harmonisation among the biodiversity-related conventions.

Convention	Biodiversity planning	Legislative measures	Institutional frameworks	Exchange of information	Reporting	Public education and awareness	Public participation
CBD	General measures for conservation and sustainable use through national biodiversity strategies, plans or programmes	<ul style="list-style-type: none"> Protected area. LMCs Threatened species. Traditional knowledge Incentive for conservation and sustainable use of biodiversity EIA Access to genetic resources and benefit-sharing. 	<ul style="list-style-type: none"> National Focal Points (NFP) to liaise with the Secretariat and to deal with implementation of specific themes. 	<ul style="list-style-type: none"> Facilitation of exchange of relevant technical, scientific and socio-economic information Co-operation in the Clearing House Mechanism (CHM) 	<ul style="list-style-type: none"> National Report on implementation under guidelines developed by the Secretariat. Thematic Reports. 	<ul style="list-style-type: none"> Educational programmes and dissemination through the media integrated in all the national and thematic items CBD-UNESCO Consultative Working Group on Education and Public Awareness. 	<ul style="list-style-type: none"> Need of full participation of women at all levels of policy-making and implementation Governmental organisations and NGOs participation at COP meetings Participation in implementation of thematic work programmes.
Ramsar	(NBSAPs), National Wetland Policies (NWP) or strategies to promote conservation and wise use of wetlands.	<ul style="list-style-type: none"> Application of Guidelines to conduct reviews of legal and institutional mechanisms. EIA 	<ul style="list-style-type: none"> Administrative Authority of the Convention. National Ramsar Committee (NRC) for implementation. 		<ul style="list-style-type: none"> National Report as a planning tool under a format. 	<ul style="list-style-type: none"> Designation of National Focal Point for Wetland Communication, Education and Public Awareness (Wetland CEP) and elaboration of national programmes 	<ul style="list-style-type: none"> Formalisation of relationship with NGOs as International Organization Partner of the Convention Involvement of local and indigenous people
WHC	Integration of protection of natural heritage into regional planning programmes.	<ul style="list-style-type: none"> Appropriate measures for identification, protection, conservation, presentation and rehabilitation of the natural heritage. 		<ul style="list-style-type: none"> Transmission of relevant scientific information on ecological character of wetlands Ramsar Information Sheet Guidelines on sharing of expertise and information 	<ul style="list-style-type: none"> National Report on application of relevant articles and state of conservation of specific properties under a format and explanatory notes. Regional periodic reporting strategies. 	<ul style="list-style-type: none"> Educational and information programmes UNESCO project for young people participation 	<ul style="list-style-type: none"> Advisory capacity of inter-governmental organisations and NGOs in Committee meetings
MAB	Integration of biosphere reserves into biodiversity and regional planning	<ul style="list-style-type: none"> Establishment of core area of Biosphere Reserves. 				<ul style="list-style-type: none"> Several programme recommendations for information 	
CMS	Integration of conservation of migratory species into national and regional planning priority settings.	<ul style="list-style-type: none"> Provision of Appendix I species Conservation and restoration of habitats prevention, removal or compensation of obstacles to migration prevention, reduction or control of endangering factors prohibition of taking of migratory species 	<ul style="list-style-type: none"> Focal points and Scientific Councils. 	<ul style="list-style-type: none"> Exchange of information on migratory species and results of research and relevant statistics. 	<ul style="list-style-type: none"> Information on implementation prior to COP under a format for national reporting 		<ul style="list-style-type: none"> Representation of observers at COP meetings.
CCD	Anti-desertification strategies integrated through national action programmes (NAP) in sustainable development plans and/or policies						<ul style="list-style-type: none"> Admission of observer agencies and bodies at observers at COP meetings.
CITES	National policies against unsustainable exploitation of listed species of wild fauna or flora.	<ul style="list-style-type: none"> Export and import permits or certificates and re-export certificates for trade. prohibition of trade. penalisation of trade or possession of listed species certification or return is compliance with the Convention Appendices 	<ul style="list-style-type: none"> Management Authorities for granting permits and certificates Scientific Authorities 	<ul style="list-style-type: none"> Development and use of appropriate technologies and information management systems for collection, submission and exchange of information. Exchange of information and data among Scientific Authorities 	<ul style="list-style-type: none"> Annual national report on implementation and summary of permits and trade in species. Biennial national report on enforcement. 	<ul style="list-style-type: none"> Strategic Plan aims at public awareness of relevance and global importance of CMS Strategic Vision recognises the need to promote awareness of CITES issues and understanding of the social and economic significance of conservation threats. 	<ul style="list-style-type: none"> Strategic Vision objectives of strengthening communication and collaboration with NGOs and alliance with relevant local communities, consumer groups, media and scientific community admission of NGOs as observers at COP and Committee meetings

Endnotes

1. 'Streamlining Biological Conventions Could Save Millions Of Dollars For Conserving World's Wildlife' , Press Release, 15 February 2001. See at: <http://www.unep.org/DocumentsDefault.asp?DocumentID=192&ArticleID=2772>
2. <http://www.undp.org/bpsp/thematics>
3. For reasons of convenience, this report and its annex use 'WHC' as abbreviation of the World Heritage Convention. (NB. UNESCO uses WHC as the acronym of the 'World Heritage Committee').
4. The Annex to this report, available at <http://www.undp.org/bpsp/thematics>, includes also information on UNEP's Regional Seas Programme, the UN Framework Convention on Climate Change and the Convention to Combat Desertification, and some of their key linkages with the CBD and other biodiversity-related agreements. This guide focuses on the global biodiversity conventions as a starting point to addressing co-ordinated implementation of national obligations related to biodiversity protection and sustainable use.
5. Please note that the information on Chile's legislation and policy corresponds to the presentation and interventions made at the London workshop by Ms Marcela Main Sacha, of Chile's National Environment Commission, and not to a case study.
6. 'Legislative Harmonisation: Meeting the Requirements of the CBD and other Multilateral Environment Agreements (MEAs)', hosted by FIELD.
7. '*Synergy in National Implementation: The Rio Agreements*', UNDP paper submitted to UN University Conference 'Inter-linkages: International Conference on Synergies and Coordination between multilateral Environmental Agreements' in July 1999. Available at: <http://www.geic.or.jp/interlinkages/docs/online-docs.html>