

Environmental and Wildlife International Conventions

Humans and the environment co-existed quite well until the increase in industrialization in the 1970s began to pose a threat to the environment as deforestation, pollution and massive hunting reached unprecedented levels. Humans' own health and safety became uncertain; the risk of looming catastrophic effects on both humans and animals worldwide reared its head. Governments therefore sought to pool efforts in a bid to foster international cooperation to protect the precious environment through mitigation of practices that perpetuated its harm. This gave birth to a plethora of international conventions which served to protect the environment and wildlife. These include CITES, Ramsar Convention, World Heritage Convention among others to be outlined in the subsequent paragraphs. This article endeavors to outline the Conventions, their aims and to give an analysis on the rate of their implementation in serving as a buffer against infliction of wanton and costly destruction to the environment and wildlife.

The Convention on International Trade in Endangered Species of Wild Flora and Fauna

This Convention is normally known as CITES and it came in force in 1975. The major aim of this multilateral treaty was to combat extinction of certain plants and animals due to international trade which was reaching a zenith. CITES encouraged member states to be the best protectors of their flora and fauna. This brought to light the fact that inasmuch as the overall goal was to foster international cooperation, each state was endowed with a responsibility to be accountable and to be at the forefront in protection of its own flora and fauna. Consequently, most countries developed their own legal framework to cater for environmental issues which was commendable. The Convention also sought to protect certain species of flora and fauna or products derived from them from over exploitation through international trade. The Convention did not aim at outlawing international trade but intended to control the rate and this was fostered through the adoption of a permit system.

The Convention groups animals into three Appendixes which award different conservation measures. Appendix I lists species that are the most endangered and CITES prohibits international trade in specimens of these species except in exceptional circumstances such as scientific research purposes. Appendix II includes animals not necessarily facing extinction but in which trade must be controlled in a bid to combat excessive trade that is incompatible with survival of the species. Species in Appendix III are those endangered in at least one country which would have sought assistance from other CITES members in controlling its trade. All African elephants are included in Appendix I except for populations of Botswana, Namibia, South Africa and Zimbabwe which are included in Appendix II. All commercial international trade of ivory is prohibited under CITES and this is an extreme measure which has proved to be quite challenging and unpopular. In Africa, Kenya has been obstinate in its support of ivory bans but Zimbabwe and the other three above mentioned countries holding Appendix II status are of the view that they are managing and protecting their elephants effectively and should therefore be permitted to sell to international buyers the products derived from elephants that have died

naturally. The four Appendix II countries have also faced comparatively low poaching levels than other African countries and they attest that proceeds from ivory sales will be invested in rural community development and anti- poaching enforcement¹. However, this seemingly noble interest might eventually do more harm than good as elephants are largely migratory which entails that elephants from other African countries in Appendix 1 might end up being affected.

CITES has also been effective in the conservation of lions with relation to trade of lion body parts and trophy hunting. The Asiatic lion which is listed in Appendix 1 is considered an endangered species due to extreme poaching and territorial encroachment. India has been prompted to recruit hundreds of guards and tighten its surveillance system to stop poachers in their tracks. A Lion Protection Cell was set up in Gir National Park after ten lions were found dead in a space of six weeks due to poaching². Stringent measures to address the plight of the African lion which is still in Appendix 11 might be underway following the wake made by the killing of Cecil the lion in 2015 therefore an upgrade to Appendix 1 might be made soon.

Ramsar Convention

This Convention came into force in 1971 and was adopted in the Iranian city of Ramsar as a buffer against continuous loss of wetlands and to conserve the remaining ones through wise use and management. Under this treaty a wide variety of natural and human-made habitats are classified as wetlands. The Convention encourages the designation of sites that are important for conserving biological diversity. Once designated, the site is enlisted as a Ramsar site and member states concede to establish and oversee a management framework aimed at conserving the wetland and foster its wise use. A wetland has to satisfy one or more of the criteria for identifying wetlands of international importance for it to be designated as a Ramsar site. The site should contain a unique example of a natural or near- natural wetland type found within the particular region. The other yardstick used is the site's importance in conserving biodiversity, for instance, Elementaita and Bongoria are two of Kenya's Lakes and Ramsar sites which provide habitat to thousands of flamingoes and pelicans among other birds which are of global conservation significance³. Namibia's Walvis Bay is another Ramsar site which harbors a percentage of the global species of birds. This reflects the sites' importance not only in their natural make-up but in as far as they provide habitat to other species.

The criterion for "wise use" of wetlands or their resources is widely defined as maintaining the ecological character of a wetland. Ecological character is defined under the Convention as the combination of the ecosystem components, processes and benefits and services that characterize the wetland at any given time. Without much awareness and knowledge wetlands may be abused

¹ Africanelephantjournal.com

² www.reuters.com, India stepping up to protect the rare Asiatic lion

³ James Njogu, Wildlife Management and Conservation in view of International Conventions

as ultimately, discretion lies in each country to determine whether the utilization of the wetland or its resources fits into the ambit of wise use. The need for more knowledge becomes necessary to emancipate countries to make wise decisions with regards to protection of their wetlands. The Convention only pays much attention to wetlands designated as Ramsar sites, this yields adverse effects on other wetlands not incorporated. This drawback may be addressed at national level if member states make it a priority to conserve all the wetlands regardless of their size or capacity.

Ramsar Convention is largely implemented through strategic planning and one of these is to raise awareness of wetland values and functions throughout the world and at all levels. In India, state governments such as Punjab and Manipur have resorted to audiovisuals, posters and nature camps in a bid to emancipate target groups which include school children, youths and major stakeholders. Zimbabwe has the Environmental Management Agency which has been raising awareness pertaining to conservation of wetlands and this has been achieved through High School debate competitions on wetland conservation. This serves to groom the younger generations into citizens that are responsible for their environments.

Namibia and South Africa have also joined hands to conserve the Orange River Mouth Ramsar site. This has become possible due to extensive consultation and management planning aimed at permitting equal contribution towards protection of the trans-boundary site. This is largely consistent with the Convention's objective to mobilize international cooperation and financial assistance for wetland conservation and wise use in collaboration with both the governmental or non- governmental agencies.

Convention Concerning the Protection of World Cultural and Natural Heritage, 1972

The objective of World Heritage Convention is to identify and conserve the world's cultural and natural heritage sites. While every component of the environment is precious in its own way, there are certain exceptionally rare and beautiful sites whose destruction would be a great loss hence the need to identify them and put conservation measures in place in order to preserve them. The Convention provides a definition of the nature of a natural or cultural site that enables its inscription on the World Heritage List. In terms of Article 4 of the Convention each state has the duty of ensuring identification, conservation, preservation and transmission of cultural heritage sites situated in its territory to the future generations. An onus is placed on member states to identify potential sites and to play a role in protecting them. This requirement equips countries to take pride in their heritage and to be accountable enough to nurture and conserve it; the Convention does not shove golden spoons into idle states but seeks to emancipate its members to be more conscious and responsible for their own environment. The Convention is not exhaustive as it only caters for sites of 'outstanding international value' which shows the need for member states to step up and conserve the heritage sites which are not enlisted.

The Convention is implemented through its Operational Guidelines which provide a description of the procedure for new inscriptions, site protection, danger- listing and provision of funds

under the World Heritage Fund⁴. The operational guidelines were revised in 2015 to accommodate the indigenous people, each nation was encouraged to involve its people in management and protection of the sites as well as to acknowledge the people's opinion⁵. This will make the Convention more effective as native people will have diverse notions which will serve in the best interest of the sites, they may also prove to be more passionate and responsible for the preservation of the sites.

Periodic reporting is another effective tool of the Convention and the purpose is to assess the application of the Convention, record changing circumstances and enhance mechanisms for regional co-operation and exchange⁶. In making its report, a member state should stipulate the legislative and administrative provisions it has adopted to guide application of the Convention and outline the extent to which the sites have been conserved. This measure instills a sense of responsibility in member states which leads to a positive result.

Convention on Biological Diversity, 1992

Biological diversity is of vital importance for reasons which are utilitarian because of what it provides to humans as well as intrinsic which is the value it yields in its own right such as pollination⁷. These benefits are of essence in making the environment replenish and propagate itself. Ecosystems are being damaged and biological diversity lost is at an alarming rate⁸. This reveals the importance of the Convention on Biological Diversity in its aim to reduce practices which disturb or even destroy ecosystems completely. The Convention came into force to promote the conservation of biological diversity which was under threat due to practices like pollution, to enhance the sustainable use of biological diversity components which was to be accomplished through measures to mitigate reckless exploitation and to promote the fair and equitable sharing of benefits arising from genetic resources.

Education and raising awareness has proven to be crucial in implementing the Convention. Environmental issues are increasingly being incorporated into national education systems and school curricula⁹. Other methods such as videos and advertisements have been implemented; including visitor centers at nature reserves, museums and botanical gardens. Public education and awareness is a critical step in promoting the effectiveness of the Convention on Biological Diversity and non-governmental and international organizations have played a leading role in the realization of this.

The Conference of the Parties adopted a Global Strategy for Plant Conservation which consists of sixteen strategies that aimed at achieving measurable progress by 2010. A Working group has

⁴ www.iucn.org

⁵ Ibid

⁶ Operational Guidelines for the Implementation of the World Heritage Convention(whc.unesco.org)

⁷ www.amnhs.org

⁸ Chuka Enuka, Challenges of International Conventions

⁹ Peter Herkenrath, The Implementation of the Convention on Biological Diversity, page34-35(www.cbd.int)

also been set up to review implementation of the Convention's goals to conserve protected areas and a separate one has also been put in place to oversee general compliance. Specific groups have been established on traditional knowledge, innovations and practices. This is crucial in retaining cultural practices which have proven useful in conserving biodiversity over the years.

Convention on Migratory Species of Wild Animals, 1979

The international agreement aims to conserve migratory species within their migratory ranges. Migratory species are an essential component of biological diversity; they provide direct benefits such as pest control, pollination and seed dispersal. They also form the basis of sustainable tourism which grants significant revenues and employment for many people¹⁰. Migratory species threatened with extinction are listed on Appendix I while Appendix II calls for international cooperation to ensure that the conservation status of a species is favorable. Migratory animals face myriad threats including overexploitation, disease, habitat destruction and global climate change¹¹ which make international collaboration necessary to conserve them.

The Thirteenth Meeting of the Conference of the Parties was concluded in February 2020 in Gandhinagar, India and significant resolutions to address the conservation needs and threats facing migratory species around the globe were made. The Asian Elephant, Jaguar, Great Indian Bustard and Bengal Florican are among the seven migratory species that were put in Appendix I¹² which entails the imposition of stringent measures to protect them as they are in danger of facing extinction. The Smooth Hammerhead Shark and the Tope Shark were listed for protection under Appendix II which enhances international cooperation and conservation actions to protect them.

The first report on the Status of Migratory Species made this year reflected that despite some success stories, the populations of most migratory species covered by the Convention are actually declining rapidly. This realization prompted the Conference of Parties to adopt policy measures to address threats to migratory species. These include integrating of biodiversity and migratory species considerations into national energy and climate policy and promotion of wildlife-friendly renewable energy¹³. The member states also resolved to strengthen initiatives to combat the illegal killing, taking and trade of migratory species and these changes could make the Convention more effective. The Convention also adopted the Gandhinagar Declaration which sends a strong message on the importance of migratory species for new global biodiversity strategy¹⁴.

¹⁰ www.cms.int;Statement by Amy Fraenkel on World Environment Day

¹¹ Issues.org David S Wilcove, Animal Migration: An Endangered Phenomenon?

¹² Unenvironment.org

¹³ unenvironment.org

¹⁴ Ibid

The United Nations Framework Convention on Climate Change, 1992

This Convention came into effect with the aim of stabilizing greenhouse gas concentrations in the atmosphere at a level that prevents dangerous anthropogenic interference with the climate system. The Convention is of great importance as the climate is changing drastically and increased pollution and deforestation are some of the factors which promote increased emission of greenhouse gases and the effects to the environment are adverse. The most serious being the depletion of the ozone layer, which serves as a carpet divinely placed to protect people and animals from being directly hit by the sun¹⁵. The effects of the depletion would be gruesome and this has created a need for countries worldwide to join hands to prevent a jeopardy which would affect all countries.

Under the Convention's framework negotiations are ensuing to create an international incentive system for developing countries to reduce emissions from deforestation and forest degradation and promote sustainable management of forests. Such a system would be rewarding and reduced deforestation would entail reduced greenhouse gas emission and developed countries would finance this cause in order to reach required reduction in emission¹⁶. The Convention has placed a greater responsibility on developed countries to mitigate rate of emission of greenhouse gases and a checking system has been put in place while developing countries are not subjected to such thorough measures. However, implementation of the Convention also faces challenges like that of traditional people relying on forests and sometimes bearing legal rights to the land, this seems to take a toll on the rate of implementation.

Challenges

International cooperation to conserve the environment and wildlife is fraught by a number of challenges and one of the significant ones is the difference in national interests. For instance, the United States is one of the few countries that are not members of the Convention on Biological Diversity which may reflect a conflict of interests. Enuke strongly argues that proceeding with environmental challenges has been not been easy going because not only does the States produce a notable amount of carbon dioxide gas but its absence affects the willingness of other parties to participate¹⁷.

National will is the other challenge as parties are not forced to enter into treaties; all the Conventions place a greater responsibility on the individual states to be the best protectors of their environments and wildlife which follows that the reluctant countries will not implement conservation measures to the best of their ability. Ultimately the future of the environment and wildlife rests in the palms of each state.

Positive outcomes

¹⁵ C Enuke, Challenges of International Cooperation

¹⁶ A Pfaff, Encyclopedia of Energy, Natural Resource and Economics

¹⁷ C. Enuke, Challenges of International Environmental Cooperation

One of the most crucial positive outcomes of the International Conventions on the protection of the environment and wildlife is that it instigated national regulations against wildlife exploitation¹⁸. Most countries have brought into place their own legal framework which has been a positive step as it makes states more accountable for their actions and the resultant effects on the environment and wildlife.

Conclusion

The destruction of the environment and wildlife escalated over the years due to ignorance, pursuit of economic gain and recklessness. This has yielded devastating effects on the environment which could become more threatened if left unchecked. Fortunately, measures are being taken to combat environmentally unfriendly practices and this has been largely achieved through the implementation of the international Conventions whose aim is to conserve the environment and wildlife. Though the full effectiveness of these is faced by myriad challenges a ray of hope still looms if all nations become more proactive about the protection of their environments and become willing to join hands to foster international cooperation towards creating a more healthier and conducive environment for both humans and animals.

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¹⁸ Ibid

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