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COOPERATION WITH OTHER AGREEMENTS, INSTITUTIONS AND PROCESSES RELEVANT TO IN SITU CONSERVATION

Note by the Executive Secretary

INTRODUCTION

1. As part of its guidance to the Executive Secretary regarding the preparations for the fourth meeting of the Conference of the Parties, the Bureau of the third meeting of the Conference of the Parties recommended that, at its fourth meeting, the Conference of the Parties might wish to focus its consideration of further cooperation within the framework of the results of special session of the General Assembly for the purpose of an overall review and appraisal of the implementation of Agenda 21, held in New York in June 1997, 1/ and conventions and other international agreements relevant to the implementation of Article 8, which is the subject of the present note.

2. The benefits and importance for the Convention of cooperation with other processes have been consistently emphasized by the Conference of the Parties. The topic is a standing item on the agenda of its meetings and has been a central element of the work of all the subsidiary bodies under the Convention. At its third meeting, the Conference of the Parties invited the Executive Secretary to continue to investigate modalities for cooperation and report back to the fourth meeting of the Conference of the Parties in light of the longer term programme of work.

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* UNEP/CBD/COP/4/1.

1/ The implications of the outcome of the special session of the General Assembly are considered in the note by the Executive Secretary prepared for the fourth meeting of the Conference of the Parties and circulated under the symbol UNEP/CBD/COP/4/12.

3. Chapter I of the present note (paras. 4-6 below) therefore briefly describes what has transpired by way of cooperation since the Conference of the Parties last met. Chapter II (paras. 7-61 below) describes the key instruments relevant to the implementation of Article 8, while chapter III (paras. 62-64 below) suggests potential priorities for cooperation in light of the longer-term programme of work.

I. COOPERATION SINCE THE THIRD MEETING OF THE CONFERENCE OF THE PARTIES

4. In its decision III/21, the Conference of the Parties endorsed the memoranda of cooperation entered into by the Executive Secretary and requested him to to develop similar arrangements with other relevant processes. Memoranda have been subsequently signed with; the Intergovernmental Oceanographic Commission (IOC), the World Bank, the Food and Agriculture Organization of the United Nations (FAO), the World Conservation Union (IUCN), the Cartagena Convention, the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the United Nations Conference on Trade and Development (UNCTAD). This decision also requested the Executive Secretary to continue to coordinate with other processes. Noteworthy examples of cooperation include: the Secretariat's involvement in the Intergovernmental Forum on Forests and its predecessor, the Intergovernmental Panel on Forests; the Inter-Agency Committee on Sustainable Development (IACSD), the ACC Subcommittee on Water Resources; the Organisation for Economic Co-operation and Development (OECD), in particular the Environmental Directorate and the Development Assistance Committee; the World Trade Organization and the UNEP coordination of convention secretariats programme. Cooperation has not been pursued solely with intergovernmental processes but has been undertaken with civil society as well. Most important in this respect was the meeting organized by the Secretariat on Traditional Knowledge and Biological Diversity, held in Madrid from 24 to 29 November, which in terms of cooperation with civil society was innovative for both the Convention and for other international governmental processes.

5. In the same decision, the Conference of the Parties also invited the Convention on Wetlands of International Importance, especially as Waterfowl Habitat (the Ramsar Convention) to cooperate as a lead partner in the implementation of activities under the Convention related to wetlands and requested the Executive Secretary to develop links with the Ramsar Convention. In particular, the Conference of the Parties: encouraged further development of cooperative arrangements at the scientific and technical level between the Subsidiary Body for Scientific, Technical and Technological Advice (SBSTTA) and the Scientific and Technical Review Panel (STRP) of the Ramsar Convention; noted the Strategic Action Plan for 1997-2002 adopted by the Conference of the Parties to that Convention; requested the Executive Secretary to seek inputs from the Ramsar process in the preparation of relevant documentation for meetings of the Convention; urged Parties cooperate at the national level to implement the two instruments together, in particular, to ensure that the purposes of the Ramsar Convention are taken into account in the development of national biodiversity strategies and action plans (NBSAPs); and invited the Contracting Parties of the Ramsar Convention to explore opportunities for accessing funding through the financial mechanism for projects in implementation of both instruments. As a

result, cooperation with the Ramsar process has been initiated on a wide range of issues. For example, members of the Bureau of the Subsidiary Body on Scientific, Technical and Technological Advice attended the meeting of the STRP held in Geneva from 14 to 16 April 1997 and there has been extensive cooperation over relevant documentation not only with the Secretariat of the Ramsar Convention but its Partner Agencies as well. A letter was sent to focal points on 20 June 1997 reminding them of the need to properly incorporate the purposes of the Ramsar Convention into the development of their NBSAPs and inviting them to explore funding possibilities with the financial mechanism. Further possibilities for cooperation are identified in the note by the Executive Secretary on status and trends of the biological diversity of inland water ecosystems and options for conservation and sustainable use (UNEP/CBD/COP/4/6), which has been prepared for the consideration of the Conference of the Parties under item 6 of the provisional agenda for the current meeting.

6. The decision also called upon the Executive Secretary to cooperate with United Nations Framework Convention on Climate Change (FCCC) and the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (CCD), in particular, to explore mutually supportive arrangements for implementation at the national level and suitable liaison arrangements in Geneva and/or New York. The Executive Secretary attended the first meeting of the Conference of the Parties of the Convention on Desertification. The Secretariat also supported the preparations for a meeting organized by the United Nations Development Programme (UNDP) and the Government of Israel, which considered ways of capturing synergies in implementing the Convention on Biological Diversity, the Convention on Desertification, the Framework Convention on Climate Change, and the Forest Principles at the national level. The Secretariat is also exploring with the financial mechanism modes for national level cooperation regarding implementation through the reporting requirements and development of strategies and action plans. The Executive Secretary is also currently engaged in discussions on the establishment of a liaison office in New York and Geneva.

II. IN SITU CONSERVATION OF BIOLOGICAL DIVERSITY

7. In situ conservation is the most important means of ensuring the long term conservation of biodiversity. The Convention places in situ measures squarely at the centre of efforts to conserve biodiversity describing them, in its tenth preambular paragraph, as "the fundamental requirement for the conservation of biological diversity".

8. Article 8 comprises the central obligations under the Convention with respect to in situ conservation of biological diversity. This article contains perhaps the widest range of commitments of any of the articles of the Convention, with provisions dealing with: the establishment and management of protected areas; rehabilitation and restoration of degraded ecosystems and threatened species; management of the risks associated with the use and release of living modified organisms; control of alien species; maintenance of traditional knowledge of indigenous and local communities; management of processes and categories of activities that have a significant

adverse effect on biological diversity; and provision of financial and other support for in situ conservation.

9. These commitments can, however, only be properly understood with reference to overall obligations of the Convention. Thus, the Convention's commitments on identification, research and training, sustainable use, public awareness, environmental impact and financial resources all supplement the specific commitments of Article 8 and consequently have an important role to play in conserving biodiversity in situ.

10. Despite the scope, diversity and interrelated nature of the commitments of Article 8 there are several themes or types of activities into which they can be organized. One classification which reflects the manner in which external processes have developed or considered the issues raised by Article 8, distinguishes the commitments along the following lines: protected areas, conservation of habitats outside the protected area network, restoration ecology and management of threatened species, management of the risks associated with living modified organisms, control of alien species, management of activities that have a significant adverse impact on biological diversity, and maintenance of traditional knowledge. The present note considers the implementation of Article 8 through cooperation within this framework.

11. As cooperation with other processes of relevance arising from Articles 8(g), (j) and (m) are being considered under other items on the agenda of this meeting, 2/ they will not be considered in the present note. The present section focuses on important processes relevant to the implementation of Article 8 which are not being comprehensively considered elsewhere.

A. Protected-area systems (Articles 8 (a), (b), (c) and (e))

12. In situ conservation of biodiversity is to a significant extent dependent upon maintaining sufficient natural habitat. Indeed, on a global basis the protected-area network is already the repository of a significant and increasing percentage of the world's remaining natural habitats. Consequently, an effective protected-area network is vital for any strategy to conserve biodiversity.

13. Maintenance of the protected-area network not only contributes to conservation of biodiversity but is crucial to implementing sustainable use of biodiversity and the equitable sharing of the benefits of that use. For example, sustainable use is defined as "the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations". Maintenance of this potential requires, inter alia, that a core element be conserved in order to provide the secure basis for long term use. Conservation of this core element can only occur in situ, which for much biological diversity means in and around the protected-area network. The numerous benefits which result

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2/ See, for example, the notes by the Executive Secretary on issues related to biosafety (UNEP/CBD/COP/4/9) and on implementation of Article 8(j) and related provisions.

from proper maintenance of the protected areas of countries also directly contribute to sustainable use of biodiversity as well as equitable sharing of benefits. For example, the financial benefits from tourism and the ecological benefits, such as watershed protection, water purification and soil conservation, make fundamental contributions to the national economy of all countries. The economic potential of the genetic resources that protected-area systems contain will in the future provide further important social and economic contributions as Parties develop their biotechnological capabilities.

14. The term "protected area" is defined in Article 2 of the Convention on Biological Diversity as "a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives". Whereas once the term merely referred to national parks and the like, the modern concept embraces a wide variety of techniques and purposes, with much more emphasis being placed on an integrated development and management approach. Their use is universal, with over 170 countries having recognized protected area networks, amounting to a total of over 27,000 individual sites and using over 140 different names for various types of protected areas.

15. Although Articles 8(a), (b), (c) and (e) contain the specific references in the Convention to protected areas, as mentioned above, other provisions of the Convention and decisions of the Conference of the Parties are of importance in interpreting the scope of the commitments under the Convention with respect to protected-area systems. For example, the commitment in Article 8(a) to "establish a system of protected areas" needs to be interpreted in light of the ecosystem approach adopted by the Conference of the Parties. This means that the commitment of Article 8(a) must be understood to require Parties to consider the establishment and management of their protected-area system not only in national terms but where the relevant ecosystem extends beyond national boundaries in ecosystem or regional terms as well. Moreover, the Convention promotes the use of modern management methods by calling for the development of management plans, strategies and policies and their integration into strategies for other sectors (Article 6). The Convention's provisions on research and training (Articles 7 and 12) and financial and social incentives (Articles 11 and 20) are also directly relevant to the scope of these paragraphs. Together the provisions of the Convention support a modern approach to protected-area systems and embody a concept which is not dependent upon setting aside or "locking up" resources found within the protected-area network, but one which seeks to promote their integration into the national economy in a sustainable manner.

16. The central role of protected areas has been recognized in the decisions of the Conference of the Parties and the work programmes established to develop substantive areas of the Convention. The Conference of the Parties has specifically considered Article 8 at its second and third meetings, where it emphasized the importance of disseminating relevant experience and requested the Executive Secretary to provide suggestions on how the collection and sharing of relevant information and experience might be enhanced 3/ and requested the financial mechanism to support Parties'

3/ See decision II/7, paragraph 4 (b), and decision III/9, paragraph 7.

efforts to implement Article 8 as a matter of urgency and priority. The financial mechanism has accordingly responded to this emphasis and initiated numerous projects which are principally designed to promote the effectiveness of the protected-area system in implementing the aims of the Convention. Where relevant these projects have used existing regional and international structures to execute and implement projects.

17. The proposed programme of work emanating from the most recent meeting of the Subsidiary Body on Scientific, Technical and Technological Advice on marine and coastal biological diversity contains specific references to the role of protected areas. For example, programme element 3 considers the role of marine and coastal protected areas in implementing the Jakarta Mandate.

18. Numerous instruments are relevant to these commitments and activities. There are at least 21 legally binding instruments which are have provisions regarding protected areas. At the global level, the Ramsar Convention (wetlands), the World Heritage Convention (sites of outstanding universal value) and the Convention on Migratory Species of Wild Animals (habitats of threatened and endangered migratory species), all have as a principal purpose the establishment and management of protected areas. Areas covered by regional arrangements with this purpose include, the western hemisphere, Europe, the Mediterranean, the South Pacific, South-east Asia, Africa, Mesoamerica, the Arctic, Antarctica, the marine and coastal environment of East Africa, the Southern Ocean, the Southern Pacific, and the Caribbean. There are also international treaties calling for the establishment of protected areas for specific species such as vicuna, polar bears, seals, bats and small cetaceans.

19. Calls for the establishment of protected areas are found in many different types of international instruments other than in treaties. Notable examples include: 1982 General Assembly resolution on the World Charter for Nature; the 1992 Caracas Action Plan; and the 1980 World Conservation Strategy.

20. There are numerous organizations and programmes devoted to promoting the role of protected areas and their effectiveness at the international level. Notable examples include: the UNESCO Man and Biosphere Programme; the Pan-European Landscape Initiative; the World Commission on Protected Areas of IUCN (WCPA); the Global 200 Project of World Wide Fund for Nature (WWF); the Protected Area Unit of the World Conservation Monitoring Centre (WCMC); and the Parks in Peril initiative of The Nature Conservancy.

21. In addition to these processes specifically devoted to protected areas there is also an extensive array of instruments and organizations whose activities are of importance with respects to implementation of these paragraphs of Article 8. For example, the United Nations Convention on Law of the Sea (UNCLOS), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on Desertification, the International Convention on the Regulation of Whaling and the OSPAR Convention all have provisions of importance with respects to implementation of Article 8. Many of the fisheries conventions also indirectly contain provision for protection of sensitive breeding areas, which can be thought of as marine protected areas. Similarly there are a wide range of organizations whose activities are directly relevant, even if their primary purpose of

activities is not protected-areas management. For example, almost all donor organizations provide support for development and management of protected areas under the rubric of their environmental programms. A recent review of the World Bank's activities found that since 1988 the Bank has provided some $1.8 billion through 119 projects in 64 countries for the support of protected areas.

22. As an international legal instrument, the comparative advantages of the Convention or the critical contributions that it can make to existing efforts to promote more effective management of protected areas include:

(a) Establishing the scientific basis for international coordination by Parties of protected areas required in order to facilitate the maintenance of global and national optimum levels of natural habitat;

(b) Fostering the development and adoption of best management principles, tools and practices; and

(c) Providing a framework for the management of transboundary ecosystems (systems which span State boundaries) or international ecosystems (systems not located within State boundaries (i.e. the high seas)).

23. Given the existing institutional context developing these roles is dependent upon cooperation with other processes. On the other hand, from the perspective of the Convention the value in pursuing cooperative efforts lies in the extent that they are relevant to the medium-term programme of work and the longer-term programme of work of the Convention. In this respect, there are a number of initiatives that have emerged from the 1995-1997 medium-term work programme, which in terms of implementation would significantly benefit from cooperation with other processes, although this would entail an increase in the level of resources devoted to cooperation.

1. Representativeness and the scientific basis to meet the needs of the Convention

24. IUCN has suggested that, as a rule of thumb, the protected-area network should contain about 10 per cent of the world's different ecosystems in order to ensure a degree of representativeness that can provide the basis for the long-term in situ conservation of biodiversity. Various methodologies have been devised to make such assessments, such as the Udvardy method, the hotspots and megadiverse countries promoted by Conservation International, the WWF Global 200 Project, Birdlife International's Important Bird Areas and Endemic Bird Areas, and the IUCN "biogeographic realms" and Centres of Plant Diversity.

25. Because of methodological problems and a lack of data no one system of classification is capable of accurately measuring the degree of representativeness of the existing protected-area network, as required by Article 8. 4/ Without a sound scientific basis for measuring the its representativeness, observations with respect to the adequacy in biological terms of the existing protected-area network are limited.

4/ For details, see documents UNEP/CBD/COP/3/12 and 13, prepared for the third meeting of the Conference of the Parties.

26. Within the Convention process, the task of assessing the representativeness of the protected-area network is principally that of the Subsidiary Body on Scientific, Technical and Technological Advice. The Subsidiary Body is, however, not equipped to generate new information and undertake research itself, its primary function being to draw on existing scientific networks to develop advice for the Conference of the Parties, for example, on criteria or guidelines to assist Parties in assessing the representivity of their protected area network. Generation and development of basic information and data is a central feature of existing efforts to cooperate with other protected area instruments, such as the Ramsar Convention and the World Heritage Convention. An important initiative in this respect is a project which the Secretariat is currently involved with in conjunction with several biodiversity-related convention secretariats and UNEP executed by WCMC on harmonization of the reporting requirements under different conventions. Despite the importance of these separate activities, none of them currently approaches the issue with a broad enough perspective to adequately meet the needs of the Convention.

27. The relationships that the Secretariat has already established provide the basis for a network which could make a valuable contribution to the work of the Subsidiary Body on Scientific, Technical and Technological Advice in this area. Additionally, WCPA was requested at the most recent IUCN World Conservation Congress, held in Montreal in 1996, to provide support for the collection, dissemination, and application of information on protected areas, including collaboration with WCMC in the establishment of a Protected Area Resource Centre (PARC) and the Biodiversity Conservation Information System (BCIS). The work of this Centre could provide an important contribution to the work of the Subsidiary Body on representativeness. The information from national reports and their focus on Article 8 are obviously a useful starting point for cooperation and development of the issue.

28. Despite the limitations of the existing methodologies, they generally lead to the conclusion that areas with low levels of human habitation, such as deserts, are well represented in the protected-area network and areas more intensively utilized by society, such as the estuarine habitats, tropical forests and rangelands, are less well represented. These general trends were accepted at the fourth World Congress on National Parks and Protected Areas, which noted in its recommendation 16 that the distribution of protected areas "is not biogeographically balanced with some key systems – such as tropical dry forests, fresh waters, temperate rainforests, temperate grasslands, Mediterranean-climate areas and oceanic islands – being under represented". The regional reviews of the protected-area network undertaken in preparation for this Congress supported these general conclusions, with all regions identifying a need for more protected areas broadly along the lines identified above. That the protected-area network needs development is acknowledged in the advice of the Subsidiary Body on Scientific, Technical and Technological Advice and in the Convention itself, which calls upon Parties to "establish" protected areas (Article 8(a)).

29. For those ecosystems which are under-represented, the Convention needs to support efforts to develop the system. As is evident from the foregoing, most ecosystems, although not all, are the subject of some institution working to develop the protected area system. Exact requirements along these lines will emerge from the work programmes themselves, which as already

noted, have identified cooperation with relevant organizations and developing knowledge of the science of assessing the representativeness of the protected-area system as priorities.

30. A consistent observation or conclusion of studies on the spatial spread of biodiversity is the large degree of overlap between key sites identified under any given set of criteria. For example, the global assessment of birds carried out by Birdlife International, reviewed the situation regarding endemic bird species which had a restricted breeding range. Areas which had two or more such species, called Endemic Bird Areas ("EBAs"), were compared with protected-area coverage. The study identified 221 EBAs and found that: 26 per cent of the world's bird species are confined to these areas, which cover some 5 per cent of the world's total land surface. The study reviewed the existing literature for other species and found that EBAs are also important for plant and other animal groups and concluded that due to the "high level of congruence of endemism among different groups, we can say with confidence that the future of all 221 EBAs is critical for global biodiversity conservation".

31. The high degree of congruence between the various criteria supports the merit of developing a set of key protected-area sites, which could act as a strategic focus for the implementation of the Convention. Although establishing such sites is of course a matter for Parties, the Subsidiary Body on Scientific, Technical and Technological Advice has an important role to play in developing criteria to assist Parties in identifying such key sites. Such a role would logically build on the work on representativeness discussed above. From the viewpoint of implementing the Convention, there are significant benefits to be gained if key sites are managed as a coherent and unified whole. Such an approach would not only encourage the ability of the system to respond to multiple purposes (for example, considering the biodiversity of inland waters and coastal environments), but it would also enhance the prestige of the site, raise awareness of the Convention amongst civil society in a real and practical way, provide a basis for measurable indictors of achievement, and provide a practical context for technical cooperation. The political and financial importance of the Convention would significantly contribute to addressing the management issues associated with many protected-area systems and provide ample incentive for other processes to be interested in cooperation. It would also provide a focus for an effective link between the significant implementation work that the financial mechanism is currently doing at the domestic and regional level with respect to protected areas. In this respect, there are a number of existing initiatives that might provide the basis for the development of a set of core protected areas for the Convention. The World Heritage Convention, the Man and Biosphere programme and the World Bank together provide a basis of an institutional framework or partnership which could manage a system with the full scope of the objectives of the Convention. The purposes of the PARC initiative in many respects would contribute to the implementation of this aspect of Article 8; consequently, direct involvement in this work might be worth while either through the programme itself or through becoming a principal partner of WCPA.

2. Fostering good management practices

32. The extent that the existing protected area system can implement the provisions of the Convention is dependent upon the extent that the system effectively manages the biodiversity it contains. Assessing the effectiveness of the management presents many difficulties, making global assessment necessarily crude. Nevertheless, there is widespread evidence that a significant proportion of protected areas have inadequate management systems.

33. Reviews of protected-area management systems consistently identify widespread and chronic inadequacies with respect to: the legal procedures for establishing protected areas; coordination between the wildlife authorities and the civil administration (responsible for land-rights acquisition and other related measures); institutional coordination for transboundary management to implement an ecosystem approach; management planning; allocation of resources, in terms of staffing and provision of management equipment; ensuring benefits to local communities; and ensuring adequate roles for the private sector. Six of the fourteen principles of the Caracas Declaration call for measures to increase the institutional effectiveness of the current network. Perhaps the most important problem is a chronic shortage of funds for the management of the protected-area network. Adequate funding for the maintenance of protected areas is necessary for important tasks such as ensuring sufficient staffing levels, maintenance of heavily used areas or rehabilitation of denuded areas, monitoring, and research – activities that are essential for ensuring that protected areas are more than legal artifices.

34. Proposals to develop guidelines and case-studies of best practices have emerged or are expected to emerge from the current medium-term programme of work. The first of these proposals is contained in work programme on marine and coastal biological diversity, in particular, the requirements of programme element 3, on the role of marine and coastal protected areas. The proposal before the Conference of the Parties, in particular, calls for the establishment of an ad hoc technical experts group under the Subsidiary Body on Scientific, Technical and Technological Advice and an informal task force supported by the clearing-house mechanism and the Secretariat to collaborate with relevant intergovernmental organizations to develop guidance on criteria for managing protected areas. As noted above, development of such guidelines is a task that the Convention process can undertake effectively and which thereby provides a worthwhile contribution to the work of existing institutions. Obviously, in order to develop these guidelines, there is a need to draw on the experience of those institutions active in this area: in other words, cooperating with the types of international processes listed above. It is, however, important to have some coordination mechanism in order to ensure efficient and effective cooperation. The nature of the needs of the Convention in this respect and its role as a framework instrument means that there is a need for this coordination mechanism to be located within the institutional structure of the Convention.

35. It is to be expected that similar guidelines will be called for in the other ecosystems in due course. Addressing protected areas on a ecosystem basis may not, however, be as efficient an approach as having a general approach to protected areas. To develop guidelines for the role of protected

areas in each ecosystem separately may lead to duplication of work and to inappropriate consideration of the requirements of Parties concerning access to existing knowledge and methodologies and identification of gaps. In this respect, it is likely that the work on marine and coastal ecosystems recommended by the Subsidiary Body on Scientific, Technical and Technological Advice at its third meeting (such as a review of biosphere-reserve strategies, the development criteria, etc.) might also be useful/necessary for other types of ecosystems. As a result, it might be more efficient to address protected areas in general and then, working at the level of specific ecosystems, identify more specific work required. Priority areas that could benefit from such an approach include: methods and approaches to deal with protected areas in IUCN categories V and VI; bioregional approaches to protected area management; mechanisms to enhance stakeholder involvement; methods for developing systems plans and integrating protected areas into sectoral strategies and plans; sustainable financing; establishment and management of transboundary protected areas; and development of incentives. Various institutions are already developing such generic guidelines. For example, WCPA is developing guidelines relating to economic benefits, indigenous peoples, and national systems plans for protected areas in general.

36. As an example of relevant types of activities, UNEP and the World Tourism Organization have developed generic guidelines on the development of protected areas for tourism. These guidelines are being further developed in conjunction with WCPA, which has established a joint task force with UNEP and the World Tourism Organization, to formulate a strategy on tourism and protected areas. The most recent World Conservation Congress also requested the WCPA to explore and evaluate the growing experience on the use and evaluation of standards and independent certification of ecotourism activities to promote the concept of ecotourism. Involvement with the development of "best practice" protected-area guidelines could be important in ensuring they properly reflect the needs of the Convention.

3. Transboundary and international ecosystems

37. Another possible priority in light of the longer-term programme of work is developing more formal means of cooperation with networks addressing the role of protected areas in mountain ecosystems. Many of these ecosystems are transboundary and, consequently, international coordination is crucial to ensure that they are managed effectively as an ecosystem. Although it is always possible for States to consult with each other and to cooperate outside the framework of a formal agreement, experience has made it clear that the existence of an international commitment to do so does improves such cooperation significantly. Furthermore, many of these transboundary ecosystems do not have any formal institutional arrangements to support their management.

B. Management of ecosystems and biological resources not located within the protected area network (Articles 8(d) and 8(e))

38. Many areas of vital importance to the *in situ* conservation of biodiversity are not included in the protected-area network. For instance, sites such as hunting reserves or military areas, those protected by superstition, or even isolation, make a valuable contribution to the

conservation of habitat but are not normally considered part of the protected-area network. Furthermore, wise land management of land outside the protected-area network is also of great importance. Techniques such as non-site-specific legal instruments, such as planning control, voluntary agreements and the integration of conservation principles into land-use planning, all play an essential role in wise land management. Indeed, management of land-use outside the national network of protected areas will play as important a role in the conservation of biodiversity as the network itself. Furthermore, much of the most valuable genetic and species diversity, such as the landraces of cereals, can only be preserved in situ outside the protected-area network.

39. Articles 8(c), (d) and (e) contain the key provisions which address these issues, although many of the commitments under other provisions of the Convention are relevant. Particularly important in this respect are the commitments under Articles 8(j), 10, 11 and 20. As noted in the previous section, the modern approach to managing protected areas is integrative and holistic, seeking to develop protected areas so that they are an integral part of the national and local economy and society. A critical interface for this interaction lies in the immediate environs of protected-area sites themselves. This is important both from the viewpoint of the purposes of the protected area and in terms of implementing these paragraphs of Article 8 of the Convention. Buffer zones created in the immediate environs of protected areas are where the most direct and relevant experiments are carried out.

40. The integrated-land-management approach is favoured in many of the activities within the processes described in the previous section. For example, Article 12 and Article 13, paragraphs 4 and 5, of the 1985 ASEAN Agreement call for such measures. The International Tropical Timber Organization’s guidelines for the sustainable management of natural tropical resources is an example of a non-binding instrument that emphasizes the buffe-zone concept in its framework for action. Initiatives to manage protected areas as a system rely upon the use of buffer zones to connect one site to another. An ambitious endeavour along these lines, which is already received support from the financial mechanism, is the Central American Biological Corridor; another well developed example, is the Pan-European Ecological Network (EECONET).

41. Many organizations have established guidelines for the protected areas they support in their programmes to be established within a context of buffer zones, where the interests of local people and their needs are given a priority, so long as they do not have a detrimental impact on the protected area. One example of such an initiative is the Integrated Conservation and Development Programme, which has formed an important part of the World Bank’s approach to protected areas in recent years.

42. The work of organization on sustainable agriculture also has an important impact in these zones. Consequently, the organizations involved in implementing decision III/11, on conseervation and sustainable use of agricultural biological diversity, especially the Food and Agriculture Organization of the United Nations, are critical here as well. Further details of the relevant international processes are contained in the assessment of ongoing activities and existing instruments at the

international level relevant to implementing the decision of the Conference of the Parties on agricultural biodiversity (UNEP/CBD/COP/4/6).

43. A well known example of an integrated approach to protected area management at the global level is the UNESCO Man and the Biosphere programme, which was established to promote the sustainable utilization of natural resources and to protect natural habitats from incompatible developments in the immediate vicinity. The programme calls for the establishment of "biosphere reserves" of various types throughout the world. Biosphere reserves have core zones for scientific research, which are surrounded by multi-use buffer zones that are managed for the economic benefit of local populations. In 1995, the network, known as the World Network of Biosphere Reserves, consisted of 324 sites in 82 different countries. Proposed designations must be approved by the programme's Coordination Council. The World Consrvation Congress has declared that the biosphere-reserve concept is a practical model for the implementation of significant elements of the Convention on Biological Diversity.

44. The objectives of the Man and Biosphere programme are set out in the Seville Strategy, which endorsed a new vision of biosphere reserves through the Statutory Framework of the World Network and the Seville Strategy, and recommended specific action at the international and national levels in order to facilitate appropriate relationship between conservation and development. The Statutory Framework and the Strategy obviously have an important contribution to make to the normative development of these parts of Article 8. Each Man and Biosphere National Committee is given the responsibility of developing management plans for the biosphere reserve. This work is relevant for the development of the national biodiversity strategy and action plan required by Article 6 and will be an important for the ongoing work of national focal points in implementing the Convention. Consequently, there may be merit in establishing a cooperative mechanism within the framework of the memorandum of cooperation signed between the Secretariat and UNESCO for harmonizing these plans to the extent that this is useful. The World Conservation Congress has recommended that the Global Environment Facility take better advantage of the Network as a highly efficient and effective means for implementation and evaluation of sustainable practices, and the Conference of the Parties may wish to consider such a recommendation in its guidance to the financial mechanism.

C. Restoration ecology and species-recovery plans (Articles 8(f) and 8(k))

45. Most areas important for conserving biodiversity *in situ* are not pristine or even in a state of ecological health whereby the natural systems are robust enough to ensure their long term viability. Article 8(f) is a manifestation of this realization and concern and reflects the belief that the conservation of biological diversity is not only about the protection of "pristine" areas but also about revitalizing degraded ecosystems and restoring threatened species. Effective rehabilitation requires identification and control or elimination of the original damaging inputs, such as pollution or unsustainable use, and the "perverse" incentives that may encourage them. Habitat restoration and rehabilitation therefore requires implementation of other Convention articles such as: Article 7 (Identification and monitoring); Article 10(b), on controlling use to avoid

adverse impacts; Article 12 (Research and training); Article 14 (Environmental impact assessment); Article 17 (Exchange of information); and Article 18 (Scientific and technical cooperation). It is important that remedial action in degraded areas be developed in a way so as to fully involve local stakeholders, a fact recognized in Article 10(d) of the Convention. 5/ Recovery measures should be anchored in legislation or other regulatory measures called for in Articles 8(k) and 9(d).

46. The Convention also calls upon Parties to make an affirmative commitment to promote the recovery of threatened species. Although, historically, the restoration of habitats and protection of threatened species have often been considered separately, the existence of threatened species is, in many instances, merely a symptom of a denuded habitat that requires restoration. Furthermore, attention to the recovery of particular species alone will only provide a temporary solution. Consequently, modern management techniques for addressing the threats to endangered species place more emphasis on restoring the ecosystem as a whole. Article 8(k) therefore is supplemented by Article 8(f) which, in turn, is complemented by Article 9(c), on ex situ measures for the recovery and rehabilitation of threatened species. Species-recovery measures will be aided by measures to protect ecosystems and natural habitats (and is supplemented by Article 8(d)), as well as by measures undertaken to restore and rehabilitate ecosystems, since most species extinctions involve at least some element of habitat destruction.

47. Methodologies for identifying threatened species and degraded ecosystems have been considered in some detail by the Subsidiary Body on Scientific, Technical and Technological Advice. 6/ In its decision II/8, the Conference of the Parties specifically encouraged Parties to identify priority issues related to those components of biological diversity under threat in preparing their first national report. Subsequently, the Conference of the Parties, by paragraphs 1 and 2 of its decision III/10, endorsed recommendations II/1 and II/2 of the Subsidiary Body on Scientific, Technical and Technological Advice on, respectively, indicators, monitoring and assessment of biological diversity and capacity-building for taxonomy. The financial mechanism has also made significant efforts to support restoration projects.

48. At its third meeting, the Subsidiary Body on Scientific, Technical and Technological Advice noted that many inland water ecosystems are highly modified and degraded and emphasized that the terms of Annex I of the Convention should be elaborated upon and that Parties should give particular importance in this regard to the implementation of Articles 8(f) and 10(d). The Subsidiary Body recommended that future consideration of the biological diversity of inland waters should concentrate, inter alia, on successful case-studies of remedial action, including restoration and rehabilitation of degraded inland water ecosystems. It also recommended that Parties should

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5/ Article 10(d) requires each Party "as far as possible and as appropriate" to support "local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced".

6/ See, for example, document UNEP/CBD/COP/3/12, prepared for the third meeting of the Conference of the Parties.

undertake assessments of threatened species within their inland water ecosystems.

49. The scope of the commitments regarding the need to restore threatened biodiversity means that a wide range of instruments and processes are of relevance to the implementation of these provisions. Most of the instruments mentioned in the foregoing paragraphs also contain commitments with respect to restoration. Over and above these instruments and processes are the numerous treaties dealing with management of the ocean's fisheries, almost all of which contain commitments to restore threatened species. Many modern treaties dealing with pollution also contain commitments to control levels of emissions so as to avoid extirpation of species.

50. Many organizations are also active in this area. The Species Survival Commission of the IUCN and their action plans for various species, have made important contributions to the understanding of these paragraphs of Article 8 and Annex I of the Convention. The Species Survival Commission has over 7,000 members, is active in 169 countries and is the largest of the voluntary commissions of the IUCN. There are now 100 Specialist Groups, covering mammals, birds, invertebrates, reptiles, fish and plants. Each of these Groups seeks to generate and update information on the species covered and to devise and implement programmes to conserve the most threatened of those species in collaboration with IUCN members. An important responsibility of the Specialist Groups is to develop an action plan that provides a comprehensive overview of all the species in within their group, establishes or applies a system for setting research and conservation priorities, and proposes projects to address those priorities. IUCN is preparing a number of country and regional overviews based on these action plans. About 40 such plans have been developed, and another 30 are under development. These action plans are seen as providing an important contribution to the national biodiversity strategies and action plans required under Article 6.

51. The Conservation Status Ranking System developed by The Nature Conservancy with the Association for Biodiversity Information (ABI) (in the Network of Natural Heritage Programs and Conservation Data Centres, mainly in the Americas) has also made an important contribution to identification of threatened species and restoration ecology. The Species Survival Commission and The Nature Conservancy are examining the possibility of merging the IUCN Red Lists system and the Conservation Status Ranking System.

52. Rehabilitation and restoration ecology are a principal contribution that ex situ organizations make to the implementation of Article 8 of the Convention. Indeed, this is implicitly recognized in the obligations under the Convention relating to ex situ conservation, and Articles 9(c) and (d) specifically refer to rehabilitation. Consequently, many of the world zoos, botanical gardens and gene banks have important activities which are directly relevant to these provisions and the processes which organize their efforts at the international level, such as Consultative Group on International Agricultural Research (CGIAR) network, International Centre for Agriculture and Biosciences (CABI), the Botanic Gardens Conservation International or the World Zoo Organisation, and are potentially relevant in this discussion.

53. Important institutions which the Convention has already established cooperation with, include: the Convention on Desertification, the Convention

on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on the Conservation of Migratory Species of Wild Animals (CMS), the Ramsar Convention and the World Conservation Union (IUCN). Further development of cooperation with these processes will centre around implementation of this paragraph. For example, at its third meeting, the Subsidiary Body on Scientifc, Technical and Technolgical Advice requested the Conference of the Parties at its fourth meeting to direct the Executive Secretary to work closely with the Ramsar Bureau in implementing its recommendations on restoration and rehabilitation of the biodiversity of inland water and also to direct the Subsidiary Body to work jointly with the Ramsar scientific body (STRP) to prepare indicative lists of inland water ecosystems using the criteria set out in Annex I of the Convention. It also recommended that the Conference of the Parties take note of the relevant work of the IUCN, which requires at a minimum bringing the work of the Species Survival Commission into the Convention process. At its first meeting, the Conference of the Parties of the Convention on Desertification continued the work of its scientific committee on indicators. Coordination of these efforts through the Subsidiary Body on Scientific, Technical and Technological Advice and the Secretariat, where appropriate, provides the basis for real synergies between the Convention on Biological Diversity and the Convention on Desertification in accordance with the instructions of the Conference of the Parties in its decision III/21.

D. Alien species (Article 8(h))

54. Like the other elements of Article 8, paragraph (h) is supplemented by many of the other provisions of the Convention. Of particular importance to Article 8(h) are the provisions dealing with environmental impact assessment in Article 14. Provisions dealing with activities which have an adverse impact (i.e., Article 7 and Article 10(b)) are also important. Articles 8(f) and (k) are relevant here as well.

55. The introduction of alien species has been identified by the Subsidiary Body on Scientific, Technical and Technological Advice as a major threat to biodiversity. At its third meeting, the Conference of the Parties endorsed the advice of the Subsidiary Body in this respect. Alien species have also been considered within the Jakarta Mandate on Marine and Coastal Biological Diversity under programme element 5 (Alien species and genotypes). At its third meeting, the Subsidiary Body, in its consideration of programme element 5 of the Jakarta Mandate, made a number of specific recommendations of relevance. It called for the Secretariat to seek the assistance of relevant organizations through an informal inter-agency task force. In particular, the Subsidiary Body recommended that collaboration should be explored with the Scientific Committee on Problems of the Environment (SCOPE) of the International Council of Scientific Unions (ICSU) and their efforts to develop a global strategy be the basis for this collaboration. It called for Parties to submit case-studies on the possible need for additional legal instruments, especially with regard to reckless or deliberate introductions.

56. At its third meeting, the Conference of the Parties noted the conclusions and recommendations of the Norway/United Nations Conference on Alien Species meeting, held in July 1996, which addressed ways and means to implement Article 8(h) and suggested that Parties may wish to use these results in their implementation of the article. The Conference of the

Parties also encouraged SCOPE and the Invasive Species Specialist Group of IUCN to continue their efforts to develop a global strategy and action plan to deal with the problem of alien invasive species. The financial mechanism of the Convention, the Global Environment Facility, has recently approved a project which supports for these efforts to develop a global strategy and action.

57. There are 22 global and regional treaties and numerous bilateral treaties, which contain references to the control of alien species in one form or another. Most of the protected area instruments mentioned above include provisions addressing control of alien species. For example, the Convention on Migratory Species of Wild Animals and some of its subsidiary Agreements refer to alien species. Article 196 of the United Nations Convention on the Law of the Sea provides that "States shall take all necessary measures to prevent reduce and control ... intentional or accidental introduction of species, alien or new to a particular part of the marine environment, which may cause significant harmful changes thereto".

58. Other measures taken internationally focus on microbial, plant and animal pests and pathogens. The 1951 International Plant Protection Convention, for example, establishes a system of export certificates designed to confirm that exported plant items are insect-free and conform to the importing State’s phytosanitary regulations. The International Office of Epizootics (OIE) has established health and sanitary guidelines for the export and import of animals. In addition these controls are the subject of the international trade regime. For example, the 1994 Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization and the 1992 North American Free Trade Agreement seek to harmonize sanitary and phytosanitary measures and risk assessment approaches.

59. In light of the nature of the SCOPE processes to develop a global strategy, it is premature to consider alternative forms of cooperation on this issues for the moment. Indeed, one of the key elements of this process is to identify those process which are relevant to implementation of the Convention.

E. Regulation of adverse processes identified pursuant to Article 7 (Article 8(l))

60. Implementation of Article 8(l) is initially dependent on the successful implementation of Article 7 in that processes and categories of activities that have or may have adverse impacts on biological diversity must be identified before they can be regulated and managed. The Conference of the Parties has periodically considered implementation of Article 7. In particular, in its decision III/10, the Conference of the Parties endorsed the establishment of a liaison group to consider how best to develop indicators for the Convention. On the basis of the work of this group, the Subsidiary Body on Scientific, Technical and Technological Advice at its third meeting developed three detailed recommendations on indicators.

61. These recommendations contain a number of elements of direct relevance to the present note. It calls for the Conference of the Parties to request the Executive Secretary to invite relevant organizations to forward case studies to the Secretariat. The recommendation also calls for consideration

of providing means for regional coordination of indicator development. Development of research proposals and pilot programmes to develop and test indicators were also recommended. At its third meeting, the Subsidiary Body on Scientific, Technical and Technological Advice also urged the Conference of the Parties to direct the Executive Secretary to take decisive action to advance the Global Taxonomic Initiative.

III. CONCLUSION

62. As is evident from the foregoing, existing forms of cooperation already contribute significantly to the implementation of Article 8. Nevertheless, the present note has identified a number of specific areas where further cooperation would significantly facilitate implementation of Article 8 by capturing or building on synergies between the Convention process and other international processes, in particular in relation to protected areas and rehabilitation of degraded areas.

63. Although implementing Article 8 through these forms of cooperation will be more efficient than separate action under the Convention, it will nevertheless entail a commitment of resources by this process. The experience so far has demonstrated that effective cooperation requires considerable resources. Further commitment of resources to cooperation is likely to occur only if Parties are satisfied that these resources have been applied efficiently and effectively. If Parties are to be satisfied that these resources are used efficiently then there is a need for the cooperation which is established to be reviewed in some manner. The agreement of many of the processes which the Secretariat has organized formal forms of cooperation with to submit regular reports to the Conference of the Parties is seen as an important development in this regard. Given the level of resources that the Conference of the Parties could efficiently devote to cooperation further mechanisms may be worthwhile. One possibility would be to institutionalize a mechanism which relied upon Parties to submit to the Executive Secretary their views on the effectiveness of cooperation. Other possibilities would be to rely on the Secretariat, independent consultants or some subsidiary body.

64. The Conference of the Parties is therefore invited to adopt the following decision regarding the implementation of Article 8 through cooperation with relevant agreements, institutions and processes:

"The Conference of the Parties,

"Recalling its decisions II/13 and III/21,

"Reaffirming the importance of mutually supportive activities under the Convention on Biological Diversity and activities under other conventions, processes and institutions relevant to the achievement of the objectives of the Convention, while avoiding unnecessary duplication of activities and costs on the part of Parties and the organs of the Convention,

"Welcoming the progress made in the development of cooperative arrangements with relevant conventions, institutions and processes as

described in the note by the Executive Secretary on cooperation with other agreements, institutions and processes relevant to in situ conservation (UNEP/CBD/COP/4/13),

"1. Expresses its appreciation to those conventions and institutions that provided documentation and information to assist the deliberations of the Conference of the Parties at its fourth meeting;

"2. Endorses the memoranda of cooperation entered into by the Executive Secretary with: the Intergovernmental Oceanographic Commission, the World Bank, the Food and Agricultural Organization of the United Nations, the World Conservation Union (IUCN), the Cartagena Convention, the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the United Nations Conference on Trade and Development (UNCTAD), and encourages the development of further such arrangements with relevant international biological-diversity-related bodies;

"3. Requests the Executive Secretary to continue to coordinate with the secretariats of relevant biological-diversity-related conventions, institutions and processes with a view to:

"(a) Facilitating the exchange of information and experience;

"(b) Exploring the possibility of recommending procedures for harmonizing, to the extent desirable and practicable, the reporting requirements of Parties under those instruments and conventions; and

"(c) Exploring the possibility of coordinating their respective programmes of work;

"4. Endorses the Executive Secretary's expression of support for a project on integrated information management for biodiversity-related treaties described in his note on cooperation with other agreements, institutions and processes relevant to in situ conservation (UNEP/CBD/COP/4/13), submitted to the Conference of the Parties at its fourth meeting;

"5. Takes note of document UNEP/CBD/COP/3/35 and the comments made by Parties and invites Parties to submit views to the Executive Secretary on ways and means that the Conference of the Parties might begin the processes of reviewing the contribution made by other processes to the implementation of the Convention on Biological Diversity and for the Executive Secretary to report back to the Conference of the Parties at its next meeting;

"6. Invites relevant processes to assist Parties to implement the programme of work adopted in decision [IV/**] with a view to implementation of Article 8(f) and Article 8(k) of the Convention on Biological Diversity, in particular the Ramsar Convention and the Species Survival Commissions of the IUCN;

"7. Takes note of the note by the Executive Secretary on cooperation with other agreements, institutions and processes relevant

to in situ conservation (UNEP/CBD/COP/4/13) and encourages him to develop closer relationships with the processes described therein and where appropriate with a view to making implementation activities and institutional arrangements mutually supportive and, in particular, requests him to develop relationships with other processes with a view to:

"(a) Developing the scientific basis for international coordination by Parties of protected areas in order to ensure maintenance of global and national optimum levels of habitat to enure in situ conservation of biodiversity;

"(b) Fostering good management practices in areas such as: methods and approaches to deal with protected areas of IUCN categories V and VI; bioregional approaches to protected area management; mechanisms to enhance stakeholder involvement; methods for developing systems plans and integrating protected areas into sectorial strategies and plans; sustainable financing; establishment and management of transboundary protected areas; and management of buffer zones;

"(c) Initiating a process to provide an institutional framework to facilitate transboundary management of mountain ecosystems;

"8. Invites Parties, Governments, regional economic integration organizations and other international, regional and national organizations to send to the Secretariat information relevant to the matters outlined in paragraph 7 of the present decision with a particular emphasis on protected areas and rehabilitation of degraded areas and requests the Executive Secretary to share this information through the clearing-house mechanism and to prepare a note the based on the information provided containing draft guidelines on these matters for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice at its next session.

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