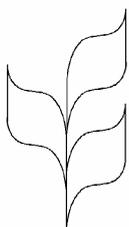




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**AD HOC TECHNICAL EXPERT GROUP ON
PROTECTED AREAS**

First meeting

Tjärnö, Sweden, 10-14 June 2003

**THE ROLE OF PROTECTED AREAS WITHIN THE CONVENTION ON BIOLOGICAL
DIVERSITY**

Note by the Executive Secretary

I. INTRODUCTION

1. The programme of work adopted by Conference of the Parties at its fourth meeting indicates that “protected areas” will be one of three priority issues to be considered by the Conference of the Parties at its seventh meeting, which will be held in the first quarter of 2004. The present information note has been prepared in order to provide background information to assist the Ad Hoc Technical Expert Group on Protected Areas in its deliberations. The following section briefly considers key commitments with respect to protected areas contained in the Convention. Section III then considers central issues and activities that need to be undertaken in order to prepare for seventh meeting of the Conference of the Parties.

II. THE ROLE OF PROTECTED AREAS WITHIN THE CONVENTION

2. The Convention on Biological Diversity describes *in situ* measures as “the fundamental requirement for the conservation of biological diversity”. *In situ* conservation of biodiversity is dependent upon properly maintaining sufficient natural habitat. In many countries, due to increasing human appropriation of biosphere productivity, particularly in the form of conversion of land to modern farming techniques, the protected area network holds the most secure natural habitat. The protected area network now covers some 9 per cent of the Earth’s land surface. Consequently, an effective protected area network is vital for any strategy to conserve biodiversity.

3. 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, the financial benefits from tourism in protected areas are enormous around the world.

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Moreover, the ecological benefits such as watershed protection, water purification and soil conservation make fundamental contributions to the economy of all countries. The economic potential of the genetic resources that protected area systems contain will provide further important social and economic contributions as Parties develop their biotechnological capabilities. Even in conventional terms, protected areas contribute billions of dollars to national GNPs, to say nothing of the important non-material values that are attached to these areas around the world.

4. The term "protected area" is defined in Article 2 of the Convention as "a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives". Paragraphs (a), (b), (c) and (e) of Article 8 contain specific references to protected areas and provide that Parties should:

(a) Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;

(b) Develop, where necessary, guidelines for the selection, establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity;

(c) Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use; and

(d) Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas.

5. The central role of protected areas has been repeatedly emphasised in decisions of the Conference of the Parties. The Conference of the Parties 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. The Conference of the Parties also instructed the financial mechanism to support Parties' efforts to implement Article 8 as a matter of urgency and priority.

6. Protected areas form a central element of the various thematic programmes. Indeed, one of the five key activities of the programme on marine and coastal biodiversity is devoted to the role of marine and coastal protected areas and aims; to facilitate research and monitoring activities related to the value and effects of marine and coastal protected areas, and to develop guidance on criteria for establishing and managing protected areas (see programme element 3).

7. Most importantly, however, Parties themselves have consistently identified that their efforts to develop and maintain their national protected area system is the central element of their strategy to implement the Convention.

8. Other Articles and decisions of the Conference of the Parties are of importance in understanding the scope of these commitments. 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. Consequently, the commitment in Article 8 (a) can also be understood to require Parties to

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consider the establishment and management of their protected area system not simply in national terms, but where the relevant ecosystem extends beyond national boundaries, in ecosystem or bioregional terms as well.

9. Even though the Convention's commitments regarding protected areas are normally understood within the scope of conservation measures, it should not be forgotten that the two other objectives of the Convention also provide important dimensions to the scope of these commitments. The provisions of the Convention and decisions of the Conference of the Parties promote a modern approach to protected area systems. They embody a concept that 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 and to manage the threats to protected areas in a holistic and integrative manner. In light of the issues confronting the management of protected areas particularly important commitments are the provisions dealing with; the sustainable use of biological resources, incentives, financial resources and widening stakeholder involvement.

A. *Sustainable use of biological diversity*

10. As one of the principal objectives of the Convention, sustainable use of biological diversity in and around protected areas is a critical aspect of the approach embodied by the Convention. Sustainable use of biological resources is defined in the Convention 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".

11. The concept is elaborated in more detail in many other Articles. The central commitments are found in Article 10, where integration and mainstreaming, measures to minimize adverse impacts, protection of traditional uses, decentralized governance and promotion of the role of the private sector, are emphasized.

12. Collectively, these elements can be understood as providing a subtle and sophisticated framework that requires Parties to apply the concept of sustainable use, in a legal, social, economic and ecological sense, to the wide variety of situations in which biological resources are used.

13. Different contexts in which sustainable use is applied will emphasize different facets of the concept embodied by the Convention. In the context of using natural habitats, the concept emphasizes integrated management and ensuring that the decision-making processes are transparent and democratic. In relation to sites of special global significance, the concept emphasises the intergenerational duty to preserve these exceptional places for future generations. Moreover, ensuring sustainable use of natural habitats in the developed world will require quite different measures to those required in the developing world. Ultimately what is appropriate will be determined at the national or local level.

14. A well known example of the type of approach to protected area management at the global level, which is widely considered as representing a model of the type of approach emphasized by the Convention, is the Man and the Biosphere programme ("MAB") of the United Nations Educational, Scientific and Cultural Organization (UNESCO). This programme was established to promote sustainable utilization of natural resources and to protect natural habitats from incompatible developments in the immediate vicinity. Initiated officially in 1971, the Programme calls for the establishment of "Biosphere

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Reserves" of various types throughout the world. Biosphere Reserves have core zones, which are for scientific research. These core zones are surrounded by multi-use buffer zones, which are managed for the economic benefit of local populations. The network known as the World Network of Biosphere Reserves has nearly 400 sites in over 85 countries.

B. Incentives

15. Article 11 calls upon Parties to "adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity".

16. Again other provisions of the Convention support and clarify the legal basis for creating incentives. In this regard Article 10 is of crucial importance with its emphasis on minimizing adverse impacts, protection of traditional uses, decentralised governance and promoting the role of the private sector. The Convention commitments regarding the use of genetic resources in Articles 15, 16 and 19 are important as well. These commitments require there to be equitable sharing of the benefits of the use of genetic resources in a financial, scientific and technological sense. They mean that not only are stakeholders entitled to require compensation for the use of their genetic resources, but that those that use them are under an obligation to pay for that use.

17. The legal basis for incentives relevant to protected area systems is also supplemented significantly by the acknowledgement of the rights of indigenous and local communities in respect of their knowledge in, practices with, and use of the components of biodiversity in Article 8(j) and its related provisions. These provide an important basis for developing sustainable incentives, albeit of a more social nature, in that they effectively provide for a more decentralised system of management and decision-making with respect to protected areas.

18. An example of Article 11 being implemented in the context of protected areas is the revenue-sharing programme developed in Uganda. This programme has been established at Bwindi Impenetrable National Park, and is administered by the park management advisory committee and the park parish committees formed to act as direct links to the local communities for implementation of the programme. Funds are disbursed to support community-development projects in the adjacent parishes. To date, over 21 community projects have been approved and received funds (with more funds being available through this mechanism than have ever been made available for development projects by government). These projects are having a demonstrable positive influence on people's attitudes.

C. Financial resources and the financial mechanism

19. The Convention is not simply a set of commitments and norms, it also has obligations designed to support implementation of its commitments. It is in this light that the provisions dealing with the financial commitment and increasing stakeholder involvement can be best understood. In other words their impact and effectiveness is more of a procedural nature than a normative one.

20. The Convention recognizes the need for additional financial resources if developing country Parties are to fulfil their commitments. Article 20 contains commitments for developed country Parties to provide "new and additional financial resources to enable developing country Parties to meet the agreed full incremental costs to them of implementing measures which fulfil the obligations of the Convention".

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21. To facilitate the delivery of these financial resources the Convention has a financial mechanism, which is operated by the Global Environment Facility. At its first meeting, the Conference of the Parties adopted comprehensive guidance for the financial mechanism. This guidance has been refined at each of the subsequent meetings of the Conference of the Parties. An important part of this guidance has been that implementation of Article 8 is a priority of the Conference of the Parties.

22. The financial mechanism has 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. In fact, protected-area projects form the bulk of the projects supported by the financial mechanism. Examples of regional projects include: the Mesoamerican Regional System of Protected Areas, Buffer Zones and Biological Corridors; and the Establishment of a Global Representative System of Marine Protected Areas; Regional Strategies for the Conservation and Sustainable Management of Natural Resources in the Amazon (\$4.5m, UNDP); and Central American Fund for Environment and Development: Account for the Global Environment (\$50m, UNDP). Numerous projects which support the establishment and development of the protected areas system at the national level have also been established by the financial mechanism (i.e. the Brazilian Biodiversity Fund (\$20m), Conservation of Biodiversity and Sustainable Development in La Amistad and La Osa Conservation Areas (Costa Rica \$8m) and Protected Areas Programme (Mexico \$20m)).

D. Mechanisms for increasing stakeholder involvement

23. The Convention recognizes that to achieve its aims civil society will need to be included in the process. Transparency, participatory approaches, decentralised management; equity and subsidiarity are the key elements in the governance paradigm promoted by the Convention.

24. A critical dimension of this issue in the context of protected area management is the role of indigenous and local communities. Indigenous and local communities have been developing, conserving and using the biological resources on their lands and territories in a sustainable manner for millennia and consequently have a vital role to play in achieving the objectives of the Convention.

25. The Convention recognizes the importance of this role in several of its provisions which stresses the right for indigenous and local communities to share in the benefits derived from ideas and innovations they have developed that prove useful to others and calls upon Parties to respect, protect and encourage customary use of biological resources. Central to these commitments is Article 8(j), which provides that Parties should “respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holder of such knowledge, innovations and practices and encourages the equitable sharing of the benefits arising from the utilisation of such knowledge, innovations and practices”.

26. Properly managed protected areas provide an important means to implement these commitments. Moreover, due to the important role that many indigenous communities play in the biological resilience of many natural habitats, to effectively manage biodiversity *in situ* will require securing these rights and the involvement of these communities. Collectively, the commitments under the Convention in this respect can be understood as recognizing that:

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- (a) The territorial and resource rights of indigenous and other traditional peoples inhabiting protected areas must be respected;
- (b) Protected area managers should incorporate customary and indigenous tenure and resource use and control systems as a means of enhancing biodiversity conservation; and
- (c) Knowledge, innovations and practices of indigenous and other traditional peoples have much to contribute to the management of protected areas.

27. As the Convention contains one of the clearest expressions of such rights and because of the participatory nature of the Convention's processes, indigenous and local communities have actively participated in the Convention. Moreover, Parties have devoted considerable attention to these issues. As a result, the Conference of the Parties has urged Parties to develop national strategies, programmes and plans which, *inter alia*, empower their indigenous and local communities and build their capacity for *in situ* conservation and sustainable use and management of agricultural biological diversity, building on the indigenous knowledge systems. Most significantly, the Conference of the Parties at its fourth meeting established a formal process, known as the Ad Hoc Working Group on Article 8(j). On the basis of advice from that working group, the Conference of the Parties at its fifth meeting adopted a programme of work to address these issues. Implementing and developing these commitments with respect to the management of protected areas is obviously dependant on these communities identifying their own needs and rights. Consequently, the Ad Hoc Working Group on Article 8(j) provides an important forum to develop these ideas and should be an essential part of the preparations for the seventh meeting of the Conference of the Parties.

III. FUTURE DEVELOPMENTS WITH RESPECT TO PROTECTED AREAS WITHIN THE CONVENTION

28. At its fourth meeting, the Conference of the Parties took two important decisions that will provide the focus, along with the legislative basis, for the core of the Convention's activities on protected areas for the foreseeable future. One is contained in paragraph 6 of decision IV/15, in which the Conference of the Parties called upon the Executive Secretary to "develop relationships with other processes with a view to fostering good management practices areas such as: methods and approaches to deal with protected areas; ecosystem and bioregional approaches to protected areas management and sustainable use of biological diversity; mechanisms to enhance stakeholder involvement; methods for developing systems plans and integrating biological diversity considerations into sectorial strategies and plans; and transboundary protected areas".

29. The other decision is that "protected areas" would be one of three main topics for the seventh meeting of the Conference of the Parties, likely to be in 2004. As a result protected areas will be the focus of the work of various subsidiary bodies of the Convention in the period between the sixth meeting of the Conference of the Parties, in 2002, and its seventh meeting. This means, for instance, that the ninth meeting of the SBSTTA in November 2003 will focus on protected areas, that the clearing-house mechanism will be concentrating on developing ways to enhance information dissemination regarding protected areas, and any regional level implementation meetings convened during this period will focus on the topic as well. An important factor in determining this timing was that it would enable the Convention

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to lend its normative weight to the results of the next World Congress on National Parks and Protected Areas, planned for September 2003 in South Africa.

30. As the Convention is a country-driven process, the development of policy is largely dependent on the official information provided by Parties. The main mechanism for providing this information is the national reports required by Article 26 of the Convention. The first national reports were due by the end of 1998, while the second national reports were due mid-May 2001. Approximately 130 first national reports and 100 second national reports have been submitted to date. In addition, thematic reports on protected areas were called for, and the deadline for submission was 31 May 2003. The national reports provide summaries of the status of biodiversity, threats to it, the legal and policy framework for action and the institutions responsible for action. These reports are based on an extensive planning and assessment exercise, which has been supported by the financial mechanism. Collectively, the process of producing the reports, which has engendered the development of national biodiversity strategies and action plans in almost every country in the world, represents the most extensive planning exercise addressing biodiversity to date.

31. From a preliminary assessment of these reports it is clear that for the vast majority of Parties the most important activity to implement their commitments under the Convention is their protected area network. Many of the reports contain a description of the protected-area system within the country, the gaps in these systems and the action to be taken to address these lacunas. The need to ensure: that protected area systems cover the full range of biodiversity adequately, adequate legislation and effective management (including sufficient human and financial resources), effective integration between protected areas and the wider region, and effective involvement of all interested parties in the establishment and management of protected areas were consistently emphasised in the reports.

32. The importance of international protected area initiatives and of transfrontier protected areas is also stressed in a number of the reports, particularly those of Western European countries and countries with economies in transition. Multinational networks of protected areas, in particular Ramsar sites, MAB Biosphere Reserves and World Heritage sites, were all mentioned as providing an important contribution to increasing the effectiveness of conservation action through international recognition of their value and importance.

33. The national reports are the most comprehensive, systematic and authoritative source of information about protected areas and biodiversity. One of the steps undertaken by the Secretariat with respect to preparing for the seventh meeting of the Conference of the Parties will therefore be to more fully analyse the thematic reports, as well as the second national reports.

34. The Convention relies upon a wide variety of institutions to implement its provisions and develop policy. Protected areas were one of the first environmental issues to be considered at the international level. Consequently, there is a wide range of institutions involved in the topic. Effectively preparing for seventh meeting of the Conference of the Parties will require building on the work of these bodies, not only to avoid duplication and conflict but also to actually implement any products that might arise from the meeting. This will depend upon developing an effective network, to distribute information, share experience and co-ordinate limited resources. Effective collaboration and co-operation depends on identification of real synergies. From the perspective of the Convention, the existing protected-area

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system will only be able to facilitate the implementation of the Convention to the extent that the existing system actually contains and effectively manages biodiversity. On the other hand, the Convention needs to be able to make a contribution to the work of these other organizations in order to engage them in the Convention process.

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

(a) Developing the scientific basis for international co-ordination by Parties of protected areas required in order to facilitate the maintenance of globally and nationally 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.

36. These roles will be central to the Convention's focus on protected areas. The following broadly outlines some of the crucial issues confronting the Convention in addressing these issues, briefly considers possible arrangements to prepare for the seventh meeting of the Conference of the Parties and the type of activities that the Conference of the Parties may consider to further the implementation of the Convention at its seventh meeting.

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

37. As noted before, the existing protected area system will only be able to implement the Convention to the extent that it actually contains biodiversity and effectively manages it. 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. Without a sound scientific basis for measuring this representativeness, observations regarding the adequacy in biological terms of the existing protected area network are limited.

38. Within the Convention, assessing the representativeness of the protected area network is principally the task of SBSTTA. SBSTTA is, however, not equipped to generate new information and undertake research itself. Its primary function is 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 representativeness of their protected area network.

39. 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 on Wetlands and the World Heritage Convention. It will also form an important element of the Convention's involvement with many organisations. For example, the IUCN's World Commission on Protected Areas (WCPA) or their Centre of Plants Diversity, the network used by Birdlife International to develop its endemic bird areas (EBAs), WWF-US (as coordinator of the Global 200 Initiative), Conservation International and the World Conservation Monitoring Centre (WCMC) have already made valuable contributions to the discussions within the Convention on this issue of representativeness.

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40. Developing this type of contribution will clearly be a central element of the Secretariat's preparation for the seventh meeting of the Conference of the Parties. In this respect close co-operation is anticipated with the WCPA, which was itself requested by the IUCN World Conservation Congress held in Montreal in 1996 (the WCC), to provide support for the collection, dissemination, and application of protected areas information, including collaboration with UNEP-WCMC in the establishment of a Protected Area Resource Centre (PARC) and the Biodiversity Conservation Information Systems (BCIS).

41. Despite the limitations of the existing methodologies, they generally lead to the conclusion that areas with low levels of human inhabitation, such as deserts, are well represented in the existing protected area network, whereas areas more intensively used by society, such as the estuarine habitats, tropical forests and rangelands, are less well represented. These general trends were accepted at the IV World Congress on National Parks and Protected Areas, which noted in 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". These trends are also evident in the national reports. That the protected area network needs development is acknowledged in the advice of SBSTTA, decisions of the Conference of the Parties (see programme element 3 of the programme of work on marine and coastal biodiversity) and in the Convention itself which calls upon Parties to "establish" protected areas (Article 8(a)). The specific nature of any gaps in the current system and how they can be addressed is an issue that the Conference of the Parties will consider. It is important that this issue is considered in the right manner, based on sound criteria and science. Here the advice of SBSTTA will be important and in turn the experience of protected area specialists will be critical.

42. A consistent observation or conclusion of the studies is the large degree of overlap between key sites identified under any given set of criteria. The high degree of "congruence" raises the question of whether there is any merit in developing some sort of system which would recognize key protected area sites for the Convention at the moment. Although gazetting such sites is of course a matter for Parties, SBSTTA could develop guidelines or criteria to assist Parties in identifying such key sites. Additionally, SBSTTA could be requested to develop targets that address global, regional and/or national needs of the Convention in terms of protected areas, such as, for example, including 10 per cent of all ecosystems in protected area networks. Indeed, SBSTTA has been requested by the Conference of the Parties to guide the Executive Secretary to develop criteria for identification of key sites for marine and coastal protected areas. It is also likely that similar issues will arise from the other thematic programmes. Such a role was clearly highlighted in many of the national reports and logically builds upon the work on representativeness.

43. In terms of implementing the Convention, there are significant benefits to be gained if some form of accreditation or recognition mechanism could be developed. Such a mechanism could provide powerful incentive to address any gaps in the protected area system. It could also provide a basis for measurable indicators of achievement, provide a practical context for technical cooperation, raise awareness of the Convention amongst civil society in a real and practical way, promote the ability of the protected area system to respond to multiple purposes and enhance the prestige of the site. The political and financial importance of the Convention would significantly contribute to addressing the management issues associated with many protected area systems. 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

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regional level with respects to protected areas. Finally, and perhaps most importantly, it offers considerable potential for easing the burden of implementation on Parties through the synergies which can be captured by such an approach. Indeed, the experience of other conventions that contain provisions on protected areas has been that it is precisely these type of issues which has been their most effective contribution to promoting better management of protected areas.

44. In this respect, there are a number of existing initiatives that could provide the basis for developing such a mechanism. The MAB and the World Heritage Convention are obviously examples, although by no means the only ones. As the merits of developing such a mechanism is expected to be considered by the Conference of the Parties, it will be important to raise the issue with relevant organizations in good time so as to properly explore its implications.

B. Fostering "best practices"

45. The extent that the existing system can promote the implementation of the Convention is dependent upon the extent to which it effectively manages the biodiversity it currently contains. Assessing the effectiveness of this management is confronted by many difficulties, making global assessment necessarily crude. Nevertheless, there is widespread evidence that a significant proportion of protected areas have inadequate management systems.

46. The national reports and many 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 steps); 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 14 principles of the Caracas Declaration call for measures to increase institutional effectiveness of the current network. Perhaps the most important problem is a chronic shortage of funds for management of the protected area network. Adequate funding for the maintenance of the protected areas is necessary for important tasks such as assuring sufficient staffing levels, adequate training of staff, maintenance of heavily-used areas or rehabilitation of denuded areas, monitoring, research: all aspects which are essential for ensuring protected areas are more than legal artifices. The provision of adequate funding also illustrates the political commitment or priority given to the establishment of protected areas and conservation of biodiversity in general.

47. In paragraph 6 of decision IV/15, the Conference of the Parties requested the Executive Secretary to develop relationships with other processes with a view to fostering good management practices. The focus of this effort will, for the immediate future, centre around two main activities: firstly, developing the necessary information basis; and, secondly, developing guidelines on best practices based on the provisions of the Convention and the elements outlined in decision IV/15.

1. Development of the necessary information

48. A considerable amount of information on management practices in protected areas already exists. As has been noted above, this information will need to be fully reviewed in order to provide a sound basis for decision-making. From the perspective of the Secretariat, the first step will be the review of the

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thematic reports, national reports and the national biodiversity strategies and action plans they contain. The work of other organizations will also be important source of information. For example, the studies documented for the next Parks Congress will be an invaluable source of material on management practises.

49. Another important source of information for the Convention process in other topics has been case-studies requested by the Conference of the Parties. The experience within the Convention to date with respect to generating case-studies points to the importance of developing clear guidelines, not only to enable the information they contain to be used effectively, but also to assist in their generation. Development of specific guidelines or topics on which information is required is an area where the previous experience of other organisations will be important.

2. *Guidelines on best practice*

50. Although the Convention provides the framework and legal basis for implementing modern management methods, this framework needs to be developed in order to be translated into specific policies and programmes. As has already been mentioned, the Conference of the Parties has called for the development of guidelines for the establishment and management of marine and coastal protected areas. Such guidance was developed by the Ad Hoc Technical Expert Group on Marine and Coastal Protected Areas. Additional proposals to develop guidelines on best practices are expected to emerge from the other thematic work programmes.

51. The relationship between these thematic specific guidelines and more generic guidelines needs attention. Paragraph 6 of decision IV/15 implies that the Parties should consider a generic approach to the development of guidelines on protected areas in those specific areas enumerated in the decision, namely:

- (a) Methods and approaches to deal with protected areas;
- (b) Ecosystem and bioregional approaches;
- (c) Mechanisms to enhance stakeholder involvement;
- (d) Methods for developing systems plans; and
- (e) Transboundary protected areas.

Moreover, developing guidelines for each thematic area separately may lead to duplication of work and to inappropriate considerations of Parties' requirements concerning access to existing knowledge and methodologies and identification of gaps. Furthermore, developing generic guidelines in these areas would more effectively build on the key site mechanism mentioned above.

52. Various institutions have already developed generic guidelines on a number of these topics. For example, the WCPA has developed guidelines on national planning systems and principles and guidelines on indigenous/traditional peoples and protected areas. UNEP and the World Tourism Organization have also developed generic guidelines on the development of protected areas for tourism. The merits of the Conference of the Parties adopting or endorsing these guidelines will warrant careful consideration. Any

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guidelines which were developed under the auspices of the Convention would need to build on these existing initiatives.

53. Whatever approach is adopted the active involvement of other institutions will be critical to the development of effective guidelines. This is not only acknowledged by the Conference of the Parties in paragraph 6 of decision IV/15, but also in decision IV/5, in which it called for an informal task force supported by the clearing-house mechanism of the Convention and the Secretariat to collaborate with relevant intergovernmental organisations to develop guidance on criteria for managing marine and coastal protected areas. How the Convention will build on the work of UNEP, the World Tourism Organization, WCPA, WWF and others is yet to be determined. How the institutions of the Convention can effectively cooperate with such a wide variety of organisations is a critical and difficult issue. As noted above development of such guidelines is a task, which the Convention can undertake effectively and which could be a worthwhile contribution to the work of existing institutions. For example, SBSTTA could make a contribution to the development of uniform terminology and technical standards that would enable project information to be described and referred to in consistent and repeatable ways, regardless of language and cultural difference. Some mechanism of co-ordination is, however, important in order to ensure efficient and effective co-operation. 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.

3. *Transboundary protected areas*

54. Management of transboundary ecosystems is important due to the significant number of protected areas that have been established in such regions and that a significant proportion of the world's remaining natural habitat is found in such areas. The reasons for this are that these regions are often remote, sparsely populated and mountainous.

55. Transboundary considerations are of special importance in the marine environment. The broad dispersal capabilities and migratory behaviour of many marine species indicate that single reserves will not be capable of adequately protecting all resident species. Rather, regional-scale management is required, consisting of networks of protected areas representing the full spectrum of species and habitats, and taking into account hydrographic features, such as current flow. With knowledge of larval dispersal patterns and distances, networks of reserves can be linked ecologically to provide more effective protection than the more traditional single reserves.

56. The protection of migratory species, both in the marine and terrestrial environments, will also require an approach that extends beyond the single reserve concept and considers the entire range of habitats utilized by a particular species. As an example, migratory birds are fully dependent on the availability of habitats used as wintering, breeding or stopover sites. Any changes in the quantity and quality of these habitats will have an impact on the species. The protection of migrating bird species requires flyway initiatives, where protection measures are taken along the entire migration range, in a practical application of the ecosystem approach. The flyway concept, by definition, requires close cooperation between all the range States involved. Examples of flyway initiatives include the North American Waterfowl Management Plan between Canada, the United States of America and Mexico and the African-Eurasian Migratory Waterbird Agreement, covering approximately 117 countries. The

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Convention on Biological Diversity collaborates with the Convention on Migratory Species (CMS) in addressing the protection of migratory species.

57. High-seas areas present a special situation in which existing legal instruments, including the Convention on Biological Diversity, do not necessarily provide an adequate basis for the establishment of protected areas. The global commons contain a number of vulnerable environments such as seamounts, deep water coral reefs and hydrothermal vents and species such as deep sea fish and cetaceans. Human activities presenting a threat to these ecosystems and their components include destructive fishing practices, by-catch and potential bioprospecting. The establishment of protected areas in the high seas will out of necessity need to be based on collaboration and cooperation between all user nations of a given area.

58. Ideally, transboundary protected areas should be jointly managed as one single ecosystem, with a single management plan, overseen by one administrative body and the same regulations applied throughout the area. One transboundary area that is managed in such a way is the Roosevelt Campobello International Park. In this case, an international commission established under a treaty between Canada and the United States of America, financed by both Governments, less than one management policy manages the area.

59. 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 obligation to do so, does improve such co-operation significantly. For example, in the absence of some formal arrangement the relevant park authorities often cannot communicate with one another directly but must go through the ministry in charge of foreign affairs.

60. Formal agreements provide the strongest legal basis for the long-term transboundary cooperation. They can take the form of joint declarations, memorandum of agreements, letters of intention or even the adoption of a treaty. Formal instruments should start from a conceptual framework, with organizing principles and objectives taken from relevant instruments. Issues which may need to be harmonized to allow for this integrated management include: illegal taking and trade of specimens, search and rescue, fire prevention, emergency measures, wardening procedures, border crossing points. Zoning should be jointly determined.

61. Developing such measures relies upon a high degree of political commitment. In many transboundary areas not adequately covered by such arrangements, it will also require additional resources to be made available by international organisations. Due to its financial mechanism and 187 Parties, the Convention is well placed to make an important contribution to the development of transboundary protected areas. Decision IV/15 anticipates that guidelines on good management practises could be worthwhile. Moreover, the relevance of developing effective responses to these issue will be increased by the fact that the ecosystem focus of the seventh meeting of the Conference of the Parties will be mountains, the very type of biome for which transboundary protected areas are critical. Consequently, the role of the Convention in promoting integrated management of transboundary protected areas is expected to be considered very carefully at the seventh meeting of the Conference of the Parties.