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Item 6.4 of the provisional agenda*

ALIEN SPECIES THAT THREATEN ECOSYSTEMS, HABITATS OR SPECIES (ARTICLE 8 (h)): FURTHER CONSIDERATION OF GAPS AND INCONSISTENCIES IN THE INTERNATIONAL REGULATORY FRAMEWORK

Note by the Executive Secretary

I. INTRODUCTION

1. In its decision VII/13, the Conference of the Parties noted that specific gaps in the international regulatory frameworks at global, regional and national levels persist, notably in relation to species that are invasive but do not qualify as plant pests under the regulations of the International Plant Protection Convention and other international agreements or animal diseases under the regulations of the World Organization for Animal Health (OIE) and other international agreements with regard to the potential pathways outlined in paragraph 7 (a)-(i) of decision VII/13. The Conference of the Parties requested SBSTTA to establish an ad hoc technical expert group to address gaps and inconsistencies in the international regulatory framework at global and regional levels, in particular the specific gaps identified in paragraph 7 of decision VII/13.

2. The Subsidiary Body established the ad hoc technical expert group at its tenth meeting, and the Executive Secretary convened it to meet in Auckland from 16 to 20 May 2005, with the generous support from the Government of New Zealand. The full report of the meeting (UNEP/CBD/SBSTTA/11/INF/4), contains a large number of recommendations for possible actions to address gaps and inconsistencies in the international regulatory framework in relation to invasive alien species..

3. Section II of the present note includes the main conclusions and recommendations of the meeting of the Ad Hoc Technical Expert Group (section II), and section III contains a suggested recommendation for the consideration of the Subsidiary Body, which was prepared on the basis of the report of the meeting.

* UNEP/CBD/SBSTTA/11/1.

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II. MAIN CONCLUSIONS OF THE AD HOC TECHNICAL EXPERT GROUP

4. The main conclusions of the meeting of the Ad Hoc Technical Expert Group, as contained in its report, are as follows:

(a) Actions taken to address invasive alien species need to be taken at the right level(s), which might be international, regional, national and/or sub-national. Regional (including subregional) actions may be particularly appropriate in many cases;

(b) In many cases, problems are not caused by gaps in the international regulatory framework, but actually lie with inadequate implementation at national level;

(c) Gaps in the international regulatory framework do not necessarily limit the ability of governments to address such gaps at national level;

(d) For most pathways for the introduction and spread of invasive alien species, the most important factor influencing implementation of Article 8(h) is national capacity;

(e) Collaboration among international bodies and instruments is important in the context of addressing issues related to invasive alien species;

(f) A significant general gap in the international regulatory framework relates to lack of international standards to address animals that are invasive alien species but are not pests of plants under the International Plant Protection Convention. Some of the specific gaps identified in this report, including in particular various conveyances as pathways for invasive alien animals, could be viewed as subsets of this broader issue. Options to deal with this general gap include:

(i) Expansion of the mandate of the World Organization for Animal Health (OIE) beyond a limited number of animal diseases;

(ii) Development of a new instrument or binding requirements under an existing agreement or agreements such as the Convention on Biological Diversity or other appropriate frameworks;

(iii) Development of non-binding guidance.

(g) Further consideration of these options is appropriate, and should involve relevant international bodies and instruments;

(h) Other major gaps in the international regulatory framework relate to hull fouling and civil air transport. For both of these gaps, relevant international organizations are in the process of addressing the issue of invasive alien species to varying degrees;

(i) Specific gaps and inconsistencies were also identified for particular aspects of the following pathways:

- Aquaculture/Mariculture
- Ballast water
- Military activities
- Emergency relief, aid and response
- International development assistance
- Scientific research
- Tourists

- Pets, aquarium species, live bait and live food
- Biocontrol agents
- *Ex-situ* animal breeding programmes
- Incentive schemes (including carbon credits)
- Inter-basin water transfer and canals
- Unintended protection of invasive alien species
- Inconsistency in terminology

(j) Specific actions have been proposed for each of the above gaps and inconsistencies, often involving the following:

- Implementation of existing international agreements
- Regional approaches
- Action by national government agencies
- Collaboration among government agencies
- Collaboration among international bodies and instruments
- Sharing of best practices
- Development of codes of practice
- Education and public awareness

(k) The Ad Hoc Technical Expert Group noted that at national level, Governments have responsibilities related to export of species that may invade neighbouring states. In addition, actions or lack of action at the national level may result in unintentional introductions of invasive alien species into other States.

5. The draft recommendation in section III below is based on the recommended possible actions identified by the Ad Hoc Technical Expert Group. Further information supporting and explaining the Group's recommended possible actions can be found in its report.

III. SUGGESTED RECOMMENDATION

The Subsidiary Body may wish to recommend that the Conference of the Parties:

Recommendations

1. *Takes note* of the report of the Ad Hoc Technical Expert Group on Gaps and Inconsistencies in the International Regulatory Framework in Relation to Invasive Alien Species (UNEP/CBD/SBSTTA/11/INF/4) *expresses its gratitude* to the Government of New Zealand for their financial, organizational and technical support for this work, and *expresses its gratitude* to the Chair and members of the Ad Hoc Technical Expert Group for their work;
2. *Recognizes* the importance of capacity at national level for addressing the various pathways for introduction and spread of invasive alien species, and *renews* its invitation to funding institutions and development agencies to support developing countries, in particular the least developed countries and small island developing States among them, and countries with economies in transition, to assist in the improved prevention, rapid response and implementation of management measures to address threats of invasive alien species;
3. *Further recognizes* that collaboration among international bodies and instruments is important in the context of addressing issues related to invasive alien species, and that such collaboration requires adequate resources;
4. *Encourages* Parties to ensure close collaboration at national level among agencies involved in various sectors and processes relevant to invasive alien species, including agencies dealing with environment, agriculture, forests, fisheries, oceans, and transport;
5. *Notes* that actions to address invasive alien species need to be taken at the right level(s), which might be international, regional, national and/or subnational, *emphasize* the appropriateness of regional and sub-regional approaches in particular, and *encourages* the development of regional guidance or standards under appropriate regional bodies or institutions to address particular gaps in the international regulatory framework;
6. *Reiterates* the importance of information-sharing as specified, for example, in paragraphs 27 and 28 of decision VI/23*, and the need for financial resources to take full advantage of such information-sharing mechanisms including the clearing-house mechanism of the Convention;
7. *Urges* Parties and other Governments to notify potential importing countries of relevant information about particular species that are subject to export and may be invasive, through alert lists or other appropriate information-sharing mechanisms, and to take other proactive measures as appropriate to prevent or minimize effects of invasive alien species in other countries, in accordance with Article 3 of the Convention;
8. *Requests* the Executive Secretary to convene a meeting of relevant international bodies and instruments, such as the International Plant Protection Convention, the World Organization for Animal Health (OIE), the Food and Agriculture Organization of the United Nations, and the World Trade

* One representative entered a formal objection during the process leading to the adoption of this decision and underlined that he did not believe that the Conference of the Parties could legitimately adopt a motion or a text with a formal objection in place. A few representatives expressed reservations regarding the procedure leading to the adoption of this decision (see UNEP/CBD/COP/6/20, paras. 294-324).

Organization, taking into account the observations of the report of the Ad Hoc Technical Expert Group, to discuss whether and how to address the lack of international standards covering animals that are invasive alien species but are not pests of plants under the International Plant Protection Convention, and to report on the results of the meeting for consideration by SBSTTA and by the Conference of the Parties at its ninth meeting;

Conveyances as pathways for invasive alien animals

9. *Invites* Parties and other Governments to share, through the clearing-house mechanism, national experiences in dealing with animals that are invasive alien species introduced or spread through various conveyances (e.g., vessels, floating timber, equipment and machinery, household goods, packaging and containers, waste materials, etc.), including any risk assessments that have been carried out for particular species or pathways;

10. *Encourages* Parties and other Governments to conduct training and promote education and awareness raising of border control officials and other relevant persons regarding animals that are invasive alien species;

11. *Encourages* relevant regional bodies and institutions to develop regional guidance or standards for particular conveyances as pathways for introduction and spread of invasive alien animals;

12. *Invite* relevant bodies and institutions, such as the Working Group on Pathways of the Global Invasive Species Programme and the Working Group on Ballast and Other Shipping Vectors of the International Council for the Exploration of the Sea, to further study some of the lesser-known conveyance pathways for introduction and spread of invasive alien animals;

Aquaculture/Mariculture

13. *Encourages* regional bodies and conventions governing inland water or marine and coastal ecosystems, such as transboundary inland water management bodies and the Regional Seas Conventions and Action Plans, to consider developing binding requirements and/or certification schemes for aquaculture to address invasive alien species, taking into account existing efforts such as those of the Global Aquaculture Alliance;

14. *Urges* Parties and other Governments to implement the ICES Code of Practice on the Introduction and Transfers of Marine Organisms, the FAO Code of Conduct on Responsible Fisheries, and Article 196 of the United Nations Convention on the Law of the Sea;

15. *Urges* Parties and other Governments to ratify and implement the 1997 United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses;

Ballast water

16. *Urges* Parties and other Governments to ratify and implement the International Convention on the Control and Management of Ships' Ballast Water and Sediments as soon as possible;

17. *Urges* Parties and other Governments to address, within national legislation, the issue of domestic translocation of ballast water, including requiring equivalent compliance with the International Convention on the Control and Management of Ships' Ballast Water and Sediments for vessels that carry less than 8 metric tons of ballast water (e.g., recreational vessels), as stipulated in the guideline for Equivalent Compliance for Small Craft which is under consideration by the Marine Environmental Protection Committee of the International Maritime Organization;

18. *Urges* Parties and other Governments to increase the degree of communication and coordination between national agencies responsible for inputs to and implementation of the Convention on Biological Diversity and International Maritime Organization;

19. *Invites* the regional seas conventions and action plans to support implementation of the International Convention on the Control and Management of Ships' Ballast Water and Sediments, and to encourage regional harmonization in implementation;

Hull-fouling

20. *Encourages* Parties and other Governments to implement controls at national level, for example through regulations and standards, on hull fouling as a pathway for introduction and spread of invasive alien species, including for recreational vessels;

21. *Encourages* harmonization of national legislation within regions to avoid transferring risks between nations, including through regional mechanisms such as the regional seas conventions and action plans, or regional fisheries organizations in the case of fishing vessels;

22. *Reiterates* its call to the International Maritime Organization regarding the need to address the issue of hull-fouling;

23. *Encourages* Parties and other Governments to raise the issue of hull fouling as a matter of urgency with the Marine Environment Protection Committee of the International Maritime Organization and at the Antarctic Treaty Consultative Meeting;

24. *Invites* the United Nations informal consultative process on oceans and the law of the sea to recognize the serious threat posed by hull fouling (particularly of small vessels) and the limited mandate of the International Maritime Organization to address the full scope of the issue, and to recommend to the General Assembly of the United Nations a mechanism for addressing this issue;

Civil air transport

25. *Welcomes* resolution A35-19 of the Assembly of the International Civil Aviation Organization (ICAO) on invasive alien species, and *invites* the International Civil Aviation Organization to address invasive alien species as a matter of urgency;

26. *Requests* the Executive Secretary to collaborate with the secretariat of the International Civil Aviation Organization, as appropriate, to support any efforts to develop guidance or standards according to resolution A35-19;

27. *Encourages* the secretariat of the International Civil Aviation Organization, in addressing the issue of invasive alien species, to coordinate with other relevant bodies, including the secretariats of the Convention on Biological Diversity and the International Plant Protection Convention;

28. *Encourages* Parties and other Governments to promote collaboration at the national level among relevant agencies responsible for matters of invasive alien species and/or civil air transport (e.g., civil aviation, transport, plant protection, environment) so that all relevant issues are raised through national participation in the International Civil Aviation Organization;

Military activities

29. *Encourages* relevant United Nations bodies, in collaboration with the Convention on Biological Diversity and relevant organizations, to develop and promulgate guidance or codes of practice to address

the issue of introduction and spread of invasive alien species associated with military operations or aid including peacekeeping operations;

30. *Encourages* Parties and other Governments to ensure that they promote good practice in relation to invasive alien species in any military-aid or joint exercises, and to develop procedures within their military forces to avoid the introduction of potentially invasive species into new areas, taking into account relevant international guidance, and to detect and rectify any problems of invasive alien species created during military operations;

Emergency relief, aid and response

31. *Encourages* relevant international bodies and organizations to develop international codes of practice for minimizing potential spread of invasive alien species on equipment, supplies and vehicles associated with emergency relief, aid and response efforts, and to develop procedures for ensuring that assessments to determine aid requirements include identification of any issues of invasive alien species caused by the emergency;

32. *Encourages* the United Nations Office for the Coordination of Humanitarian Affairs, the World Food Programme and other relevant bodies to develop emergency response procedures (e.g., codes of practice or guidelines such as the IUCN Guidelines for Restoration of Tsunami-Affected Areas) for dealing with cases where invasive alien species are dispersed following a natural disaster or event;

33. *Urges* Governments and other donors to take measures to minimize the introduction and spread of invasive alien species as part of their emergency relief, aid and response efforts, and to implement any relevant codes of practice or guidelines that may be developed at international level in their national aid operations or in the operations of non-governmental organizations within their country;

International development assistance

34. *Encourages* United Nations bodies and other organizations involved in international development assistance, in cooperation with the Convention on Biological Diversity and other relevant bodies or agreements, to develop or adopt existing procedures or codes of practice to minimize use, dispersal and establishment of invasive alien species, taking into account relevant international codes of practice or other guidance;

35. *Urges* Parties and other Governments to develop, through collaboration among biosecurity, biodiversity and aid organisations, national controls or codes of practice to address invasive alien species in development assistance efforts;

Scientific research

36. *Urges* Parties and other Governments to put in place national controls to minimize the risks of introduction and spread of invasive alien species associated with scientific research activities;

37. *Encourages* relevant international and regional organizations, including the Future Harvest (CGIAR) Centres, Botanic Gardens Conservation International and the International Union of Forestry Research Organisations, as well as professional societies, to develop codes of practice for minimizing introduction and spread of invasive alien species associated with scientific research activities;

(a) *Requests* the Executive Secretary, in consultation with relevant bodies and organizations, to identify existing guidelines on scientific research that address invasive alien species, and to disseminate them through the clearing-house mechanism;

Tourists

39. *Decides* to consider, as appropriate, in its future work relating to sustainable tourism, the issue of tourists as a pathway for introduction and spread of invasive alien species;

40. *Urges* Parties, other Governments and regional bodies to take measures to address the issue of tourists as a pathway for introduction and spread of invasive alien species, taking into account the Guidelines on Biodiversity and Tourism Development adopted in decision VII/14, with particular emphasis on tourism in sites of high conservation value;

41. *Encourages* the World Tourism Organization, the International Air Transport Association, and other relevant international organizations to promote education and public awareness, for example through development of codes of practice, regarding the role of tourists as a pathway for introduction and spread of invasive alien species;

Pets, aquarium species, live bait and live food

42. *Encourages* relevant Government departments, consumer protection groups, industry, trade and shipment organizations, and other relevant organizations such as the International Postal Union, to raise awareness with consumers, including through internet sites that facilitate transactions or may otherwise be visited by consumers, and to consider development of guidance or codes of practice regarding trade in pets and aquarium species, in particular disposal and discard of such species;

43. *Urges* Parties and other Governments to take measures, as appropriate, to control import or export of pets, aquarium species, live bait or live food that pose risks as invasive alien species;

Biocontrol agents

44. *Urges* Parties and other Governments to take measures to address the potential risks of biocontrol agents as invasive alien species, taking into account the work of relevant international bodies and agreements such as the International Plant Protection Convention, as well as the experience of other countries at national level;

Ex situ animal breeding programmes

45. *Encourage* the animal breeding industry, as well as regional and international organizations such as IUCN and the World Association of Zoos and Aquariums, to promote sharing of best practices regarding the movement of alien animal species for *ex situ* breeding;

46. *Urge* Parties and other Governments to take measures as appropriate, based for example on risk assessment, to control movements of animals used for *ex situ* breeding, including controlling the movements of fish between water bodies and drainage basins as well as controlling the movements of animals within safari parks and zoos;

Incentive schemes (including carbon credits)

47. *Recalling* decision 19/CP.9 of the Conference of the Parties to the United Nations Framework Convention on Climate Change which recognized that Parties evaluate risks associated with the use of potentially invasive alien species by afforestation and reforestation project activities, and decision 11/CP.7, which recommended that the Conference of the Parties to the Convention on Climate Change serving as the meeting of the Parties to the Kyoto Protocol affirm that the implementation of land use, land-use change and forestry activities contributes to the conservation of biodiversity and sustainable use

of natural resources, *invites* the Conference of the Parties to the United Nations Framework Convention on Climate Change to encourage national measures to avoid the use of invasive alien species for carbon credits purposes, or to establish processes to prevent or mitigate the impacts of those species;

Inter-basin water transfer and navigational canals

48. *Encourages* relevant regional and international organizations and bodies to require impact assessments to ensure consideration of invasive alien species issues within water transfer schemes and navigation canal projects, and to develop technical advice on methods to minimize the introduction or spread of invasive alien species through canals and pipes;

49. *Urges* Parties and other Governments, as a matter of priority, to implement activity 1.4.4 of the revised programme of work on inland waters (decision VII/4, annex), (“Within the context of transboundary catchments, watershed and river-basin management, and especially in relation to inter-basin water transfers, provide appropriate mechanisms to prevent the spread of invasive alien species”);

Action or lack of action to address spread of invasive alien species

50. *Encourages* Parties, other Governments, and regional bodies to develop procedures and/or controls to ensure that cross-border impacts of potentially invasive alien species are considered as part of national decision-making processes;

51. *Urges* Parties and other Governments to share information on domestic occurrences of alien species that may be invasive elsewhere, through appropriate information-sharing mechanisms;

52. *Encourages* Parties and other Governments to be proactive in preventing the introduction and spread of invasive alien species within their territories, for example by offering to help neighbouring States to deal with particular alien species that may cross borders;

53. *Encourages* Parties to take into account the issue of invasive alien species when implementing their international obligations to maintain World Heritage sites or other such sites;

Unintended protection of invasive alien species

54. *Encourages* Parties, other Governments and relevant international bodies to ensure that relevant laws and provisions, such as those related to conservation, do not inadvertently constrain the use of appropriate measures to address invasive alien species;

55. *Encourages* Parties and other Governments to raise the issue of invasive alien species at the meetings of the Antarctic Treaty Consultative Meeting, and to support the development of measures to address threats of invasive alien species in the Antarctic Treaty area.

Inconsistency in terminology

56. *Encourages* relevant bodies and organizations to promote clarification and common understanding of terminology related to invasive alien species, for example through the development of interpretive guidance or through collaborative workshops involving multiple sectors;

57. *Encourages* Parties and other Governments to facilitate common understanding of terminology through collaboration and communication among relevant agencies, and through appropriate design of training and operational materials;

58. *Requests* the Executive Secretary, in collaboration with relevant organizations, to compile a glossary of terms used in various forums in relation to invasive alien species, and to make that list available through the clearing-house mechanism;

59. *Further requests* the Executive Secretary to include the issue of terminology in joint work plans with other secretariats;

Preparations for the in-depth review at the ninth meeting of the Conference of the Parties

60. *Requests* the Executive Secretary, in preparation for the in-depth review of ongoing work on invasive alien species which will take place at the ninth meeting of the Conference of the Parties (as specified in decision VII/31 on the multi-year programme of work), to review implementation of all decisions related to invasive alien species, in particular decisions VII/13, VI/23 and V/8, and to prepare a consolidated recommendation comprising elements of those decisions that remain relevant and important for the full and effective implementation of Article 8(h) of the Convention, for consideration by the Subsidiary Body on Scientific, Technical and technological Advice prior to the ninth meeting of the Conference of the Parties;
