



Convention on the Conservation of Migratory Species of Wild Animals

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IMPACT ASSESSMENT AND MIGRATORY SPECIES

(Prepared by BirdLife International on behalf of the Secretariat)

The role of impact assessment

1. In the Convention, there are elements which Parties have agreed which imply a need to anticipate and predict the effects of actions. For example, the definition of favourable conservation status in Article I (1) (c) includes reference to likely future trends in population, range and habitat of species. Article II (2) refers to the need to take action to avoid any migratory species becoming endangered in the future. Article III (4), concerning the protection of Appendix I species, refers to prevention of adverse impacts and of factors likely to further endanger species.

2. Environmental Impact Assessment (EIA) is a process of predicting and evaluating the effects of an action or series of actions on the environment, then using the conclusions as a tool in planning and decision-making. It is a widely-recognised professional discipline, and a huge industry has grown up over the years around techniques for formal assessment of the likely environmental consequences of proposed developments, as an aid to decision-making.

3. Reference to such processes is increasingly built in to national and international policy and law, as an assumed component of sustainable development; though practice varies widely throughout the world.

EIA in international frameworks

4. During most of the history of EIA there has been no intergovernmental adoption of globally-applicable principles or standards; but this position has changed to some extent in recent years. Among initiatives to codify global perspectives have been technical analyses and COP decisions by Parties to the Ramsar Convention on Wetlands and on the Convention on Biological Diversity.

5. EIA is now referred to in some of the Agreements concluded under Article IV of the Convention on Migratory Species.

6. Research on EIA practice has tended to show in general terms that biodiversity (species, habitats and ecosystems) conservation concerns are given relatively poor treatment in most studied examples of EIA systems and individual instances of application. Low political weight given to this area, gaps in information on, for example, less-known taxonomic groups, and the inherent uncertainties in the natural functioning of ecological processes have all contributed to this.

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7. Also evident has been insufficient attention to more “strategic” considerations (eg broad geographic scales, longer timeframes, cumulative and synergistic effects) which are often crucial to effects on natural environment interests. For this reason, texts produced under the Ramsar and Biodiversity Conventions have particularly stressed the importance of “Strategic Environmental Assessment” or SEA (assessment of policies, plans and programmes).

8. The emphasis in the Ramsar and CBD cases has been on the particular scope of those Conventions. To date there has been no equivalent articulation of principles or guidance relating to migratory species aspects. The draft resolution (UNEP/CMS/Res. 7.10) accompanying this note aims to fill that gap. It aims to describe the relevance and importance of EIA/SEA to the achievement of the CMS aims, and at the same time the relevance and importance of migratory species issues to the conduct of adequate impact assessments.

9. The Joint Work Programme 2002-2005 of the CBD and the CMS, and COP decisions on cooperation between Conventions, are part of the context for this draft resolution, and are referred to in the text. The draft resolution is seen as contributing to furthering synergies and compatible or harmonised approaches between the biodiversity-related Conventions on matters of common concern.

The purpose of the proposed CMS Resolution

10. Clearly, many Contracting Parties already operate legal and administrative systems of environmental assessment in various forms, according to their national priorities, available capacity and resources. The draft resolution does not affect the discretion of sovereign States to take whatever steps they deem appropriate in this area. It does nevertheless urge that EIA and SEA, where relevant, should include as complete a consideration as possible of effects on migratory species that are of special relevance to the Convention. (Mention is made of impediments to migration, in relation to Article III (4) (b), and to transboundary effects.)

11. It would appear that countries would benefit from a formal indication of such points of relevance, and a statement of the importance of the issue in achieving effective implementation of the Convention. It also appears that countries would benefit from international harmonisation of guidance on principles, standards, techniques and procedures.

12. The Convention on Biological Diversity at its COP6 this year endorsed, in Decision VI/7, *Guidelines for incorporating biodiversity-related issues into environmental impact assessment legislation and/or processes and in strategic environmental assessment*. These guidelines, primarily concerned with screening and scoping stages of the assessment process, are deemed entirely relevant to the objectives of the CMS. To avoid any duplication of effort, therefore, and consistent with the principle of efficient cooperation between the Conventions, the present draft resolution simply commends the CBD *Guidelines* to CMS Parties to use as appropriate.

13. Included in activity by Conventions in recent years in this area has been increased technical cooperation with the International Association for Impact Assessment (IAIA), the primary international professional body for impact assessment practitioners; and the draft resolution looks to strengthen links between CMS and IAIA in future.

14. A call for existing international guidelines to be subject to cooperative joint review is directed to the Scientific Council, with the aim of identifying gaps in relation to migratory species interests. If it is shown by such review to be necessary, further guidance relating to migratory species issues should be developed for consideration and possible adoption by COP 8. Parties are encouraged to consider helping to resource the work of the Scientific Council in relation to taking forward this and all other relevant matters covered by the draft resolution.