



## CONVENTION ON BIOLOGICAL DIVERSITY

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### COOPERATION WITH OTHER BIODIVERSITY-RELATED CONVENTIONS

#### Note by the Secretariat

#### I. INTRODUCTION

1. The implementation of the Convention on Biological Diversity (CBD) represents an important challenge for the Contracting Parties to the Convention and all the agencies and international organizations involved in this global undertaking. One of the strategies for effectively engaging in this task is to develop forms of cooperation among the activities of the participating agencies which can create a multiplier effect in moving forward the implementation of the Convention. The means for actually realizing the cooperation are included in the text of the Convention. Article 23, paragraph 4 (h), of the Convention on Biological Diversity indicates that the Conference of Parties should:

"contact, through the Secretariat, the executive bodies of Conventions dealing with matters covered by this Convention with a view to establishing appropriate forms of cooperation with them".

Under Article 24, paragraph 1 (d), the Secretariat is also required to:

"coordinate with other relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions."

2. At its first session, the Conference of the Parties (COP) decided that such coordination would be a standing item on the agenda for its meetings and requested the Secretariat to make contact with the Secretariats of related Conventions to establish the cooperation required under Article 23. This note considers why cooperation is needed, how the Convention on Biological Diversity could cooperate with related Conventions, what might be appropriate forms that such cooperation could take, and what the Convention on Biological Diversity might expect to gain from cooperation with related Conventions.

3. This note identifies some of the practical reasons why cooperation might be sought and how Parties might benefit from such cooperation. Section II presents the salient elements of the Conventions relating to biological diversity and its components. These may assist the COP in identifying specific topics for possible cooperation among the different Conventions. Section III discusses the forms by which the COP might consider developing cooperative arrangements with Conventions dealing with biological diversity and its components. Finally, section IV presents the conclusions that the COP may wish to consider.

### *Basis for Cooperation*

4. It is worthwhile asking why cooperation is important at the different levels (Conferences of the Parties, Governments, Secretariats and other bodies). The implementation of the Conventions relating to biological diversity and its components creates obligations for countries which represent significant challenges especially for least developed countries. Individual Governments have a major opportunity in this area to establish beneficial cooperative arrangements. It commonly happens that different departments or government agencies are assigned lead responsibility for handling the affairs of different Conventions. Thus agencies concerned with nature conservation have lead responsibility in many countries for the development of briefs and leadership of delegations to meetings under the Convention on Wetlands of International Importance as Waterfowl Habitat (the Ramsar Convention) and the Convention on the Conservation of Migratory Species of Wild Animals (CMS); departments of the environment and of agriculture may lead in the CBD, while ministries of foreign affairs and departments of fisheries may have central responsibility for national inputs to UNCLOS. Such allocations are, of course, wholly for States to decide, but benefits ensue when the national positions in the various Conventions are coordinated so that an overall policy emerges and each Convention is used to the best purpose.

5. Another important basis for cooperation is reporting. Reporting places a major burden on Governments, especially if Conventions require reports with significant differences in coverage and format. It may be for this reason that many States have difficulty meeting the reporting obligations. Reporting of such actions is generally agreed to be essential if a Convention is to be operated effectively. The reports required under CITES, for example, are the basis for a Wildlife Trade database maintained by the World Conservation Monitoring Centre and used for statistical compilations that are laid before each Conference of Parties. The reports to the World Heritage and Ramsar Conventions are important in keeping the condition of sites listed under those instruments under surveillance and deciding where assistance is needed or whether more effective action should be requested of the Parties. The Climate Change Convention will strongly depend on such reports - as will the Convention on Biological Diversity.

6. Cooperation between the Convention on Biological Diversity and the other Conventions could be advanced by:

- (i) agreements on cooperation enshrined in decisions or resolutions of the Conferences of the Parties;
- (ii) cross-representation in Conferences of the Parties and scientific advisory bodies;
- (iii) links between the Secretariats, also involving the organizations that provide the latter, notably UNEP, UNESCO and IUCN;
- (iv) the development of joint programmes and other activities.

7. At the outset, it must be emphasized that promoting cooperation among Conventions is a long term process. The aim would be to ensure efficient operation of a number of separate legal instruments, administered by different agencies on behalf of Conferences of Parties whose membership differs, even though there is substantial overlap. Convergent action will need to be developed progressively. It is proposed that cooperative efforts progress on a step-by-step basis, concentrating on specific practical activities, such as reporting, among the small group of Conventions that have as central concerns the conservation and sustainable use of biological diversity and its components. Experience gained in this first stage will be invaluable as a guide to what is likely to be feasible and productive as the exercise is broadened.

## **II. INTERNATIONAL LEGAL INSTRUMENTS CONCERNED WITH BIOLOGICAL DIVERSITY AND ITS COMPONENTS**

### ***A The Conventions relating to Biological Diversity and its Components***

8. Because of the universal extent of the biosphere and of biological diversity, all legal instruments and agreements which affect how people use their environment have some relevance to the issues covered in the present note. Regional as well as global instruments are of considerable importance. This note provides a set of general guidelines for generating synergistic interactions amongst the different Conventions in order to better support the different agencies involved in the implementation of the Conventions at the national level.

9. The instruments considered in detail are:

(i) the Convention on Wetlands of International Importance as Waterfowl Habitat (the Ramsar Convention);

(ii) the Convention Concerning the Protection of the World Cultural and Natural Heritage (the World Heritage Convention);

(iii) the Convention on the Conservation of Migratory Species of Wild Animals (CMS);

(iv) the Convention on International Trade in Endangered Species of Fauna and Flora (CITES).

10. In addition, consideration has been given to the relationship between these Conventions and the United Nations Convention on the Law of the Sea (UNCLOS), the United Nations Framework Convention on Climate Change (Climate Change Convention) and the International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (the Desertification Convention).

11. The Conventions have to be viewed in historical perspective. The earliest (Ramsar, adopted in 1971; CMS, adopted in 1979; and the World Heritage Convention, adopted in 1981) belong to a period of international concern over threats to wildlife (especially birds) or their habitats from human use or habitat conversion. They are all, in this sense, nature protection instruments even though Ramsar does include the wise use of wetlands in its mandate. Attention transferred during the 1970s and 1980s to the threats posed by pollution, especially of the sea but also of continental air (stimulating the Oslo, London and Paris Conventions on marine pollution, numerous Regional Seas Conventions and the ECE Convention on Long Range Trans-Boundary Air Pollution). Hazardous wastes became a subsequent cause of international concern, prompting the Basel Convention of 1989. These Conventions were

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issues-linked. In a sense, the category has continued, with the Desertification and Climate Change Conventions as examples, but both have a very wide field of concern. The Convention on Biological Diversity and the United Nations Convention on the Law of the Sea (UNCLOS) are major global instruments with a strong emphasis on sustainable resource use: as such they are an important means of implementing the actions called for in Agenda 21.

12. The annex summarizes the objectives of the various Conventions. The following paragraphs discuss them further.

### ***B. The Coverage of the Conventions.***

13. The Convention on Biological Diversity is concerned with living nature as a whole and with biological resources throughout the biosphere. It is not, however, a Framework Convention, nor is it an umbrella instrument integrating and subordinating the pre-existing Conventions in its field. What the Convention does is set out a number of specific provisions through which its Parties will study, conserve and use sustainably the genes, species and ecosystems within their frontiers and cooperate in a wide variety of ways to promote such actions and to ensure the equitable development and use of biological resources. It also includes in Article 22 a provision that Parties shall not exercise their rights under other Conventions "where the exercise of those rights and obligations would cause a serious damage or threat to biological diversity and its components".

14. The Climate Change Convention also applies to the whole Earth and, like the Vienna Convention on the Protection of the Ozone layer and its Montreal Protocol, addresses a threat (or threats) that could alter the whole pattern of biological diversity and its components on the planet and greatly affect the biological resources available to States. As such, it is of universal geographical application even though it is limited by addressing only a certain range of human activities. It deals with matters that are of crucial relevance to the achievement of the goals of the Convention on Biological Diversity, specifically the possible effects of climate change on the adaptation of components of biological diversity and the implementation of adaptation measures to minimize the possible impacts on vulnerable ecosystems.

15. The Convention on the Law of the Sea is also an extremely broad instrument, because the marine environment extends over some 70% of the Earth's surface. Its potential unifying role, in an area where there are many global and regional instruments of very widely different potency and coverage, is important. It provides comprehensive ground rules for the exercise by States of their rights in the 200-mile Exclusive Economic Zones, which cover about 20% of the surface of the globe, and also defines a management regime for the sea bed outside jurisdictional limits. Primary responsibility for implementing its provisions rests with Parties, but there is new machinery for dispute settlement (an International Tribunal on the Law of the Sea, based at Hamburg) and a central Secretariat in the Division of Ocean Affairs and the Law of the Sea, in the United Nations Office of Legal Affairs in New York. The Office reports annually to the United Nations General Assembly on developments relating to the Convention. Conferences of Parties are held under United Nations auspices. The competence of the International Maritime Organization (IMO) in matters relating to shipping and the United Nations Environment Programme (UNEP) in relation to marine monitoring and pollution is upheld.

16. UNCLOS does not, however, deal fully with the living resources of the oceans beyond the limits of national jurisdiction and hence is not a comprehensive instrument for the conservation and sustainable use of marine biological diversity and marine biological resources. One of the gaps in this respect was filled in 1995 with the Agreement for the Implementation of the Provisions of the United

Nations Convention on the Law of the Sea...relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks. The wider question of conservation and sustainable use of marine biological diversity and biological resources could be addressed in dialogue between the Parties and Secretariats of UNCLOS, the new Agreement, the Convention on Biological Diversity and the Ramsar Convention (whose area of application extends down to 6 meters depth in the sea and hence encompasses important reef, coastal flat, estuarine and mangrove systems).

17. The Convention on Desertification is important to biological diversity and its components because arid lands cover some 40% of the Earth's land surface and some 70% of potentially productive drylands are threatened by desertification. If - as in the Convention - the zone of relevance is widely defined to include all areas at some risk from drought, then the Convention may apply to over half the Earth's land surface. In terms of biological diversity and variability, however, the coverage is less: probably under 10% and maybe under 5% of life on land comes within the orbit of the Convention. However, the living resources of grasslands and some semi-arid zones are of very great importance because many cereal crop plants originated there and their wild relatives remain an important resource for the agriculturalist.

18. The remaining Conventions address specific and important sub-sets of biological diversity and its components. Fresh water wetlands have a total extent of around 5.7 million square kilometers - a little under half the present total area of tropical moist forest. Most are in the northern sub-polar and equatorial belts. They are important sinks for carbon and have considerable biological diversity: they are also the home of wild rice relatives and other important resources and are highly productive, both biologically and as a source of food for people. Coastal marine wetlands - including mangroves, estuaries, sea-grass beds and coral reefs - are areas of very high biological productivity and diversity and are important nursery areas for fish that are caught offshore in their adult stages. The Ramsar Convention probably has potential application to some 10% of the Earth's surface and over 10% of its biological diversity.

19. The Convention on Migratory Species addresses a specific sub-set of biological diversity. It has close links with the Ramsar Convention because many waterfowl and other migratory birds are wetland feeders and breeders. They are of considerable local economic importance as biological resources. But many other migratory species are not covered under the Convention (or have not been dealt with there). For example there are many marine migratory species, some of enormous economic importance, but the Convention has not addressed these and may be precluded from doing so by the priority given in the text to pre-existing legal instruments, such as those dealing with marine mammals and fisheries, and the requirement not to do anything that could conflict with the development of the United Nations Convention on the Law of the Sea. Migratory and Straddling Fish Stocks have been addressed by the negotiation of a new international instrument linked to UNCLOS rather than through the Convention on Migratory Species.

20. CITES also addresses a specific aspect of biological diversity and its components - that part which is or may be endangered by international trade. Likewise, the coverage of the World Heritage Convention is select by design - it is concerned with identifying, listing and safeguarding sites (and monuments) that are truly of global importance, but which collectively account only for a small part of the Earth's surface.

21. Great differences exist in the level of participation in the different Conventions. The Convention on Desertification, for example, is still at the early stages and no State has yet ratified, whereas most of those who have signed the Ramsar, CMS and World Heritage Conventions are full Parties.

22. What does emerge when the coverage of the different Convention is analyzed, however, is that the CMS has most of its Parties in Europe and Africa and has not attracted commitment in the Americas or the Pacific. It is not surprising therefore that the major current effort under that Convention is the negotiation of a regional agreement regarding species that migrate between Eurasia and Africa. The Ramsar Convention, although of far wider extent today than it was five years ago, also reveals far from worldwide coverage. Conversely it is striking to see the very wide adherence of States to the Convention on Biological Diversity and the Framework Convention on Climate Change.

23. It is generally accepted that conservation of biological diversity must primarily be achieved through action by sovereign states within their respective jurisdictions. This action needs to be undertaken within wider, integrated, national strategies for land management, sustainable resource use and sustainable development. At international level, cooperation to manage shared resources and use them equitably; to collect, evaluate and exchange scientific knowledge; to regulate trade and to provide financial and technical assistance are all essential. These are all matters stressed in Agenda 21.

24. An important first step towards cooperation might be to identify the common topics that exist between the CBD and other Conventions that could be the focus for cooperation at the national level. For example, habitats are addressed by the Ramsar Convention (wetlands, very broadly defined) and the Convention on Desertification, which addresses (in a rather different fashion) the special problems of arid lands. It is possible that the Convention on Biological Diversity may be proposed in the future to deal with other habitats such as forests (the need for, and possible scope of, a new international legal instrument in this field is to be examined by the Intergovernmental Panel on Forests established by the Commission on Sustainable Development).

25. CITES establishes the precedent for a detailed international instrument dealing with a threat to biological diversity, in this case through trade. Other threats could be the subject of later measures - the regulation of biotechnology and of ecotourism could well be such topics. Various commodity agreements also deal with trade in the products of biological diversity, while the World Trade Organization is about to examine the interface between trade liberalization measures and those concerned with environmental protection. The CMS likewise established the principle of adopting a special measure for a special category of components of biological diversity - migratory species - and other special categories could follow.

26. Yet other measures deal with particular categories of action, like the Consultative Group on International Agricultural Research (CGIAR), with its agreements on the conservation of plant and animal genetic resources and close links with FAO. The development of actions under the CBD on biotechnology and the sharing of the benefits arising from it will be a major concern of the future.

27. Another need is to define the role of the Convention on Biological Diversity in the sea. It stands alongside UNCLOS, which is (for its Parties) a unifying instrument for international and regional measures that affect the oceans and seas. Since marine waters are the abode of a great deal of biological diversity and support important biological resources, a working relationship needs to be created. But the challenge here is very great, for a coordinated development of action to conserve marine biological diversity and use it sustainably would need not only to cover the conservation matters dealt with under the Ramsar Convention (which extends down to six meters depth in marine waters) and potentially under the Convention on Migratory Species, but also to integrate work under Regional Seas Conventions, Conventions on Marine Pollution (from land-based sources as well as ships and aircraft), Fisheries Conventions (including the new United Nations instrument on Straddling and Highly Migratory fish stocks) and Conventions regulating the use of marine mammals.

### **C. *Interlinkages Between the Conventions***

28. Analysis of these interlinkages and of current procedures suggests that there are eight particular areas in which cooperation between the Conventions might be developed. The opportunities in these areas are discussed in the following sections, and the main recommendations are then set out in Section IV.

#### **(a) Coordinated development of the implementation of the Conventions**

29. One of the most important ways of achieving synergy is for the Parties to the various Conventions to adopt consistent policies in the respective Conferences of Parties, so that the actions taken are mutually reinforcing. They are likely to wish to be satisfied on two particular points:

- (i) that each Convention is used as effectively as possible to achieve those goals relating to biological diversity for which it is the best instrument;
- (ii) that no action under any Convention is detrimental to the conservation of biological diversity and the sustainable use of biological resources.

30. On the first point, the Parties to each Convention may wish to consider what contribution that Convention should be making to the achievement of the wider overall goals of Agenda 21 and the Convention on Biological Diversity. For example, the Parties to the Ramsar Convention could usefully consider how far it can be used, in harmony with action under the UNCLOS, to conserve biological diversity and biological resources in the seas down to a depth of six meters. Parties to the Convention on Biological Diversity, for their part, might feel able to endorse the Ramsar programme of action in its area of application and hence avoid any need for allocation of their own resources to duplicate effort on wetland biodiversity. Similar reciprocity might be considered with the CMS and World Heritage Conventions. These relationships could, if it was thought necessary, be defined in formal Resolutions adopted by the various Conferences of Parties.

31. On the second point, the Convention on Biological Diversity preserves, as is normal, the rights and obligations of Contracting Parties deriving from pre-existing international agreements "except where the exercise of those rights and obligations would cause a serious damage or threat to biological diversity". Article 22 also specifies that "Contracting Parties shall implement the Convention with respect to the marine environment consistently with the rights and obligations of States under the law of the sea". The first statement might imply that the Parties to the Conventions should consider whether there are possible circumstances under which their actions, permissible under their own Convention, might nonetheless harm biological diversity. For example, could the "wise use" of wetlands nonetheless reduce their biological diversity or harm resources other than those directly used? Could trade in species permitted under CITES nonetheless have damaging impacts on biological diversity? The Conferences of Parties may wish to examine how far such problems could arise and under what circumstances. Similarly, they might find it useful to analyze how far obligations under the Law of the Sea could constrain their development of activities under other legal instruments.

#### **(b) Interlinkages between corresponding bodies**

32. It is important that relationships are clear, constructive and reciprocal if cooperation is to be achieved. One important mechanism for this is mutual participation in Conferences of the Parties and subsidiary bodies. This is already facilitated by the provision in the Convention on Biological Diversity, the CMS, CITES and the Climate Change Convention giving a right of attendance at

Conferences of Parties to the United Nations, its specialized agencies and the IAEA and non-Party States; and for admission of observers from other intergovernmental or non-governmental bodies unless one third of the Parties present object. In so far as the Secretariats of other international Conventions are provided by UN agencies (as is the case with UNCLOS, the Framework Convention on Climate Change, the Convention on Desertification, the World Heritage Convention, CITES and the CMS), they can therefore automatically be represented in the CBD.

33. The Ramsar Convention and the World Heritage Convention are somewhat different. The former simply establishes a "Conference of the Contracting Parties" and makes no statement about any other instruments or about rights of participation by their representatives, although in practice the Conference has been open to observers from the United Nations agencies, non-Party States and NGOs. The Ramsar Secretariat is provided by a non-United Nations body (IUCN) and it can be represented at the Conference of Parties to the Convention on Biological Diversity, like "any other body or agency whether governmental or non-governmental" unless one third of the Parties object.

34. The World Heritage Convention has a unique constitution, vesting its effective governance in an Intergovernmental Committee of 15 parties, called 'The World Heritage Committee', elected by a General Assembly of all Parties convened during the General Conference of UNESCO. Attendance at meetings of the Committee is open to representatives of The International Centre for the Study of the Preservation and Restoration of Cultural Property (the Rome Centre), if the State Parties so agree. There is no general right for observers to attend the Committee. The latter might be asked to review this situation with a view to facilitating cooperation through joint meetings with representatives of the other Conventions.

35. Another important opportunity for synergy arises in the provision of scientific advice. All the Conventions related to biological diversity are, in an important sense, "science based" because the effectiveness of action under them depends on the scientific understanding of the ecological factors which govern the diversity, integrity and functioning of ecosystems. The sustainable use of biological resources depends on understanding how management methods and particular levels and processes of harvesting and/or use will affect the populations of the species being used and of the other species with which they interact. Parties could benefit from cooperation in developing and implementing reliable methodology for the survey and characterization of sites, populations and ecosystems, as a guide to sustainable use, and regulation of the development of genetic materials through various forms of biotechnology.

(c) Coordination of agendas at Conferences of Parties

36. Cooperation would be advanced if all Conferences of Parties could place "cooperation with other Conventions" on their Agenda as a regular item. Under such an item, consideration might be given to:

- (i) discussions of priorities, definition of matters of mutual concern for cooperation and identification of items that could appropriately be addressed under other Conventions;
- (ii) reports of working groups on cooperation on matters of mutual concern;
- (iii) reports on actions being taken in other Conventions and not, therefore, requiring duplication so long as the programme items are designed to be of mutual benefit.



(d) Harmonization of reports by States Parties on their actions

37. All the Conventions depend upon their Parties for the actions required for their implementation. Reporting of such actions is generally agreed to be essential if a Convention is to be implemented effectively. The possible benefits to Parties of harmonizing the reporting obligations of the different Conventions have been referred to in paragraph 5 above.

(e) Partnerships between Secretariats

38. In accordance with its mandate established by Chapter 38 of Agenda 21, the Environmental Law and Institutions Programme Activity Centre of UNEP convened in 1994 a meeting of the Secretariats of environmental conventions including Ramsar, CITES, CMS, Vienna (ozone layer), Basel, Biological Diversity, Climate Change, and Desertification Conventions, together with the four Regional Seas Conventions administered by UNEP. Two subsequent meetings were held in Nairobi in May 1995 and Geneva in July 1995, respectively. It has been normal for consultations on specific issues to be held between the Secretariats, and for them to be represented at meetings such as those of the Commission on Sustainable Development that address issues relevant to their mandates, hence the agreement that UNEP should take over responsibility as convener of these meetings.

39. Dialogue of this kind has several merits:

- (i) it promotes mutual awareness of areas where collaboration might emerge, and allows the Secretariats to alert one another when a new issue of general concern arises, or when there is an advance in knowledge that can be of mutual benefit;
- (ii) it helps in the coordination of programme planning;
- (iii) it facilitates joint initiatives on topics of common interest;
- (iv) it should lead to joint efforts in the implementation of the Convention at the national level.

40. The continuation of these meetings of Secretariats under UNEP auspices is to be welcomed. The meetings might in particular address the need for harmonization of survey and assessment methods and criteria under the different Conventions; issues relating to consistency among various international legal instruments; programmes of information and awareness-raising; ways of enhancing funding for Convention activities; and links between the Secretariats and the UNEP Regional Offices.

(f) Development of joint or coordinated programmes

41. Probably the most effective way of advancing synergy is to design the programmes of the various Conventions so that they serve the wider need to support the conservation of biological diversity and the sustainable use of biological resources as well as the specific requirements of individual Conferences of Parties.

42. All the Conventions have action programmes endorsed by their Conference of Parties and/or Bureau or Standing Committee. The CITES Strategic Plan, for example, is directed towards achieving the long-term goal that no species of wild fauna or flora becomes threatened with extinction or subject

to unsustainable exploitation because of international trade. The Plan addresses the following problems:

- (i) the inadequacy of knowledge of the current state of wildlife resources that are, or may be, subject to threats within the scope of the Convention and also inadequate knowledge of those threats;
- (ii) the lack of agreement among concerned partners (including Parties) on the nature, scope and causes of damage to ecosystems and depletion of wildlife resources;
- (iii) incomplete adherence to the Convention (some 60 states are not Parties) and there are regions where wildlife trade is important but the Convention is not applied);
- (iv) inadequacies of national legislation and development planning, weaknesses in the implementation and enforcement of the Convention and insufficient resources;
- (v) lack of objective knowledge among the general public about the Convention.

(Similar points could be made about the Ramsar and Bonn Conventions)

43. The medium term goals of the CITES Plan to address those problems are:

- (i) to give more support to Parties to enhance knowledge about wildlife resources that are or may be subject to trade;
- (ii) to expand the coverage of the Convention;
- (iii) to enhance support to Parties for its more effective implementation;
- (iv) to expand public awareness;
- (v) to promote the concept of sustainable development within the CITES community;
- (vi) to intensify cooperation among partners;
- (vii) to improve the internal organization of work in the Secretariat.

44. Reviewing the work plans of the Conventions related to biological diversity and their components might be a valuable first step towards identifying areas for cooperation among them. For example, the Ramsar Work Plan for 1995 emphasizes the need for the continued maintenance of a database on wetlands of international importance; the expansion of the list of Wetlands of International Importance; better monitoring; the development of concepts and promotion of measures for conservation and management of listed sites; the development of guiding principles on the wise use of wetlands; the development of concepts relating to wetland nature reserves; and a broad spectrum of activities for international cooperation, communication, promotion of the Convention, and better administration.

45. The Ramsar Strategic Plan for 1997-2002 sets a goal of expanding the membership to at least 120 Contracting Parties by the year 2002; enhancing the functioning of Convention organs; improving conservation strategies and policies for wise use of wetlands; international cooperation on shared wetlands; training; better relations with international partner organizations and other Convention

Secretariats; closer relations with international funding agencies; and substantial improvements in public awareness of wetland conservation issues through communication and information.

46. From the point of view of cooperation, there might well be merit in joint programme planning, because of the number of matters of universal concern. The Parties might consider identifying areas of mutual concern such as :

- (i) improving knowledge of biological diversity and biological resources and the factors causing damage to them;
- (ii) developing guidelines for conserving biological diversity and using biological resources sustainably and beneficially;
- (iii) building a reliable information base, with information about trends in the status, pressures on and uses of biological resources;
- (iv) cooperation between the Secretariats and other appropriate institutions;
- (v) improving understanding, promoting research and training;
- (vi) encouraging the widest participation by States in the Conventions.
- (g) The supportive role of UNEP

47. UNEP has a special role, pursuant to Chapter 38 of Agenda 21 and to its mandate from its Governing Council, to provide "general policy guidance for the coordination of environmental programmes within the United Nations system." It also has a specific responsibility to support the work of the Conventions for whose Secretariats it is responsible, notably the Convention on Biological Diversity, the Convention on Migratory Species and CITES. As UNEP has emphasized: "the coordinating role is a facilitative service rather than the exercise of an authority".

48. UNEP has concluded that its particular role should be to support wider and long-term action that each Convention programmes are likely to address. It is likely to:

- (i) promote the development, analysis and dissemination of new scientific information to alert Convention decision-makers to emerging issues and priorities;
- (ii) promote the development of the next generation of tools and methods for scientific and socio-economic assessment of environmental problems;
- (iii) advance the more effective articulation in policy and law of lessons learned from new scientific findings, advanced assessment techniques and practical applications of policy measures;
- (iv) support activities within a Convention's general scope that will benefit countries not yet party to the Convention and so help them prepare to assume its obligations;
- (v) support activities that serve more than one Convention, and may be lodged most cost-effectively within a programmatic institution;

- (vi) provide advice to help Conventions and others apply new scientific information, tools and methods and conform with applicable environmental law and policy.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS FOR ACTION**

##### **(a) General Conclusions**

49. Since the first conventions came into force in the 1970s, it has become clear that the complexity of the interactions among the components of biological diversity with the many facets of human activity make it essential to review the strategies for the implementation of the relevant Conventions.

50. There are substantial opportunities for an overall programme of action involving the international Conventions that are concerned with biological diversity and its components. The success of such an integrated approach is likely to depend on action in the following key areas:

- (i) effective national action for the implementation of the Conventions;
- (ii) financial resources to enable Parties in developing countries to implement the actions to which they have committed themselves;
- (iii) harmonization of national reports to the various Conferences of Parties and integrated national action to implement work under all the Conventions;
- (iv) joint programmes in the implementation of Conventions at the national level.

##### **(b) Recommendations for Action**

51. The Conferences of Parties to the Convention on Biological might wish to consider discussing the following actions:

- (i) Cooperation on the harmonization of Reports by States Parties on their Actions, including the format, contents and periodicity of national reports. Once cooperation is established in this initial stage, it could be expanded to cover inventories, monitoring the status of biological diversity and its components, and other aspects of the implementation of the CBD that the Conference of the Parties may wish to consider;
- (ii) The benefits of establishing a joint working group comprising the Convention on Biological Diversity, the Ramsar Convention, the CMS, CITES, the World Heritage Convention, the Desertification Convention, the Framework Convention on Climate Change and UNCLOS to examine how the unique machinery of each Convention might best be used to advance the objectives of the CBD;
- (iii) Inviting the Conferences of the Parties to the other Conventions dealing with biological diversity and its components to consider including cooperation between the Conventions as a standing item on the agenda of their meetings;
- (iv) Requesting the Secretariat to pursue these matters with the executive bodies of the other Conventions with a view to establishing appropriate forms of cooperation.

## **Annex 1**

### **OBJECTIVES OF THE CONVENTIONS DEALING WITH THE CONSERVATION AND SUSTAINABLE USE OF BIOLOGICAL DIVERSITY AND ITS COMPONENTS**

#### ***Convention on Biological Diversity***

The objectives of this Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding (Article 1).

#### ***Desertification Convention***

1. The objective of this Convention is to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas.

2. Achieving this objective will involve long-term integrated strategies that focus simultaneously, in affected areas, on improved productivity of land and the rehabilitation, conservation and sustainable management of land and water resources, leading to improved living conditions, in particular at the community level (Article 2).

#### ***Climate Change Convention***

The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner (Article 2).

#### ***CITES***

1. Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.

2. Appendix II shall include:

(a) 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 utilization incompatible with their survival; and

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(b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.

3. Appendix III shall include all 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.

4. The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention (Article 2).

***Conservation on Migratory Species of Wild Animals (CMS)***

1. The Parties acknowledge the importance of migratory species being conserved and of Range States agreeing to take action to this end whenever possible and appropriate, paying special attention to migratory species the conservation status of which is unfavorable, and taking individually or in co-operation appropriate and necessary steps to conserve such species and their habitat.

2. The Parties acknowledge the need to take action to avoid any migratory species becoming endangered.

3. In particular, the Parties:

(a) should promote, co-operate in and support research relating to migratory species;

(b) shall endeavor to provide immediate protection for migratory species included in Appendix I; and

(c) shall endeavor to conclude Agreements covering the conservation and management of migratory species included in Appendix II (Article 2).

4. Parties that are Range States of a migratory species listed in Appendix I shall endeavor:

(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 minimize, 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.

5. Parties that are Range States of a migratory species listed in Appendix I shall prohibit the taking of animals belonging to such species. Exceptions may be made to this prohibition only if:

(a) the taking is for scientific purposes;

(b) the taking is for the purpose of enhancing the propagation or survival of the affected species;

(c) the taking is to accommodate the needs of traditional subsistence users of such species; or

(d) extraordinary circumstances so require; provided that such exceptions are precise as to content and limited in space and time. Such taking should not operate to the disadvantage of the species (Article 3).

***World Heritage Convention***

1. The World Heritage Convention aims to promote cooperation among nations to protect and conserve natural and cultural heritage of worldwide importance (Article 1).

2. World Heritage properties are sites with exceptional natural and/or cultural values. The international importance of these sites is recognized through their inscription on the World Heritage List, established by the World Heritage Convention.

3. The World Heritage List includes over 440 sites worldwide, such as the Pyramids of Egypt, the Grand Canyon of the United States, the Taj Mahal of India, Westminster Abbey in England and the Great Wall of China.

4. The World Heritage Committee, consisting of representatives from 21 nations, administers the Convention. The main task of the Committee is to consider properties which have been nominated by member nations for the World Heritage List. Other functions include the removal from the List of properties which have lost their World Heritage values, the placement of endangered properties on the World Heritage Danger List and the administration of the World Heritage Fund.

## Annex 2

### PROVISIONAL LIST OF INTERNATIONAL INSTRUMENTS RELATING TO BIOLOGICAL DIVERSITY

#### 1. Regional Treaties and other Instruments

##### (a) *Africa*

- (i) African Convention on the Conservation of Nature and Natural Resources (Algiers, 1968).

##### (b) *America*

- (i) Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere (1940);
- (ii) Convention for the Conservation of Biological Diversity and the Protection of Priority Wild Areas in Central America (1992, signed by 6 Central American States).

##### (c) *Europe*

- (i) Convention on the Conservation of European Wildlife and Natural Habitats (Berne, 1979);
- (ii) Benelux Convention on Hunting and the Protection of Birds (1970);
- (iii) European Community/European Union legislation - of which the EC Birds Directive of 1973 and the Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora of 1992 are the most important;
- (iv) Convention on the Protection of the Alps (1991).

##### (d) *Asia*

- (i) Agreement on the Conservation of Nature and Natural Resources (ASEAN countries, 1985).

##### (e) *the Pacific*

- (i) Convention on the Conservation of Nature in the South Pacific (Apia, Samoa, 1976).

##### (f) *Regional Seas*

Eleven Conventions have been developed under UNEP auspices for particular regional seas. Protocols explicitly dealing with the conservation of natural areas have been concluded for the Mediterranean, East Africa, the South-East Pacific and the Caribbean. There are, in addition, certain regional Conventions dealing with marine pollution (Helsinki, 1971; Oslo, 1972; Paris, 1974), which contribute to safeguarding biological resources in the Baltic and north-east Atlantic respectively. Regional fisheries Conventions and Agreements are also important in addressing biological resource management.



(g) *the Antarctic*

- (i) Antarctic Treaty (Washington, 1959) with a protocol on Environmental Protection (Madrid, 1991);
- (ii) Convention for the Conservation of Antarctic Seals (London, 1972);
- (iii) Convention on the Conservation of Antarctic Marine Living Resources (Canberra, 1980);
- (iv) Convention on the Regulation of Antarctic Mineral Resource Activities (Wellington, 1986, not ratified and effectively superseded by the Madrid Protocol).

2. Sectoral Treaties

(a) *Treaties dealing with Species*

- (i) Agreement on Conservation of Polar Bears (1973, agreed by 5 circumpolar northern states);
- (ii) Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 1979);
- (iii) Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (Washington, 1973);
- (iv) International Convention for the Regulation of Whaling (Washington, 1946);
- (v) Agreement for the Implementation of the Provisions of the UN Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (New York, 1995).

Various other limited agreements regulate species of commercial value such as fur seals or vicuna, shared by several states. There are additional bilateral agreements regarding migratory birds. Biological resource management lies at the heart, also, of regional fisheries agreements. Finally, many trade agreements have important implications: the International Timber Trade Agreement is a good example and has important interfaces with CITES.

(b) *Treaties dealing with Habitats*

- (i) Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, 1971);
- (ii) Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris, 1972);
- (iii) Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification particularly in Africa (Paris, 1994);
- (iv) Convention on the Law of the Sea (Montego Bay, 1982) (which, as discussed in the text, also sets out to unify certain pre-existing instruments).

(c) *Treaties dealing with global biological diversity*

- (i) The Convention on Biological Diversity (Rio de Janeiro, 1992).

(d) *Treaties dealing with threats to global diversity, ecology and human welfare*

- (i) The Convention on the Protection of the Ozone layer (Vienna, 1985) with its Montreal Protocol and London Amendment (Montreal, 1987; London, 1990);
- (ii) The United Nations Framework Convention on Climate Change (Rio de Janeiro, 1992);

In addition, various other global agreements addressing pollution (such as the London Convention of 1972 on the Prevention of Pollution of the Sea by the Dumping of Wastes and Other matter, or the various Conventions and Agreements on marine pollution from ships) could be listed under this heading.