



# CONVENTION ON MIGRATORY SPECIES

Distribution: General

UNEP/CMS/ScC17/Doc.12  
17 October 2011

Original: English

17<sup>th</sup> MEETING OF THE  
SCIENTIFIC COUNCIL  
Bergen, 17-18 November 2011  
Agenda Item 19.1

## APPLICABILITY OF THE ADDIS ABABA PRINCIPLES TO ACTIVITIES CONDUCTED UNDER CMS

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### 1. General considerations

#### 1.1. Framework

1. The *Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity* (AAPGs) were prepared, designed and published in 2004 as a tool for the implementation of the Convention on Biological Diversity (CBD). CBD provides general guidance to its Parties on how to address a broad range of biodiversity issues through national implementation and has sustainable use of the components of biological diversity as one of its three objectives. Conversely, the sole objective of the Convention on Migratory Species is the conservation of migratory species and its recommendations to its Parties, as spelled out in Article II (Fundamental Principles), is the promotion of research relating to migratory species, the establishment of measures for protection of Appendix I highly threatened species and the conclusion of agreements for the conservation and management of Appendix II species. It follows from the very different nature of the two conventions that some applications of the Addis Ababa Principles and Guidelines fall outside of the scope of CMS, an observation that has already been made by CITES in relation to their own Convention (CITES Conf.13.2). CMS Res.8.1 instructed the Scientific Council to examine the applicability and usefulness of the AAPGs within the context of CMS for improving the conservation status of relevant migratory species listed under the CMS Appendixes.

#### 1.2. Underlying concepts and definitions

2. The examination of the detailed substance of the Principles and Guidelines is somewhat complicated by the fact that the summary titles can be given different interpretations depending on the understanding of words such as “use” and “values” and that the *Rationale* and *Operational guidelines* paragraphs sometimes suggest contradictory or apparently restrictive understanding. A fundamental difference of underlying philosophy appears, however, to exist between the Principles and Guidelines on the one hand and CMS on the other. From the reading of the *Rationale* paragraphs, the first seem resolutely anchored into the utilitarian view of conservation, centred on use of biodiversity and the profits that can be derived from this. The second is clearly inscribed in the cultural or ethical approach embodied in the 1982 UN General Assembly Charter for Nature which states in its preamble

that “Civilization is rooted in nature, which has shaped human culture and influenced all artistic and scientific achievement, and living in harmony with nature gives man the best opportunities for the development of his creativity, and for rest and recreation” and that “Every form of life is unique, warranting respect regardless of its worth to man, and, to accord other organisms such recognition, man must be guided by a moral code of action”, and sets as general principles that:

- *Nature shall be respected and its essential processes shall not be impaired.*
- *The genetic viability on the earth shall not be compromised; the population levels of all life forms, wild and domesticated, must be at least sufficient for their survival, and to this end necessary habitats shall be safeguarded.*
- *All areas of the earth, both land and sea, shall be subject to these principles of conservation; special protection shall be given to unique areas, to representative samples of all the different types of ecosystems and to the habitats of rare or endangered species.*
- *Ecosystems and organisms, as well as the land, marine and atmospheric resources that are utilized by man, shall be managed to achieve and maintain optimum sustainable productivity, but not in such a way as to endanger the integrity of those other ecosystems or species with which they coexist.*
- *Nature shall be secured against degradation caused by warfare or other hostile activities.*

3. The Principles and Guidelines can nevertheless be regarded as more in line with the letter and spirit of CMS if “use” is understood to mean any consumptive or non-consumptive use, including cultural enjoyment, and “value” is regarded in an equally broad sense. This interpretation is not incompatible with the summary title but is often in contradiction with the Rationale statements.

4. Beyond its predominant utilitarian approach to heritage conservation, the full text of the Principles and Guidelines is very clearly based on one particular socio-economic model. The benefits of this model for human societies in general and certainly for nature conservation are not recognized by all researchers and conservationists nor by all present or potential Parties to CMS. Thus, recognition of the applicability of some of the Principles and Guidelines to CMS activities cannot be regarded as an endorsement of the conservation or socio-economic philosophies that underpin them.

## **2. Examination of Practical Principles.**

### **Practical principle 1: Supportive policies, laws and institutions are in place at all levels of governance and there are effective linkages between these levels**

5. Practical principle 1 is entirely concerned with the legal apparatus of States. It is relevant to the advisory role of CBD, although this is somewhat self-evident. However, it is totally outside the scope of CMS.

### **Practical principle 2: Recognizing the need for a governing framework consistent with international/national laws, local users of biodiversity components should be sufficiently empowered and supported by rights to be responsible and accountable for use of the resources concerned**

6. Like Principle 1, Principle 2 addresses the legislative and administrative organization of States and is thus mostly outside of the scope of CMS. Strong reservations must, however,

be expressed about the profession of faith expressed in the Rationale that supports Principle 2 and its statement that the management and conservation of resources are best left to their users, including private interests and business. This affirmation is in fact in direct contradiction with the principles of universality of the responsibility for the conservation of the natural heritage expressed by CMS and sister conventions such as the World Heritage Convention. Among the Guidelines, the emphasis on local communities' involvement and cultural ownership is important and runs parallel to approaches that are prominent in agreements and concerted actions conducted under CMS.

**Practical principle 3: International, national policies, laws and regulations that distort markets which contribute to habitat degradation or otherwise generate perverse incentives that undermine conservation and sustainable use of biodiversity, should be identified and removed or mitigated**

7. Principle 3 again deals with the legislative and administrative organization of States and is outside the scope of CMS. The suggestion, contained in its summary formulation that among "*policies, laws and regulations ... which contribute to habitat degradation*", only those "*that distort markets*" are objectionable is, however, totally foreign to the spirit and the letter of conservation-oriented conventions. The Rationale seems to confuse the objectives of policies with their undesirable effects.

**Practical principle 4: Adaptive management should be practiced, based on:**

- a. **Science and traditional and local knowledge;**
- b. **Iterative, timely and transparent feedback derived from monitoring the use, environmental, socio-economic impacts, and the status of the resource being used; and**
- c. **Adjusting management based on timely feedback from the monitoring procedures.**

8. Principle 4 recommends monitoring of the status and use of biological diversity as a basis for sound management, a recommendation completely satisfied by the requirements of CMS and of all instruments established under its auspices. The passing remark, included in the Rationale, that "*It is not possible to have knowledge of all aspects of such systems before a use of biological diversity begins*" can be read as a contradiction to the principle of precaution advocated and implemented by many Parties to CMS.

**Practical principle 5: Sustainable use management goals and practices should avoid or minimize adverse impacts on ecosystem services, structure and functions as well as other components of ecosystems**

9. Principle 5, as expressed in its summary title, can be fully endorsed, and appears to be part of the definition of sustainable use as proposed by most of its advocates. The formulation of some examples within the Guidelines is unfortunate; thus, "*For example, selective cutting of timber in a watershed would help maintain the ecosystem's capacity to prevent soil erosion and provide clean water*" may suggest that limited exploitation is a better approach to the prevention of soil erosion than the preservation of unexploited protection forests, the solution that is usually recommended. In addition, the second Guideline, "*Ensure that consumptive and non-consumptive use does not impair the long-term sustainability of that use by negatively impacting the ecosystem and species on which the use depends, paying special attention to the needs of threatened components of biological diversity*" seems to subordinate the need for conservation, and in particular, for that of threatened species to a sustainability of use, a direct contradiction with CMS fundamental principles and in particular the provisions related to Appendix I, unless "use" is understood in the broadest possible sense, including the intangible knowledge of the continued existence of a species.

**Practical principle 6: Interdisciplinary research into all aspects of the use and conservation of biological diversity should be promoted and supported**

10. Principle 6 is entirely included in the formulation of the Fundamental Principles (Article II) of CMS, with their requirement for the Parties to “*promote, co-operate in and support research relating to migratory species*”. Principle 6 is, however, more restrictive than CMS, with its limitation to “interdisciplinary research”. Furthermore, the Rationale is not really in phase with the preoccupations of CMS, with its emphasis on the need for research to support decisions that affect use and on the interest of opening new economic opportunities for stakeholders. This emphasis does not however, transpire in the operational guidelines which are generally acceptable, provided again that “use” is understood in the broadest way.

**Practical principle 7: The spatial and temporal scale of management should be compatible with the ecological and socio-economic scales of the use and its impact**

11. Principle 7 is hard to assess. Taken literally, the title formulation is entirely acceptable in any context and “use” can be understood in the broadest sense possible. For instance, cultural use of the natural heritage is universal and thus the management of this heritage should be an international responsibility, a view completely compatible with the requirements of CMS. However, the Rationale suggests that only consumptive use is being envisaged and that the management of the resource concerned should be left to its “owner” and harvester, which is not compatible with the requirements of CMS for the species that come under its jurisdiction.

**Practical principle 8: There should be arrangements for international cooperation where multinational decision-making and coordination are needed**

12. Principle 8 is of course compatible with CMS and its instruments and constitutes, in fact, an endorsement of their existence. Unfortunately, the Rationale seems to limit the need for international cooperation to cases where consumptive use is contemplated and not even to envisage transboundary cooperation for the conservation or redeployment of resources that are not harvested.

**Practical principle 9: An interdisciplinary, participatory approach should be applied at the appropriate levels of management and governance related to the use**

13. Principle 9 again is compatible, at least in its summary title, with CMS if “use” is understood in the broadest sense. The Rationale is poorly formulated, especially in its description of the factors of sustainability, which it seems to confuse with the constraints that indeed need to be taken into consideration. The emphasis on the involvement of local communities is, however, useful. In the Operational Guidelines, it is regrettable that cultural factors seem to be limited to those that concern local actors and not universal preoccupations.

**Practical principle 10: International, national policies should take into account:**

- a. **Current and potential values derived from the use of biological diversity;**
- b. **Intrinsic and other non-economic values of biological diversity; and**
- c. **Market forces affecting the values and use.**

14. Principle 10 can be broadly endorsed although it is somewhat ambiguous in its formulation. With only sub-paragraph a., it is, from a species conservation point of view, a totally commendable statement, provided that “values” and “use” are both understood in a

broad sense to include cultural, ethical, social and economic components. Sub-paragraph b., which is of course welcome to reinforce this, is unfortunately apposed in such a way as to suggest that “values” were not to be understood in that way in sub-paragraph a. In sub-paragraph c., “values” can only be understood in the restrictive sense of economic values because it is hard to understand how market forces could affect other values. Doubt is then generated as to whether “use” is understood in a general sense in the same sub-paragraph, as it should be, since market forces can be extremely detrimental to non-monetary uses of biological diversity, a fact partly recognized in the second Operational Guideline.

**Practical principle 11: Users of biodiversity components should seek to minimize waste and adverse environmental impact and optimize benefits from uses**

15. Principle 11 seems to suddenly limit “users” of biodiversity components to consumptive users. This in itself is not acceptable to CMS and the emphasis it has placed through many of its instruments on non-consumptive use. The preoccupation with waste minimization is of course shared by CMS and its instruments in the cases where the convention authorizes wise use, it is not clear that optimization of benefits is among its objectives.

**Practical principle 12: The needs of indigenous and local communities who live with and are affected by the use and conservation of biological diversity, along with their contributions to its conservation and sustainable use, should be reflected in the equitable distribution of the benefits from the use of those resources**

16. Principle 12 is totally in agreement with the methods of CMS and of its instruments and has been applied throughout the history of the Convention. The Operational Guidelines are entirely congruent with the practice of the Convention and of the agreements and action plans concluded and implemented under its auspices. Particularly welcome are guidelines 3 and 4:

- *Ensure that national policies and regulation for sustainable use recognize and account for non-monetary values of natural resources; and*
- *Consider ways to bring uncontrolled use of biological resources into a legal and sustainable use framework, including promoting alternative non-consumptive uses of these resources.*

**Practical principle 13: The costs of management and conservation of biological diversity should be internalized within the area of management and reflected in the distribution of the benefits from the use**

17. Principle 13 can be endorsed, if it is understood that it does not exclude the indispensable injection of public funds mobilized through international solidarity to ensure the preservation of species and habitats that constitute a heritage of mankind.

**Practical principle 14: Education and public awareness programmes on conservation and sustainable use should be implemented and more effective methods of communications should be developed between and among stakeholders and managers**

18. Principle 14, in its general formulation, is applicable to the activities of CMS, although the Rationale and the Guidelines make clear and explicit that it is written specifically for CBD.

### **3. Summary**

19. Principles 4, 6, 12 and 14 are applicable to CMS activities. So are Principles 5, 7, 8, 9, 10 and 13 provided that the interpretation of the terms used in their formulation is clarified so as to envisage “use” of biodiversity to include all non-consumptive uses and “value” of biodiversity to include all non-monetary values, and if restrictive clauses contained in accompanying rationales are ignored. Principles 1, 2 and 3 apply to activities outside of the scope of CMS; furthermore, reservations must be expressed on the objectives of Principles 2 and 3, as described in the full text. Any reference, explicit, implied, or not explicitly excluded, to extractive or consumptive use limits applicability of Principles 4 to 10 and 12 to 14 to cases in which CMS authorizes such consumptive use and thus eliminates, in particular, any application to actions relating to Appendix I species. This limitation applies to the parts of Principle 11 that might be relevant to CMS activities. Recognition of the practical usefulness of the principles does not constitute endorsement of the rationales that accompany them nor of any underlying philosophy.

#### **Action requested:**

The 17<sup>th</sup> Meeting of the Scientific Council is invited to:

- a. Take note of this document and provide comments;
- b. Advise on future steps of the Convention regarding sustainable use in light of the findings of this document; and
- c. Advise on the opportunity to revitalize the Sustainable Use Working Group under the Scientific Council.