

### Controlling the Movement of Invasive Alien Species through Trade

#### International trade and the threat of invasive alien species

International trade is one of the major vectors of invasive alien species (IAS). The pathways of these introductions are road and rail links, air corridors and airports, sea links, ports and container terminals and the numerous other routes used by traders, tourists, and other travellers. Preventing entry of IAS by controlling trade is more efficient than acting after the species has invaded. Eradication, control and other management of these invasions is extremely expensive, time-consuming and difficult and, in some cases, ecosystems and their dependent values and functions can take decades or even centuries to recover – if at all. This is a world wide problem, which increases daily and which can not only hold back sustainable development, but also impoverish people and nations.

The challenge of controlling trade to avoid the introduction of invasive species has risen steadily on the international agenda, and has been recently highlighted at the ninth meeting of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) of the Convention on Biological Diversity (CBD), which recognised the need to strengthen institutional coordination at international, regional, and national levels on IAS “as a trade-related issue”. However, it is a challenge that is also covered by a host of other global and regional international instruments as outlined in the box on the following page.

#### Trade-related measures to control IAS

Taking effective action requires distinguishing between **intentional** and **unintentional** introductions. With intentional introductions of alien species both the exporter and the importer are aware of the movement. However, there are two key challenges. One is whether the importer has sufficient policy and institutional capacity to make the best-informed decisions for its

environment, including an assessment of the risk of invasiveness of the alien species. The second aspect is whether the importing country has the capacity to deal with an alien species that has already been introduced and has become, or is at risk of becoming, invasive.

Many of the serious invasions by alien weeds and other pests (micro-organisms, insects, crustaceans, fish, reptiles, etc.) have come about when the introduced creatures have spread and become established in habitats other than intended – resulting in the demise of local species, ecosystems and human developments.

#### *The threat of invasive alien species to biodiversity and human development*

*Global Invasive Species Program: “Invasive alien species (IAS) are non-native organisms that cause, or have the potential to cause, harm to the environment, economies, or human health. Invasive alien species (IAS) are one of the most significant drivers of environmental change worldwide. They contribute to social instability and economic hardship, placing constraints on sustainable development, economic growth, and environmental conservation. The direct costs of IAS to a single country can be in the billions of dollars annually. However, the costs to society greatly exceed those that can be measured in currency. They can also include unemployment, impacts on infrastructure, food and water shortages, environmental degradation, loss of biodiversity, increased rates and severity of natural disasters, illness, and lost lives.”*

*The Plan of Implementation of the World Summit on Sustainable Development calls for countries to “Strengthen national, regional and international efforts to control invasive alien species, which are one of the main causes of biodiversity loss, and encourage the development of effective work programme on invasive alien species at all levels” (Paragraph 42(i)).*

Unintentional introductions are much harder to detect, monitor, manage, or even understand, in that they occur when species “hitchhike” along the pathways of trade, e.g. on the estimated more than six million freight containers moving around the world at any one time. Many of these containers are loaded in conditions that enable the entry of potential alien invaders (especially insects, small vertebrates, plants, and their seeds). They are rarely examined for such *hitchhikers* and, indeed, often are not subject to any form of examination for alien species (e.g. quarantine) at the port of arrival or at the site of unloading. Freight containers can be found all around the world – not only in centres of trade but at remote locations where they may end up – far from traditional trade routes or pathways. Other examples of unintentional introductions are: as pathogens of other organisms, as seeds in animals’ intestines, inside soil used in the transporting of horticultural plants, as contaminants in seed stock, food aid, etc.

Several trade-related measures can be taken to prevent the introduction of invasive alien species, both for intentional and unintentional introductions. The aim should be:

- Intentional introductions of alien species should only take place with authorization from the relevant agency or authority. Decisions on whether such authorization can be given should be based on a prior assessment of the risk of invasiveness of the alien species.
- Unintentional introductions of any alien species should be minimized.

## Key international developments and discussions

The most important international discussions have taken place under the CBD framework. The Guiding Principles for the Prevention, Introduction and Mitigation of Impacts of Alien Species that Threaten Ecosystems, Habitats for Species, was considered by the 6th meeting of the Conference of the Parties of the Convention on Biological Diversity (CBD).

Although there are procedural problems related to the adoption of this decision, it nonetheless remains the most important general policy statement on protecting biodiversity from invasive alien species. As regards trade, these Principles call for the following:

### **Key international instruments relating to IAS**

*Several international instruments contain measures relating to IAS and trade:*

- ◆ *Convention on Biological Diversity*
- ◆ *International Plant Protection Convention*
- ◆ *WTO Agreement on Sanitary and Phytosanitary Measures*
- ◆ *Code of Conduct for the Import and Release of Exotic Biological Control Agents*
- ◆ *International Council for the Exploration of the Sea Code of Practice on the Introductions and Transfers of Marine Organisms*
- ◆ *The International Maritime Organization Guidelines for the Control and Management of Ships’ Ballast Water to Minimize the Transfer of Harmful Organisms and Pathogens (which is due to evolve into an international convention)*
- ◆ *The Action Plan of the Agreement on the Conservation of Africa Eurasian Waterbirds, under the Convention on Migratory Species, which contains provisions on the introduction of non-native waterbird species*

- States establish border controls so that intentional introductions of alien species are subject to appropriate authorization and unintentional or unauthorized introductions of alien species are minimized. These measures should be based on risk analysis (Principle 7).
- Intentional introductions should be based on prior informed consent and authorization procedures that include risk assessments. These decisions should be based on the precautionary approach (Principle 10).
- States should identify common pathways leading to unintentional introductions and take appropriate provisions to minimize such introductions (Principle 11).

## ***Interface with the WTO***

*It is not yet certain the extent to which trade measures to control IAS are compatible with the WTO Agreement on Sanitary and Phytosanitary Measures (SPS). The SPS Agreement contains rules on the measures that countries can take to control imports in order to protect human, animal or plant life, or health against risks arising from, inter alia, the entry or spread of pests and diseases.*

*The SPS Agreement favours international standards, by requiring Members to base S&PS measures on “international standards, guidelines or recommendations, where they exist, except as otherwise provided in this Agreement.” Measures conforming to international standards are presumed to be consistent with the Agreement and GATT 1994. Specific references are made to sources of standards, including the International Office of Epizootics (OIE), for the standards on animal life and health, and the International Plant Protection Convention, for the standards on plant life and health, but international standards may also be set in other international agreements or processes. Unfortunately, the CBD COP 6 rejected the recommendation of SBSTTA that the CBD establish international standards on IAS that could be recognised under the SPS Agreement.*

*Where there are no international standards, trade measures to prevent IAS may still be permitted, but it is unclear whether a precautionary approach to risk assessment, e.g. for unintentional introductions, will conform to the risk assessment requirements of the SPS Agreement. This issue is more than an academic one, since WTO jurisprudence has shown it will subject national risk assessment procedures to strict scrutiny (e.g. Meat Hormone and Australian Salmon cases).*

In addition, a number of practical trade measures have been agreed on to combat IAS, particularly in the context of the International Plant Protection Convention (IPPC). The Guidelines for Regulating Wood Packaging Material in International Trade sets out treatment and process measures for coniferous and non-coniferous raw wood packaging material, in order to prevent such packaging from serving as a pathway for plant pests. Wood packaging material

subject to these approved measures are to display a specific mark, to attest to its phytosanitary status. Wood packaging that does not contain this mark may be treated, disposed, or refused entry by the importer. In addition, IPPC’s revision on ISPM 11 clarified the coverage for environmental impacts (biodiversity) to be included in Pest Risk Analysis for Quarantine Pests. However, it must be kept in mind that ISPM 11 Rev1 has created challenges that are not necessarily able to be met yet by the national implementing agencies (availability of information on native biodiversity impacts, dealing with high level of ecological complexity, e.g. “invasional meltdown”, etc.) and that IPPC can only deal with a subset of IAS (*sensu CBD*), namely those species that are also plant pests under the IPPC definition.

In November 2003, the CBD SBSTTA adopted Recommendation IX/15 on IAS, which contained several trade-related provisions. The World Trade Organization (WTO) is invited to consider risks from IAS in its deliberations, the CBD secretariat is to collaborate with the WTO in training and information activities to raise awareness of IAS and promote cooperation, and the CBD should renew its application for observer status in the WTO Committee on Sanitary and Phytosanitary Measures. Furthermore, Parties and governments should include risk from IAS in the development, expansion and environmental reviews of bilateral and regional trade arrangements, and adequate financial resources and capacity for border control should be allocated with a view to improving synergies between trade facilitation, food security, human health, and environmental protection. It also notes that among the gaps in the international regulatory framework relating to IAS are unintentional introductions, including through import consignments.

## **Future action**

The linkages between IAS and international trade are manifest, but the legal and policy framework has not yet evolved sufficiently to address this important topic. Within the CBD, Parties will have an opportunity to move forward on the trade-related aspects of controlling IAS. Nevertheless, other international bodies, such as the IPPC, and private industry, should continue to tackle IAS issues in their specific contexts. In particular, the following objectives should be striven for:

- increased multilateral consensus on trade measures for IAS so that the international regulatory

## ***IUCN's response***

*In 2000, the IUCN Council approved the IUCN Guidelines for the Prevention of Biodiversity Loss Caused by Alien Invasive Species. The Second World Conservation Congress welcomed their approval and urged their promotion (Resolution 2.67). These Guidelines contain, inter alia, trade-related provisions relating to the control of intentional introductions and prevention of unintentional ones. Intentional introductions are to be approved by relevant authorities after a comprehensive evaluation of the impacts on biodiversity and only if the benefits to the environment outweigh the negative impacts. In addition, importers should bear the burden of proof of ensuring that the introduction will not be harmful to biodiversity. The Guidelines also call for measures to be taken to manage the pathways of unintentional introductions, including international trade.*

*Several components of IUCN continue to work on the trade-related aspects of IAS, including the IUCN Invasive Species Specialist Group ([www.issg.org](http://www.issg.org)), Environmental Law Commission and the Policy, Biodiversity and International Agreements unit.*

framework will better support countries' legal entitlement to develop biosecurity measures necessary to protect their biodiversity;

- ensuring that interpretation of precaution under the WTO SPS Agreement, i.e. by clarifying that the SPS Agreement allows sufficient policy space for States to undertake such risk assessments in a manner that is appropriate to address the ecological complexity of threats posed by IAS to biodiversity and ecosystem function. This could be done, e.g. by deeming the CBD as the international standards setting body for IAS;
- development of regionally-based risk analysis and trade measures, including, where appropriate, restricting entry into a country where there is no direct risk of damage in that same country but instead a risk of damage elsewhere through secondary spread to another country;
- enhanced national capacity to pursue rigorous, non-discriminatory action to control trade-related introduction of IAS;
- enhanced interaction between CBD and WTO on these issues, e.g. by granting the CBD observer status in WTO SPS Committee;
- enhanced cooperation between CBD, IPPC and other relevant entities.

### **IUCN – The World Conservation Union**

Founded in 1948, The World Conservation Union brings together States, government agencies and a diverse range of non-governmental organizations in a unique world partnership: over 1000 members in all, spread across some 140 countries. As a Union, IUCN seeks to influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable. The World Conservation Union builds on the strengths of its members, networks and partners to enhance their capacity and to support global alliances to safeguard natural resources at local, regional and global levels.

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### **Policy, Biodiversity and International Agreements unit**

The Policy, Biodiversity and International Agreements unit (PBIA) is charged with enhancing the coherence and effectiveness of IUCN's conservation policy work, including taking the lead on IUCN's policy work on cross-cutting agreements and process, especially the Convention on Biological Diversity, the UN Framework Convention on Climate Change and the multilateral trade system.

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