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Introduction

Introduction to sustainable use module.

Sustainable use

The term 'sustainable use' needs to be understood in relation to the different objectives, areas of work and terminology of the biodiversity-related Multilateral Environmental Agreements (MEAs).

CBD

For the Convention on Biological Diversity (CBD), the sustainable use of the components of biological diversity is one of the three objectives of the Convention (CBD Article 1) and the term appears frequently in the text of the convention and its decisions. Article 2 of the convention provides the following definition of sustainable use.

Sustainable use means the use of the components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations. (CBD Article 2)

The components of biological diversity can be divided into ecosystems, species and genetic material. Sustainable use, as understood in the context of the CBD, can, therefore, involve the use of each of these components.

Ramsar

One of the central concepts to which the Parties to the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar) are committed is that of 'wise use'. Under Article 3.1 of the convention they are required to 'formulate and implement their planning so as to promote the conservation of wetlands included in the List and as far as possible the wise use of wetlands in their territory'. The Parties have devoted considerable effort to the elaboration of the notion of wise use and the development of guidelines for the wise use of wetlands.

At their third meeting the Parties to Ramsar adopted (in Recommendation 3.3) the following definition.

The wise use of wetlands is their sustainable utilization for the benefit of mankind in a way compatible with the maintenance of the natural properties of the ecosystem.

The expression 'sustainable utilization' was defined as:

Human use of a wetland so that it may yield the greatest continuous benefit to present generations while maintaining its potential to meet the needs and aspirations of future generations.

The notion of wise use, as developed within Ramsar, while focused on the use of wetlands, is closely related to the concept of sustainable use that was adopted by the Parties to CBD. Indeed, the Ramsar Strategic Plan 1997-2002, adopted in 1996, stated that the Parties consider the term 'wise use' to be synonymous with 'sustainable use' and it went on to observe that 'through this concept of wise use, the convention has always emphasised that human usage on a sustainable basis is entirely compatible with Ramsar listing and wetland conservation in general.'

#### CITES

In the case of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) there is no explicit mention of sustainable use in the Convention itself. Nevertheless, a very similar concept lies at the heart of CITES. Specifically, trade in specimens of species listed on Appendix I of CITES requires, inter alia, a finding that the export 'will not be detrimental to the survival of that species' (Article III.2 (a)). A non-detriment finding is also necessary for trade in Appendix II species. In addition, the export of Appendix II species requires that the species is maintained 'throughout its range at a level consistent with its role in the ecosystems in which it occurs' (Article IV.3). The requirement for non-detriment findings is equivalent to the requirement that the trade is sustainable. This sustainability is characterised in biological and ecological terms.

Moreover, in recent years the Parties to CITES have increasingly adopted the language of sustainable use. For example, the Strategic Vision states that the Purpose of the convention is:

To ensure that no species of wild fauna and flora becomes or remains subject to unsustainable exploitation because of international trade.

The purpose of the Strategic Plan itself 'is to improve the working of the convention so that international trade in wild fauna and flora is increasingly and consistently conducted at sustainable levels.' It is also stated that the Strategic Plan 'confirms the recognition by the Parties that sustainable trade in wild fauna and flora can make a major contribution to securing the broader and not incompatible objectives of sustainable development and biodiversity conservation', which makes a link between sustainable trade and sustainable development. CITES, then, addresses the issue of sustainable use, with a focus on one particular type of use involving the international trade in species.

## CMS

Like CITES, the Convention on the Conservation of Migratory Species of Wild Animals (CMS) has a comparatively narrow focus on a particular group of species. In the case of CMS the focus is on migratory species. The convention itself does not mention sustainable use, but the preamble does include the clause:

AWARE that each generation of man holds the resources of the earth for future generations and has an obligation to ensure that this legacy is conserved and, where utilized, is used wisely;

Like CITES, CMS has a system of listing species on Appendices. Appendix II includes migratory species 'which have an unfavourable conservation status and which require international agreements for their conservation and management, as well as those which have a conservation status which would significantly benefit from the international cooperation that could be achieved by an international agreement' (CMS Article IV.1). The treaty provides guidelines for these agreements and states that where appropriate and feasible, such agreement should provide for, inter alia, 'measures based on sound ecological principles to control and manage the taking of the migratory species' (CMS Article V.5 (j)). In practice, this clause has been interpreted as one that requires that such 'taking' is sustainable, and the agreements that have emerged from the CMS have addressed this issue. References to sustainable use appear in a number of the resolutions and recommendations agreed by the Parties.

## Comparison

In sum, three of the conventions focus on particular types of sustainable use. For Ramsar it is the use of wetlands; for CITES it is the use of internationally traded species; and for CMS it is the use of migratory species. For all four conventions sustainable use is a central concept and in recent years they have been moving towards shared terminology and approaches. This trend appears set to continue.

In 2004 the Conference of the Parties to CBD adopted the Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity. Later in the same year the Conference of the Parties to CITES urged the Parties to make use of those Principles and Guidelines in making non-detriment findings. In 2005 the Parties to CMS are due to consider these Principles and Guidelines at their meeting in Nairobi.

This module is divided into nine sections

Targets, indicators, monitoring and assessment: including targets for sustainable use and indicators of their achievement

Communication and research: including communication with the public and with MEA bodies

Cooperation: including cooperation between Parties, and in the implementation of two or more international agreements

Legislative measures and national policy: including institutions that regulate sustainable use

Provision of resources: including the provision of financial and technical resources

Management and regulation: including regulation of the trade in wild species

Sustainable use and particular types of biodiversity: including obligations relating to particular ecosystems and to particular taxa

Indigenous and local people, livelihoods and equity: including the links between sustainable use and poverty

Incentives and the private sector: including positive incentives for sustainable use, and perverse incentives

The relevant articles of MEAs are presented under the activities, followed by the obligations arising from decisions, resolutions or recommendations of the governing bodies. The obligations are presented in chronological order, with the most recent ones first.

Which obligations are included?

In considering which obligations to include (and which to exclude) in this module it is not possible to use a simple terminological criterion since, as has been seen, the conventions do not use a uniform terminology for referring to sustainable use. Rather the approach taken focuses on whether – whatever the terminology employed – the obligation is substantively about sustainable use. Since sustainable use is a central concern of many MEAs, only those obligations that are substantively about sustainable use are included. To have included obligations that lack a substantive reference to sustainable use would have increased considerably the size of the module, while reducing its usefulness.

The choice about what to include and what to exclude is shaped by the nature of the conventions themselves. CITES regulates the international trade in wild species through its system of appendices and the development of additional rules governing the use of the appendices. Decisions about the listing of individual species (or other taxa) on the Appendices have not been included in this module, on the grounds that while these listings do create obligations relating to sustainable use, they are too specific to be of value here. However, the obligations arising from decisions that address, in a more general way, the treatment of species listed on the CITES Appendices have, where they have a direct

bearing on the sustainability of use, been included. Similarly, in the case of CMS, which also operates a system of appendices, decisions about the listing of species on the Appendices have not been included. However, the obligations that arise from the decisions that address, in a more general way, the treatment of species included in the CMS Appendices have, where they have a direct bearing on the sustainability of use, been included.

The module includes obligations addressing, in general, the sustainable use of genetic resources, but it does not include those obligations specifically concerned with access and benefit-sharing.

This module has drawn on four biodiversity-related MEAs, namely CBD, CITES, CMS and Ramsar. The World Heritage Convention and possible other MEAs will be considered at a later stage.

European regional treaties drawn on for the sustainable use module include:

- EU Birds Directive
- EU Habitats Directive
- EC Regulation No 338/97 of 9 December 1996
- Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979)
- OSPAR - Convention for the Protection of the Marine Environment of the North-East Atlantic
- Pan-European Biological and Landscape Diversity Strategy (PEBLDS)

To have a better understanding of the structure and elements of the module, an overview has been provided for your ease of navigation. The navigationbar on the left can be used to go directly to a certain section within the module.