

TRACK D: BIODIVERSITY, ECOSYSTEMS, AND ENFORCEMENT

During the workshops in Track D, facilitators and participants sought to identify practical actions to improve the implementation and enforcement of regulations related to the protection of biodiversity. The Track paid particular attention to how improper implementation of biodiversity regulations also can affect related areas of environmental policy, including those of ecosystem goods and services and adaptation to and mitigation of climate change.

As part of the activities of this Track, Conference participants were invited to a screening of “Ivory Poaching Wars,” a BBC documentary on illegally taken elephant ivory. The film underscored a further theme of this Track; the increased involvement of sophisticated organized crime in ecosystem destruction and the critical role that enforcement cooperation plays in protecting the wildlife populations being destroyed by poaching and illegal trade.

1D PROTECTED AREAS

Facilitators: Prof. Rudi van Aarde, University of Pretoria, South Africa

Jason Bell, International Fund for Animal Welfare

Rapporteur: Pim Kapitein, Ministry of Agriculture, Nature and Food Quality, The Netherlands

BACKGROUND

Biologists and ecologists have long acknowledged the benefits of large protected areas that provide necessary rangeland for species based on biological needs, rather than on national boundaries. However, challenges, including the availability of usable land and the need for inter-jurisdictional cooperation, have created barriers to their development. This workshop critically evaluated the expanding range of wildlife conservation areas across international boundaries, such as ‘mega parks’ in Africa, and focused particularly on the enforcement challenges of transboundary protected area management.

THE WORKSHOP DISCUSSION

Participants agreed that current conservation models need more dimensions, encompassing social, economic, and legal considerations. These models also need to account for the political realities of the areas and recognize the role for methods to engage local communities.

THE OUTCOMES

The conclusions were that enforcement needed to be constantly brought on the conservation agenda and that this needed to be accomplished through working in partnerships. It was suggested that INECE could promote regional treaties to facilitate enforcement of violations of laws that occurred across borders. In bringing this on the agenda, INECE should approach the Convention on International Trade in Endangered Species of Wild Flora and Fauna and Convention on Migratory Species secretariats to develop common areas of cooperation.

2D SYNERGIES AMONG BIODIVERSITY-RELATED MULTILATERAL ENVIRONMENTAL AGREEMENTS

Facilitators: Elizabeth Mrema, United Nations Environment Programme

Christine Akello, National Environment Management Authority,
Uganda

Rapporteur: Gustavo Alanis, President, Centro Mexicano de Derecho Ambiental, Mexico

BACKGROUND

Synergies among multilateral environmental agreements (MEAs) are possible at the international, regional, national, and local levels. This workshop examined approaches to identifying and leveraging synergies among biodiversity-related MEAs and, on the basis of lessons learned, suggest practical ways for further encouraging synergies, with a focus on national level compliance.

THE WORKSHOP DISCUSSION

Much of the discussion revolved around the need to have partnerships for biodiversity conservation, taking into account water resources management, climate change, and the Millennium Development Goals. The United Nations Environment Program (UNEP) was identified as a key partner in that regard. Some of the specific strategies discussed included working together in the Green Customs initiative, coordination among the national focal points of the biodiversity MEAs, sharing performance indicators, and harmonizing and simplifying reports. Another important topic during the dialogue included the financial challenges associated with protecting biodiversity, including the need to balance the environment and conservation practices with social needs and property rights. Additionally, the relationship between biodiversity and climate change and, especially desertification, was discussed as an important area to address in MEAs.

THE OUTCOMES

There was agreement with respect to the following propositions:

1. There is a need to strengthen laws and policies related to biodiversity protection and preservation. Additional effort is necessary in order for international agreements to be properly implemented at the national level, particularly with regards to institutional arrangements for compliance assurance and cooperation among national focal points.
2. Enforcing national requirements designed to implement biodiversity-related MEAs is a complex process, requiring enforcement officials with expertise in compliance methods and in information management. INECE and its partners should help promote and strengthen capacity building resources for implementing MEAs, particularly in matters related to environmental management and enforcement. A compilation of best practices and further guidance on compliance with MEAs may assist this effort (see <http://www.unep.org/dec/onlinemanual/>).
3. Similarly, inspectors must be well-trained and well-paid and operating under a strong institution. INECE and its partners should help promote and strengthen capacity building resources for compliance inspections related to the implementation of biodiversity MEAs.
4. In implementing biodiversity-related MEAs, it is essential that matters related to poverty and its relationship to the environment (including environmental degradation) and development be appropriately taken into account. Similarly, human rights treaties must be taken into account.
5. The relationship between biodiversity, climate change, and desertification has to be taken into account.
6. The United Nations Development Programme may be a potential partner in promoting biodiversity, particularly the area of Small Grant Projects/micro projects related to water pollution, ecotourism, waste management, and ecotoilets.

3D WILDLIFE LAW ENFORCEMENT

Facilitators: Bill Clark, Nature and Parks Authority, Israel

Stephen Kisamo, Lusaka Agreement Task Force, Kenya

Jacques du Toit, Gauteng Dept. of Agriculture, Conservation, and Environment, South Africa

Rapporteur: Frances Craigie, Gauteng Dept. of Agriculture, Conservation, and Environment

BACKGROUND

Growing demand for wildlife – live specimens and their products or derivatives – feeds illegal trade. This workshop explored how the globalization of illegal wildlife crime has attracted the attention of organized crime. Incorporating both a global and African perspective, the workshop discussed suggestions for effective cooperative efforts to suppress this expanding criminal activity.

THE WORKSHOP DISCUSSION

The workshop began with a talk by a ranger from Kenya who gave a personal account of a situation in which several of his fellow Kenyan rangers were attacked and killed by poachers during an operation. He provided insight into the difficulties faced on a daily basis by these officials. This was followed by a presentation by the facilitators of their work and recommendations for improving wildlife law enforcement.

THE OUTCOMES

The recommendations that resulted from both the facilitators' presentations and the contributions of the participants were the following:

1. Training.
 - o Training for wildlife enforcement officers needs to be focused on the correct individuals.
 - o Authorities need to look at programs that include a train-the-trainer component.
 - o Authorities should assess training programs of other enforcement agencies that are involved in investigation of wildlife crimes.
2. Raising awareness.
 - o Examples of products of the various CITES species should be made available for awareness training and use by investigators so that officials involved in these matters are able to recognize these products.
 - o Existing manuals and guidelines should be loaded onto the INECE website to ensure that these resources are shared.

3. Online information tools.
 - o Verdicts and prosecutor arguments.
 - o Smuggling techniques.
 - o Species product layout.
4. Media.
 - o There is a need to make use of the media raise awareness of the significant impact that wildlife crime (although we need to be careful about focusing on the value of the products as this could fuel the illegal trade).
5. Research.
 - o Encourage nongovernmental organizations to include a diversity of species that are being targeted for illegal trade (such as reptiles) in their campaigns, so that more research can be done internationally and attention and resources can also be diverted to these species.
6. Use of existing enforcement structures.
 - o More countries in Africa should get involved in the structures created for cooperation by the Lusaka Agreement and the work of the Lusaka Agreement Task Force.
 - o More parties need to be involved in the Interpol Wildlife Working Group and make use of the Interpol Ecomessage system.

4D MARINE ENFORCEMENT: CASE STUDY ON INCONSISTENCIES AND CONSEQUENCES AMONG MULTILATERAL AGREEMENTS ON WHALING

Facilitators: Ambassador Alberto Szekely, Mexico

Stacey Mitchell, Department of Justice, United States

Rapporteur: Ross Galbraith, Environment Canada

BACKGROUND

Despite efforts to advance the international environmental conservation agenda, as articulated formatively in the 1987 Brundtland Report entitled 'Our Common Future,' and latterly through other international conservation mechanisms such as the 1992 Earth Summit in Rio de Janeiro, it is apparent that a 'gradualism' approach to environmental conservation at global scale has not been as effective in

producing the type of anticipated concrete results which many proponents of such an approach had originally foreseen.

THE WORKSHOP DISCUSSION

In 2008, we still face extremely significant challenges vis-a-vis achieving substantive progress on a number of critically important environmental issues; notwithstanding the notable success of certain international efforts, such as the reduction of ozone depleting substances pursuant to the 1987 Montreal Protocol. For example, the UN Framework Convention on Climate Change and the Kyoto Protocol have not succeeded in marshalling the necessary international support required to adequately address the key issue of mitigating highly elevated levels of greenhouse gas emissions which increasingly threaten natural, social and economic capital vectors at global scale.

This has led to the suggestion that international environmental law is failing to fulfill its anticipated and intended role as an effective vehicle of ensuring that the environmental security of future generations is adequately protected. One such example of the failure of our international environmental law to adequately mitigate such risks is inherent in the performance of the International Convention on the Regulation of Whaling; a convention which operates under the auspices of the International Whaling Commission. Since the 1986 International Whaling Commission declaration of a moratorium on commercial whaling, Japan is perceived to have defied and/or marginalized the overarching conservation principle of the International Convention on the Regulation of Whaling by continuing to commercially harvest whales under the scientific research provision in International Convention on the Regulation of Whaling Article 8.

Some consider that Japan's activities in this regard constitute a subversion of international diplomacy. Unlike the Convention on the International Trade in Endangered Species, within which environmental non-governmental organizations play an active and robust role, the International Whaling Commission is not such a forum within which environmental non-governmental organizations have the opportunity to participate other than in the capacity of (non-voting) observers. Many would argue that this inability of environmental non-governmental organizations to substantively engage the International Whaling Commission decision-making process represents a serious impediment to the achievement of its stated goals. This view was reinforced in a report sponsored by the International Fund for Animal Welfare and published in 2006 by a panel of independent international law experts.

THE OUTCOMES

There is a current need to strengthen the integrity of international environmental conventions that operate in an overly political fashion. Empowering environmental non-governmental organization may be the only viable remedy to counter-balance

the lack of resolve of certain governments in this regard. Inherent in the process of environmental non-governmental organization empowerment is the requirement for more effective access to the global media. INECE could foster this process by supporting the preparation of a report on the overall effectiveness of our international environmental conventions. Given that it is not mandated to act as an advocacy organization, one of the highest value contributions that INECE could make would be to provide impartial feedback with respect to which international environmental conventions are deemed to be working well in achieving their stated goals; and, conversely, which are not.

5D HABITAT DESTRUCTION AND REHABILITATION

Facilitators: James Isiche, International Fund for Animal Welfare, Kenya

Julius Kipng'etich, Kenya Wildlife Service

Rapporteur: Tim Whitehouse, INECE Secretariat

BACKGROUND

Meru National Park is located 370 kilometers from Nairobi. It is the third largest wildlife conservation area and elephant habitat in Kenya. It became part of the National Park System in 1967. In the mid-1970s and 1980s, heavily armed gangs of poachers invaded the park. They nearly wiped out all the wildlife and attacked tourist vehicles. The park's elephant population, for example, plummeted from over 3,000 to a mere 251. Rangers were poorly equipped and some were killed. Tourists stopped coming to the park. The infrastructure began to fall apart and Meru continued to be a volatile area until the late 1990s.

THE WORKSHOP DISCUSSION

This workshop examined how successful conservation and management of a national park is reliant on how well authorities are able to secure its land and with it, the integrity and long-term viability of the biological resources of the park. It examined this effort in the context of habitat destruction and rehabilitation in Meru National Park in Kenya.

In the 1990s, when the Kenyan Wildlife Service decided to try and restore Meru, only about 2,000 tourists were coming to the Park. The International Fund for Animal Welfare worked with the service to develop an action plan to restore Meru. Eventually, IFAW and the service signed a Memorandum of Agreement on funding and management of the park. The project worked to restore security in the park, relocate the park headquarters, repair and rehabilitate basic equipment, purchase field equipment, create tourist facilities, construct fences, develop a 20 year master plan, integrate community activities with wildlife conservation, and translocate animals into the park.

A few of the key lessons of this effort are the absolute need for security in order for other program elements to fall into place, the need for donor support and public/private/NGO partnerships, and a formal agreement to show the obligation of all parties.

THE OUTCOMES

A group discussion followed in which participants suggested a number of possible roles for INECE to play in efforts to support the rule of law in parks around the world. The suggestions were to:

1. Collaborate with IFAW on creating a list of “paper parks” (parks that exist in name only) around the world.
2. Look for avenues of cooperation between existing organizations, such as the international federation of park rangers, in which INECE could help fill a niche on promoting exchanges and cooperation on law enforcement matters.
3. Invite international community organizations to create partnerships on the ground and in the field.
4. Examine the concept of buffer areas around parks where development is restricted but on-going traditional activities are allowed to continue and evaluate the types of laws and tools exist to support these efforts.
5. INECE can play a role in developing and promoting enforcement models, particularly those where humans and protected animals are able co-exist in a protected area, such as in South Africa or Zambia. Examine not only successes but failures, also.

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INECE Secretariat
2300 Wisconsin Ave, NW Suite 300B
Washington, DC 20007
inece@inece.org
<http://www.inece.org>