

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

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SYNERGY BETWEEN THE BIODIVERSITY-RELATED CONVENTIONS
AND RELATIONS WITH OTHER ORGANIZATIONS

Background

Many – if not all – multilateral environmental agreements (MEAs) were concluded in isolation to address urgent problems on an ad hoc basis. As a result of this segregation and a lack of co-ordination with other policy areas, these MEAs not only contain areas of overlap, but also of conflict with the principles of other treaties. The need now to develop synergy and provide better policy co-ordination among existing and future agreements is obvious. This particularly applies to the so-called biodiversity-related MEAs: CITES, the Convention on Biological Diversity (CBD), the Convention to Combat Desertification (CCD), the Convention on Migratory Species (CMS) and the Convention on Wetlands (Ramsar). Although these Conventions address different aspects of the same issue, the risk of some overlap and duplication of effort is evident.

The need for increased synergy with the CBD and other agreements on nature conservation has also been identified by the Conference of the Parties to CITES.

This need was referred to at the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994) in the Strategic Plan of the Secretariat (document Doc. 9.17), which was adopted by the Conference. At the 10th meeting, the need for synergy was reiterated in the context of the review of the effectiveness of the Convention. The discussion of this review led to the adoption of Decision 10.110, as follows:

Continued co-operation between CITES and the Convention on Biological Diversity shall be fostered and this should be extended to include other relevant Conventions.

The Secretariat's work carried out so far on the implementation of this important policy decision clearly demonstrates the need for a more holistic approach and for a combination of this policy with that in more practical areas such as scientific co-ordination, capacity building and training, compliance, enforcement, fundraising and awareness. In dealing with these issues, both the need and the opportunity to reach a much higher degree of decentralization, i.e. a more regional approach, has become apparent.

The Secretariat has therefore stepped up its effort not only to increase co-operation with the other biodiversity-related Conventions but also to enhance a mutual understanding and co-operation with the Convention's "technical partners" such as IUCN, WCMC and TRAFFIC, as well as with the World Customs Organization, ICPO-Interpol, the World Trade Organization, the Alliance of Small Island States (ASIS) and the United Nations Conference on the Law of the Sea (UNCLOS). Concrete proposals for a more structured exchange of views and information have further been made to several groupings of non-governmental organizations. Links have been established with the secretariats of Regional Seas Conventions and Plans of Action. Specific efforts have been made to improve co-operation with relevant divisions of UNEP and to establish structural co-operation with its regional offices.

The more recently established contacts and links in particular need to be actively strengthened and extended.

The scope for applied synergy in 10 policy areas

In the table below, there are just 10 policy areas (not in order of priority) that are common to all of the above-mentioned biodiversity-related MEAs. Synergy, co-ordination and co-operation are therefore most likely to succeed in these areas. Some of the mentioned policies stand on their own, most are related and all should be subject to regional co-operation.

The ideas contained in this document have been discussed with representatives of other Conventions at the International Conference on Synergies and Co-ordination between Multilateral Environmental Agreements (United Nations University, Institute of Advanced Studies, Tokyo, 14-16 July 1999).

This meeting was attended by the Secretary-General whose participation was based on the contents of this document. He further made the point that national Governments – with the support of MEA Secretariats – should initiate efforts to facilitate collaboration between MEAs. This bottom-up approach should also form the basis for synergy between national Governments, particularly at the regional level.

	Policy area	Proposed partner(s)
1	Scientific and technical co-ordination, project development and implementation	WCMC, UNEP Regional Offices ¹ , IUCN and IUCN Regional Offices, Regional groups under IUCN Wise Use Initiative
2	Compliance control	TRAFFIC, NGOs
3	Enforcement	WCO, ICPO-Interpol, TRAFFIC, NGOs
4	Capacity building	WCMC, UNEP Regional Offices
5	Training	WCO, ICPO-Interpol, NGOs, UNEP Regional Offices, IUCN Regional Offices
6	Awareness	UNEP Regional Offices, NGOs
7	Fundraising	GEF and other major donors, NGOs, IUCN
8	Regionalization	UNEP Regional Offices, IUCN Regional Offices, Regional groups under IUCN Wise Use Initiative
9	Global membership of the Convention (incl. SIDS)	ASIS, the Caribbean Environment Programme, the South Pacific Regional Environment Programme, UNEP Regional Offices
10	Compatibility of policy decisions with other international agreements	WTO, UNCLOS, WCO, other relevant agreements, treaties and conventions (e.g. IWC, ITTO, ICCAT)

1. Scientific and technical co-ordination, project development and implementation

There is a long-standing co-operation in this area between CITES, WCMC and IUCN. This co-operation can be strengthened, particularly as a result of the new status of WCMC within UNEP. The Secretary-General, in his capacity as a member of the WCMC Transition Task Force, has made proposals to this effect and stressed the scope for a higher degree of co-ordination among biodiversity-related Conventions and the possible role that WCMC could play in this.

¹ Where UNEP Regional Offices are mentioned, the Secretariats of Regional Seas Conventions and Action Plans also have a potential role to play.

In a meeting on 14 June 1999 with the Director General of IUCN, the Secretary-General proposed the conclusion of a Memorandum of Understanding (MoU) for long-term co-operation involving IUCN providing technical/scientific services to the Secretariat. These proposals included the better use of IUCN's regional offices, groups and networks to enhance regionalization of CITES policy issues as well as the effectiveness and efficiency of the work of the Parties, the Secretariat and IUCN. The need for co-ordination with other biodiversity-related MEAs was stressed. Once the proposed MoU is signed, individual activities (e.g. conception and implementation of field projects, provision of scientific information, assistance with training activities) will be undertaken through one or more framework agreements to be annexed to the MoU.

This is obviously one of the most important areas for a higher degree of regionalization, see point 8 below.

2. Compliance control

An important condition for the functioning of any international legislative or regulatory system is compliance with its provisions by both its member countries and those parts of society that are affected by them. In addition to the formal mechanisms that have been devised to check levels of compliance (annual reports, infraction reports, the legislation project and the like), valuable information can be and is being provided by TRAFFIC and other NGOs on performance.

Needless to say that the level of compliance with related conventions and agreements can have an important positive or negative effect on the success of each and every one of them. This issue therefore deserves to be further pursued with the conventions concerned with a view to the development of joint mechanisms to measure and control levels of compliance.

3. Enforcement

As in the case of compliance, a clear priority for all biodiversity-related MEAs should be the enforcement of its provisions and agreed policies; it certainly is for CITES.

Between 12 and 14 July 1999, the Secretariat assisted as a facilitator at a Workshop on Enforcement of and Compliance with Multilateral Environmental Agreements, held in Geneva and hosted by UNEP. The workshop was attended by 46 experts, 27 from developing countries and countries with economies in transition and 19 from developed countries. The Secretariats of the Basel Convention, the Montreal Protocol, the World Customs Organization and ICPO-Interpol also participated.

The experts were expected to highlight problems relating to policy, procedure and legislation. They were then asked to identify solutions for solving the problems faced and helping one another on how best governments might fulfil their obligations under the MEAs.

The proceedings of the workshop will be circulated in due course but this event demonstrated what can be achieved in building synergy and co-ordination and the CITES Secretariat will co-operate in pursuing the recommendations that will emerge from the meeting.

The crucial role of Customs in CITES enforcement cannot be stressed enough and the adoption of an updated Memorandum of Understanding with the World Customs Organization (WCO) should be considered. The need for strengthened co-operation and mutual assistance, in the fields of both day-to-day enforcement of the Convention and training, was confirmed in a meeting of the Secretary-General with the Secretary-General of the WCO in Brussels on 9 March 1999. The WCO/CITES Working Group is an important tool for CITES enforcement.

Equally important is the need for an increased level of co-operation with ICPO-Interpol. CITES enforcement cannot be optimal when Customs controls are not supplemented by controls within the country, i.e. in relation to production, sale and possession of animals, plants and products of CITES listed species. In a meeting between the Secretary-General and the Secretary-General of ICPO-Interpol in Lyon on 10 June 1999, the intention to increase co-operation was mutually confirmed. The

ICPO-Interpol Wildlife Crime Working Group is the complement to the above-mentioned WCO/CITES Working Group and an equally important tool for CITES enforcement.

There is work to be done where the inter-linkage of enforcement efforts by Customs and other enforcement agencies, such as the police, are concerned. The need for a higher level of co-operation between enforcement agencies within Parties is obvious and more synergy could probably be achieved at the international level. The CITES Secretariat will make proposals to that effect.

The TRAFFIC network is an important tool in identifying strengths and gaps in national and regional enforcement efforts and successes. Similarly, cautiously used information from NGOs can form an interesting addition to the more formal sources of information.

4. Capacity building

This is again a perfect example of an important policy area where a common approach by biodiversity-related conventions, and the use of existing networks that can help to enhance the necessary regional approach, are absolutely essential. The current lack of co-ordination and co-operation in this field is likely to cause cost-ineffectiveness and inefficiency.

The new status of WCMC within UNEP will facilitate its co-operation with UNEP-administered conventions in particular. In view of the planned increased capacity-building tasks of the new WCMC, the Secretary-General suggested at the first meeting of the Task Force on the transition of WCMC, held in Cambridge, United Kingdom, on 16 June 1999, that ways be considered for WCMC to establish the necessary mechanisms for co-ordination of efforts in this area by both the secretariats of and Parties to all biodiversity-related conventions.

A basic requirement for the capacity of any country to implement international conventions and agreements is to have an appropriate legal framework. The CITES legislation project has shown in this connection there are major gaps where CITES Parties are concerned and the efforts to fill these legislative gaps in many countries deserve a high level of priority.

It is likely that the situation with regard to other conventions is similar and this is therefore an obvious area where closer co-operation and joint efforts are required.

5. Training

CITES may have its particularities where tools and enforcement are concerned, but certainly the scientific side of its implementation raises the same issues (whether they are called non-detriment findings or referred to as sustainable levels of exploitation) as in other biodiversity-related Conventions. Therefore, the need for an enhanced scientific capacity of many Parties and related training are yet another example of the urgent need for joint (and thus more cost-effective and efficient) efforts of all these conventions. UNEP and IUCN Regional Offices can play a crucial role in the organization and conduct of training in general and in this area in particular.

Existing efforts of both WCO and ICPO-Interpol with regard to training are greatly appreciated and deserve a maximum level of support from both the CITES Secretariat and the Parties. The Secretariat intends to make a greater effort to co-ordinate and certainly to avoid duplication of efforts. This requires a better flow of information on both governmental and non-governmental bilateral initiatives in this area to the Secretariat.

6. Awareness

The membership of CITES still shows a number of gaps, e.g. where small island States are concerned. This is partly due to a lack of awareness of the aims and functioning of the Convention. It also is a challenging area for co-operation between biodiversity-related conventions, which can promote membership of their parties to the other conventions.

To promote the accession of further countries to CITES, close co-operation with UNEP Regional Offices and the secretariats of Regional Seas Conventions is absolutely essential. Also see point 9 below with regard to Small Island Developing States.

Where the need for an increased level of public awareness is concerned, the Secretariat intends to co-operate with all relevant institutions and organizations referred to in this document to meet this need.

For both of the above awareness activities, the availability of information packs, audiovisual material and a state-of-the-art CITES Web site, are essential tools. The development of specific CITES material is something to which the Secretariat would like to give more attention. The same goes for developing joint tools and linked Web sites with the other biodiversity-related conventions.

7. Fundraising

Although the scope for co-ordination and co-operation with other conventions in this important area is evident, it is probably the biggest challenge of any of the policy areas that deserve a high degree of synergy. The current lack of co-ordination of project development in addition to the competition for donor funds for similar projects, however, is likely to be counterproductive for all sides. This issue deserves to be further pursued with the secretariats of the other conventions and with major donors such as the Global Environment Facility.

8. Regionalization

The idea of synergy is probably best illustrated by the promotion of a more regional approach to the implementation of CITES and other biodiversity-related conventions. It not only requires co-operation among these conventions but also involves other institutions in the process such as UNEP Regional Offices, the secretariats of Regional Seas Conventions and Action Plans, IUCN Regional Offices and regional groups established in the context of the IUCN Wise Use Initiative.

The need for regional co-ordination and co-operation is most evident in the areas of scientific and technical co-ordination, project development and implementation, capacity building, training, awareness and promotion of global membership of the conventions (including SIDS).

With a view to preparing future work and the elaboration of proposals for and agreements on a concrete and regional approach to the synergy between biodiversity-related conventions, contacts with the following have been either strengthened or established in recent months:

- the Director of UNEP's Division of Regional Co-operation and Representation² (meeting on 3 June 1999 in Nairobi and 7 July 1999 in The Hague)
- the Director of UNEP's Division of Environmental Conventions (meeting in Nairobi on 3 June 1999 and 7 July 1999 in The Hague)
- the secretariats of Regional Seas Conventions and Action Plans (meeting in The Hague 5-9 July 1999), i.e.:
 - Caribbean Environment Programme (Cartagena Convention), Jamaica
 - South Asia Co-operative Environment Programme, Sri Lanka
 - Mediterranean Action Plan (Barcelona Convention), Athens
 - OSPAR Commission, London
 - Helsinki Convention
 - UNEP's Eastern Africa Co-ordination Unit, Seychelles
 - South East Pacific Action Plan (Lima Convention), Ecuador
 - UNEP's Western and Central Africa Co-ordination Unit, Côte d'Ivoire
 - Regional Organization for the Protection of the Red Sea and Gulf of Aden Environment Programme, Saudi Arabia

² With UNEP Regional Offices in Mexico City (Central and South America and the Caribbean), Bangkok (Asia and the Pacific), Bahrain (West Asia), Nairobi (Africa), Geneva (Europe) and New York (North America).

- Kuwait Action Plan (Kuwait Convention)
- South Pacific Regional Environment Programme, Western Samoa
- Black Sea Environmental Programme (Bucharest Convention), Istanbul
- UNEP's East Asia Co-ordination Unit.

Concrete proposals for co-operation and mutual assistance with all of the above offices and secretariats will be elaborated by the Secretariat, hopefully with the participation of the secretariats of the other conventions. On the basis of regular briefings, a start could be made with (some of) the offices concerned and – depending on the development and reactions from the regions – an increased effort, culminating in the joint provision of a staff member charged with CITES issues, and issues relating to other biodiversity-related conventions could be envisaged.

Issues on which the Secretariat has suggested the need for assistance of regional offices are:

- The regional preparation for meetings of the Conference of the Parties
- Liaison with regional representatives on the Standing, Animals and Plants Committees, as well as facilitation of their co-ordinating task
- Training, organization of regional seminars
- The national legislation project
- Capacity building
- Project initiation and formulation
- Accession to the Convention by non-Parties
- Co-ordination of issues that concern more than one convention.

The above list is of course not exhaustive.

The Secretariat has also proposed that UNEP Regional Directors attend the next meeting of the Conference of the Parties and relevant regional co-ordination meetings in particular.

The reactions to all of the above were without exception very positive. With a number of secretariats of the above-mentioned regional Seas Conventions and Action Plans even the signature of memoranda of understanding is being envisaged.

9. Global Membership of the Convention (see point 6)

Small Island Developing States (SIDS)

The need for a higher level of involvement in CITES by SIDS has already been identified by the Conference of the Parties and laid down in Decision 10.112. The implementation of that decision was, on 8 July 1999, discussed with the Director of the Caribbean Environment Programme (Cartagena Convention), the Director of the South Pacific Regional Environment Programme (SPREP) and the Ambassador and Permanent Representative to the United Nations of Papua New Guinea, representing the Alliance of Small Island States (ASIS).

It has been agreed that the Secretariat should provide written material (note on aims and functioning of CITES, list of relevant species, list of Parties/non-Parties) together with concrete ideas on the development of joint structures for CITES implementation (e.g. common Scientific Authority) on the basis of which these programmes and ASIS will discuss CITES accession with the governments and authorities of small island states.

10. Compatibility of policy decisions with other international agreements

This is an increasingly important issue, which requires close collaboration with the administrative bodies of agreements concerned and optimal communication on developments in the context thereof. Decisions taken in the framework of, amongst other things, the following organizations, agreements and conventions can have a direct or indirect impact on the policies and functioning of CITES.

WTO

On 28 June 1999, UNEP organized a meeting between the Secretariat of the World Trade Organization (WTO) and the secretariats of Multilateral Environmental Agreements. There was a fruitful exchange of views and the event deserves to be repeated at regular intervals. The CITES Secretariat committed itself to fully and actively participate in such meetings.

On 29 and 30 June 1999, the Secretary-General also briefed an informal meeting of the WTO's Committee on Trade and Environment (CTE) together with other MEAs. The Secretariat committed itself to a regular exchange of information and views with CTE.

The Secretariat will work with relevant UNEP divisions in order to promote the formulation of common positions of UNEP administered conventions on international trade issues. The Secretariat believes this to be a necessary step towards synergy.

UNCLOS

The CITES provisions on the introduction of specimens from the sea require compatibility with the provisions of the Law of the Sea (UNCLOS). A preliminary exchange of views has taken place in the context of the July 1999 meeting in The Hague of Regional Seas Conventions and Action Plans on what would constitute introduction from the sea "not under the jurisdiction of any State" (beyond 12 or 200 nautical miles?). It was agreed that the Secretariat should consult the Division for Ocean Affairs and the Law of the Sea of the UN Office of Legal Affairs on any issues of relevance to UNCLOS.

WCO

The World Customs Organization has already been mentioned in the context of enforcement. The policy of the WCO on other issues, such as tariff nomenclature, can be used for CITES control purposes and to a certain extent be tailored to its specific needs.

There are numerous other agreements, treaties and conventions, in particular species-specific conventions, decisions of which directly or indirectly affect the policy and functioning of CITES with regard to commonly regulated species. This would seem to indicate that a certain level of synergy is required here as well.

Conclusions

It follows from the above that there is ample scope for concrete synergy between biodiversity-related MEAs. CITES, as one of the more practically oriented and mature conventions, is certainly in a position to play a leading role in promoting this.

It can also be concluded from the above that synergy will be most useful in combination with action to achieve a higher degree of regional co-operation and co-ordination of major policy areas that are common to all biodiversity-related conventions.

The Secretariat requests the Standing Committee to endorse the ideas and proposals contained in this document in principle and to charge the Secretariat with their further elaboration and negotiation with relevant partners.