

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Fifty-third meeting of the Standing Committee
Geneva (Switzerland), 27 June-1 July 2005

Strategic and administrative matters

SYNERGY BETWEEN CITES AND THE CONVENTION ON BIOLOGICAL DIVERSITY (CBD)

1. This document has been prepared by the Secretariat.
2. Decision 13.2 directs the Standing Committee at its 53rd meeting to:
 - a) *consider the findings and recommendations of the Vilm report, taking into account the Secretariat's conclusions (referred to in Decision 13.5), and any comments by the Parties, and identify possible priority actions to improve synergies between the two Conventions in areas of common concern in order to contribute to reaching the WSSD 2010 target, considering inter alia Sustainable Use, the Ecosystem Approach and Access and Benefit Sharing; and*
 - b) *provide guidance, on that basis, to the Standing Committee's Strategic Plan Working Group on the items to be considered in the revision of the Strategic Vision and Action Plan.*
3. Following its discussions on the outcomes of the Vilm report (Decision 13.2), the Standing Committee is further directed in Decision 13.3 to:

provide guidance to the Secretariat so as to revise, in conjunction with the CBD Secretariat, the Work Plan for Implementation of Joint Activities attached to the Memorandum of Cooperation between them, before the 14th meeting of the Conference of the Parties.
4. The Vilm report was circulated as document CoP13 Doc 12.1.1. As directed in Decision 13.4, the Secretariat, in collaboration with the Chairmen of the Animals and Plants Committees, has reviewed the findings and recommendations of the Vilm report and identified its most relevant aspects. The conclusions of the Secretariat were circulated for comment with Notification to the Parties No. 2005/017 of 6 April 2005.
5. The Secretariat's conclusions are attached as Annex 1 to this document and the comments on them subsequently received from Parties are attached as Annex 2.
6. The Standing Committee is now required to identify actions to improve synergy between CITES and CBD, provide guidance to its Strategic Plan Working Group and guidance to the Secretariat in line with Decisions 13.2 and 13.3 quoted in paragraph 2 and 3 above.

SECRETARIAT'S REVIEW OF THE VILM REPORT ON CITES-CBD SYNERGY

The following is the Secretariat's review of the findings and recommendations of the report of the Expert Workshop Promoting CITES-CBD Cooperation and Synergy (International Academy for Nature Conservation, Isle of Vilm, Germany, 20-24 April 2004) contained in document CoP13 Doc. 12.1.1, Annex 2. This review was carried out and is being distributed in accordance with Decisions 13.4 and 13.5.

The Vilm report offers a broad range of conclusions and recommendations concerning improved cooperation and synergy between CITES and CBD. Many of the issues discussed in Vilm, as well as the conclusions and recommendations of the Expert Group, were brought up in Committee and Plenary sessions during the 13th meeting of the Conference of the Parties (Bangkok, 2004). This led the Conference of the Parties to adopt new Resolutions and Decisions and to revise existing Resolutions, namely:

- Resolution Conf. 8.3 (Rev. CoP13) on Recognition of the benefits of trade in wildlife
- Resolution Conf. 13.2 on Sustainable use of biodiversity: Addis Ababa Principles and Guidelines
- Resolution Conf. 13.4 on Conservation of and trade in great apes
- Resolution Conf. 13.9 on Encouraging cooperation between Parties with *ex situ* breeding operations and those with *in situ* conservation programmes
- Resolution Conf. 13.10 on Trade in alien invasive species
- Resolution Conf. 13.11 on Bushmeat
- Decision 13.1 on Strategic Vision
- Decisions 13.2 to 13.5 on Synergy between CITES and CBD
- Decisions 13.6 and 13.7 on Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity
- Decision 13.8 on Global Strategy for Plant Conservation
- Decisions 13.74 and 13.75 on National wildlife trade policy reviews
- Decisions 13.76 and 13.77 on Further work on economic incentives
- Decision 13.78 on Relationship between *ex situ* production and *in situ* conservation
- Decision 13.92 on Reporting requirements
- Decisions 13.101 to 13.103 on Bushmeat
- Decisions 13.104 and 13.105 on Master's course on Management, Access and Conservation of Species in Trade.

As the purpose of this review is to assist the Standing Committee in identifying possible priority actions to improve synergies between the two Conventions in areas of common concern, matters that are already addressed through the Resolutions and Decisions above have not been considered in the Secretariat's review.

All of the conclusions and recommendations of the Vilm report have merit, and these should be regarded as representing a wide and informed perspective on CITES-CBD interaction. Nevertheless, several areas

are of particular importance in furthering collaboration and synergy between the two Conventions and are presented below for comment by the Parties.

Desired changes

The Vilm report identifies a number of desired changes in order to achieve better cooperation and synergy between the two Conventions. The most relevant changes include:

- strengthening sustainable development and benefits for local communities in the CITES context, and strengthening species conservation issues in the CBD context;
- improving communication both nationally and internationally;
- implementing more effectively the making of CITES non-detriment findings;
- developing integrated management for sustainable use and conservation of species;
- ensuring mutual support between the Conventions concerning access and benefit-sharing;
- ensuring that CITES implementation benefits from the experiences and knowledge from the CBD, and that CBD processes integrate more effectively CITES concerns, processes and experience; and
- ensuring that Parties to CBD and CITES, as well as Convention bodies, interpret their respective mandates in a manner which facilitates cooperation.

The following activities identified in the Vilm report are particularly relevant towards achieving the above changes:

a) General recommendations

- Documenting case examples of synergy between CITES and CBD, concerning national coordination, project implementation and other areas that mutually support the objectives of both Conventions.
- Encouraging the development of complementary CITES and CBD national legislation (through National Biodiversity Strategies and Action Plans).

b) Sustainable use

- Strengthening sustainable development by (a) improving the making of non-detriment findings and (b) developing indicators for sustainability.

c) Access and benefit-sharing

- Providing CBD with CITES experiences on the design and implementation of licensing and permitting systems.
- Including access and benefit-sharing issues in CITES outreach and capacity-building activities and materials to ensure that decisions taken under CITES are compatible with the obligations of the Parties to CBD.

d) The ecosystem approach

- Improving communication between the two Conventions on areas of overlap with respect to ecosystem approaches.

e) Linking CBD to CITES approaches

- Enhancing attention to CITES-listed species in designing and implementing CBD programmes of work, with particular attention to the recovery of threatened species.

- Ensuring site-based CBD activities reinforce CITES management and trade controls, especially for promoting the recovery of Appendix-I species.
- Integrating CITES implementation in the development and implementation of National Biodiversity Strategies and Action Plans.
- Using CITES species as indicators under CBD processes.

COMMENTS FROM PARTIES ON THE CONCLUSIONS OF THE SECRETARIAT

COMMENTS FROM LUXEMBOURG

General remarks

Luxembourg, on behalf of the European Community and its Member States welcomes the Secretariats review and supports in principle the identified areas of major relevance for further action. Although we concur with the approach taken by the Secretariat of not considering, in its review, those matters that have already been addressed through the resolutions and decisions adopted at the 13th Conference of the Parties, we believe that it would be useful for the Secretariat to briefly outline in this document, how these resolutions and decisions address the objective of developing greater synergies between CITES and CBD. Indeed, we consider that it would be useful to have all this information in one document in order for the Standing Committee to be able to provide guidance for the revision of the Work Plan for Implementation of Joint Activities attached to the Memorandum of Cooperation between the two Conventions and for the Secretariat's participation in the liaison group of biodiversity related Conventions. Furthermore, while we fully agree with the actions identified as being the most relevant for improving CITES-CBD synergies [points a) to e)], we would welcome concrete proposals/examples of how these can be taken forward.

In addition, we would like to make the following specific comments and amendments (amendments are indicated in **bold** letters):

Comments

– **On page 3**, paragraph a) 'General recommendations': 1st indent:

"Documenting case examples of synergy between CITES and CBD, concerning national **and international** coordination, project implementation and other areas ...

Reasoning: There are also international examples of significance and good practice which are important to be documented as lessons learned how coordination could help to clarify situations of uncertainty, such as the coordination process between the Secretariats of CITES and the CBD on the biological sample issue between the 11th and 12th CITES CoP.

– **On page 3**, paragraph a) 'General recommendations': 2nd indent:

"Encouraging the development of complementary CITES and CBD national legislation **and its implementation** (through National Biodiversity Strategies and Action Plans **in consultation with the relevant stakeholders, through the** use of GEF funding also for projects that contribute to achieving CITES objectives and by increasing co-ordination among national focal points)."

Reasoning: Detailed action plans should be developed, in consultation with the relevant stakeholders, to set out the steps they intend to take to implement these recommendations. These will need to identify the resources required and the key players responsible for implementing the relevant action points.

– **On page 3**, paragraph a) 'General recommendations': add the following indent:

"– **Developing national and international fora or networks to exchange ideas on best practice and identifying areas for achieving greater synergy making the best use of existing tools/activities such as the CBD Clearing House Mechanism and UNEP's work on synergies.**"

Reasoning: In order to achieve greater synergy, there is a need for coordination and discussion. Much of this could be achieved via emails or websites, rather than setting up costly workshops.

At the international level, this could be a role for the two Secretariats - through an amendment of the joint work plan of the Memorandum of Understanding between the two Conventions.

– On page 4, paragraph b) 'Sustainable use':

"Strengthening sustainable development by (a) improving the making of non-detriment findings and (b) developing for both CITES and the CBD relevant indicators of sustainability".

Reasoning: It is important that at least a partial set of the same indicators for sustainability are equally applicable to both conventions.

Comments:

a) improving the making of non-detriment findings

We think there is a good opportunity to look at what can be done on non-detriment findings and linkages to good management practice in country. The CITES timber issues shows that there is little or no communication between the forestry sector in country and the CITES agencies. Plenty of room exists for co-ordination and research/guidance on what good forestry practice can give to the non-detriment finding process. CBD should be used as a catalyst to bring the different elements of trade and government together to push sustainable use forward in the CITES timber trade.

b) developing indicators for sustainability

It would be useful to initiate further research on the application of national wildlife trade bans and their effects on the conservation/sustainable use of the species concerned.

– On page 4, paragraph c) 'Access and benefit-sharing':

Comment on first indent: At the Third Meeting of the 'Ad Hoc Open-ended Working Group on Access and Benefit-Sharing' of the Convention on Biological Diversity (14 – 18 February 2005, Bangkok) the German delegation provided a recent publication by M. Dross and F. Wolff on 'New elements of the International Regime on Access and Benefit-Sharing of Genetic Resources – the Role of the Certificates of Origin' (BfN-Skripten 127, 2005 pp. 181, Federal Agency for Nature Conservation, Bonn, Germany) which also addresses in chapter 6.5 the form effectiveness, practicality of a certificate on the experience with CITES and on possible synergies between CITES and an ABS certificate system. This publication is accessible through Germany's clearing house mechanism:

http://www.biodiv-chm.de/konvention/F1052472515/HTML_Page1053441113.

We believe that this publication could provide a useful basis for this exercise.

Comments on paragraph: Activities seem to be one-way, identifying actions for CITES to undertake but with nothing reciprocal for CBD (unlike the Ecosystem approach for example). In the Vilm report, it identifies the Access and benefit-sharing issue as requiring mutual support between CITES and CBD, each helping implementation by the other. This is an important area that has increasing ramifications into CITES and we should be looking for greater input from CBD into this topic than is suggested here.

– On page 4, paragraph d) 'The ecosystem approach':

"Improving communication between the two Conventions on areas of overlap with respect to the ecosystem approach."

Reasoning: We note the ecosystem 'approach' in the singular as the activity heading but the term 'approaches' in the activity bullet point. We need to ensure that people understand that the CBD has created the 'ecosystem approach' (singular) which is a defined set of principles developed to underpin the three objectives of the CBD. The ecosystem approach is therefore a mechanism for attaining sustainable development which might include the use of ecosystem approaches (such as some developed for fisheries management) with the use of other similar tools. We think the activity should be rephrased to state '... overlap with respect to the ecosystem approach'.

Joined up training of key national individuals should also be a priority.

– On page 4, paragraph e) amend headline to ‘Linking CBD thematic site-based, and CITES species-based conservation approaches’.

Reasoning: This amendment should only serve for easier reading and clarification what is really meant here.

– On page 4, add additional paragraph f) as follows:

“f) Taxonomy

– Establish a process for collaboration in the identification and support for species oriented taxonomic research tools and mechanisms such as the Global Taxonomy Initiative and the CITES Nomenclature Committee and its outputs”.

Reasoning: It is important that both Conventions profit from each other on already developed and adopted reference lists and on the further development of other taxonomic reference data bases for reasons of coherence and consistency in order to prevent legal uncertainty.

COMMENTS FROM AUSTRALIA

Notification No. 2005/017 offers Parties an opportunity to comment on the Secretariat’s review of the *Vilm report into Synergy between CITES and CBD*.

In accordance with this notification, Australia herewith submits the following comments.

General comments

Although CITES and CBD share similar conservation objectives, CITES is much more specialised in its scope than the CBD. Its aim is to ensure that international trade does not endanger wild populations of fauna and flora. By maintaining this focus, CITES has evolved as a highly effective component of global biodiversity conservation efforts.

Australia is of the view that broadening this focus will diminish the overall effectiveness of CITES. In particular, the CITES budget allows little room for deviation from the core business of the convention, of ensuring that international trade does not endanger wild populations of fauna and flora. Australia (and doubtless many other parties) will continue to oppose any increase in real terms in the CITES budget, and these scarce resources must be directed towards the core business of the convention.

Australia encourages clarification of the relationship between CITES and the CBD, based on an interpretation of the respective convention texts that encourages mutual support and recognition without duplicating responsibilities.

At the domestic level, modes of cooperation between CITES and the CBD will generally be unique to the domestic governmental arrangements of the party in question, however, Australia supports the use of case studies to inspire and inform parties in achieving greater cooperation between CITES and the CBD, provided that the exercise does not significantly add to the administrative burden of the Secretariat, and divert resources away from the core business of the convention.

Comments in relation to sustainable use

Australia will only support the implementation of the *Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity* by CITES, to the extent that they are directly relevant to the core business of CITES.

Australia reaffirms the concept of “non-detriment”, as used in Articles III and IV of the convention text, as the basis for regulating international trade in endangered species of wild fauna and flora under CITES. CITES has made significant progress towards defining non-detriment in practical terms, and the introduction of the broader concept of “sustainable use”, which is nowhere used in the convention text,

is likely to create unnecessary ambiguity. "Indicators of sustainability" should only be developed within this context and only to the extent that they are appropriate to the species and the nature of use.

Comments in relation to access and benefit sharing

Implementation of CBD Articles relating to access and benefit sharing is, of course, the subject of ongoing negotiations within the CBD. These include the commencement of negotiation on an international regime on genetic resources as mandated by the WSSD. This negotiation process is at a very early stage – indeed the first negotiations of that regime by the Ad Hoc Open Ended Working Group on Access and Benefit Sharing were held only in February of this year, in Bangkok. Australia strongly believes that it is therefore premature for the CITES Secretariat to be identifying synergies with a regime that has yet to determine its own scope, nature and elements.

Australia notes also that considerable work has already been undertaken in the context of access and benefit sharing negotiations on a virtual certificate model of market transparency and compliance, tailored to the needs of industry and providers alike.

Australia encourages parties of the CBD and CITES to work closely at the national level, to ensure that national delegations involved in ongoing negotiations within the CBD are fully informed on the nature of both agreements.

Comments in relation to the ecosystem approach

Australia is of the view that the "ecosystem approach" while conceptually valuable to biodiversity conservation in general, is rarely directly applicable to the core business of CITES. Increased focus on ecosystem issues may weaken existing CITES tools and processes, which are wholly based on species conservation. Adequate scope already exists within CITES for parties to consider a species' role in its ecosystem, through the making of non-detriment findings.

Comments in relation to linking CBD to CITES approaches

Australia encourages CBD support for CITES activities, for example by facilitating funding for CITES activities through the Global Environment Facility, and by using CITES Appendices to inform broader conservation initiatives.

Australia supports mutual recognition and cooperation between CITES and the CBD through existing bodies and mechanisms.

With these qualifications, Australia supports the analysis of the Secretariat, and is grateful for its work in progressing this issue.