

International Conventions, National Policy and Legislative Responsibility for Alien Invasive Species in the Pacific Islands

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Abstract—National Quarantine Services have legal control of the introduction of animals, plants, pests and diseases in the Pacific. The Secretariat of the Pacific Community's Plant Protection and Animal Health Services coordinate governments in the implementation of global obligations of the International Plant Protection Convention (IPPC) and the Organisation International Epizooties (OIE), principally to protect subsistence agricultural production. The Convention on Biological Diversity (CBD) has resulted in the establishment of government agencies for the monitoring and surveillance of the environment, as distinct from agriculture. There is potential for conflicts and duplication when agencies operate under linked but different Conventions. Many Pacific Island countries (PICs) can ill afford duplication of services to regulate transborder movements that pose a risk to agriculture, environment and human health. Environment agencies have primary interest in the local environment and compliance monitoring, whereas quarantine authorities interests are in international trade, cooperation and emergency response. Rationalization of common and duplicated provisions under IPPC and CBD is a subject of current discussions between the Convention secretariats.

The purpose of this paper is to examine the current international operational and legislative climate with regard to the problem of the movement of organisms into new areas and the impact that they might have, to outline current procedures for estimating this risk and to determine how this risk should be addressed by countries, particularly those in the Pacific.

Invasive plants and animals in the Pacific have caused considerable damage to agriculture and the environment, and there are many examples that could be cited such as Giant African snail, the mongoose and the brown tree snake. Some have been introduced purposely, and have become pests after establishment in new areas; others, like many of the fruit flies, have spread as a result of commodity trade. The isolation and confinement of islands has often heightened the impact of the new invasive organisms, but the isolation has the advantage that border control measures can be effective in controlling entry and establishment.

The issues to explore are what organisms present a risk to country's biodiversity, how do governments assess the risk, how should they deal with the identified risk and how are technical assessments translated into policy and who implements the measures that are recommended? In deciding what organisms present a risk we need to be able to determine and delineate the problem because there are two approaches that are currently being considered by governments from differing perspectives.

On the one hand, agricultural quarantine services are operational in all Pacific Island Countries (PICs) and under the global activities coordinated by the International Plant Protection Convention (IPPC) have for many years implemented measures against organisms (pests) that primarily affect agricultural crops. With the recent revision of the IPPC text to align it with the World Trade Organization Sanitary and Phytosanitary Agreement (WTO/SPS)(WTO, 1994) the role has been clearly expanded to include the protection of the environment. Within Pacific Island Countries the system of subsistence agriculture has already meant that for quarantine services the protection of agriculture has already incorporated consideration of environmental effects of introductions. The implementation of measures to prevent the introduction of weeds into the Pacific is a reflection of this broad-brush approach.

On the other hand, government environment agencies are implementing the Convention on Biological Diversity (CBD) that requires countries to make assessments of the likely impact of a range of activities, including introductions of organisms, on ecosystems, habitats or species. Nevertheless, at present the legislative frameworks of PICs suggest that most environmental agencies are more concerned with the impact of local activities rather than external forces.

Quarantine services that are implementing the requirements of the WTO/SPS Agreement are now more involved in the facilitation of trade with the aim of harmonizing import requirements. The standardization of sanitary and phytosanitary measures is underway because of the need to technically justify restrictions so that they do not result in the arbitrary implementation of non-tariff trade barriers. The CBD for its part requires that countries make assessments of domestic and external impacts on the environment that also includes aquatic zones that are not often covered by quarantine services. The CBD also requests that exporting countries take account of the likely impact of an introduction into another country, and to adopt a precautionary approach in the absence of full technical information. From an IPPC perspective these issues are not considered in the same manner. Therefore, a common understanding has to be reached between on the one hand the agencies charged with the facilitation of trade, without compromising and endangering animal, plant and human health and on the other the agencies assessing risks to the environment and the implementation of appropriate control measures.

In the Pacific Region the governments of New Zealand and Australia have recognized the similarities in the mainstream activities under the two conventions and have restructured their animal, plant and human quarantine agencies into

Biosecurity services. Nevertheless, they still maintain separate internal environmental agencies.

At an international level the crossover of responsibilities is being addressed by the Secretariats of the IPPC and the CBD through the holding of consultative meetings. The task of harmonizing concepts and definitions is the priority activity for the time being, with the following issues to be considered –

- Duplication of work

- Non-compatible or competing results from different evaluation processes and criteria.

- Avoidance of overlapping on implementation of measures.

- eg. technical justification in the IPPC

- Precautionary approach of the CBD

- Exporting state obligations

- Economic impact.

This cooperation between the IPPC and the CBD hopefully has the outcome of a common understanding of the risks to the environment and the standardization of procedures, particularly how the differing agencies will assess the risk of the importation of pests/invasive species.

The national governments have to put in place a system for the assessment of the risk of organism entry and introduction for a number of pathways for many different types of organisms and to have in place operational measures to address the identified risk.

In terms of the development of standards within the international framework of the SPS agreement the IPPC, OIE and the Codex Alimentarius (Codex) are already advanced in terms of making risk estimates for plant, animal and human health purposes, the CBD is less advanced in terms of environmental risk. However, in the Pacific most governments have yet to fully become conversant with the requirements of the WTO/SPS Agreement and it will be some time before they are able to comply with the requirements. Although few countries in the region are members of the WTO or the IPPC, OIE and Codex the initiatives by Regional trade organisations such as the Forum Secretariat for the formation of free trade areas for the Pacific and the harmonization efforts of the PPPO are creating a climate for the development and the adoption of international and regional standards. The PPPO meeting on Pest Risk Analysis in 1999 developed a regional standard for the Pacific that is being adopted by the 22 PIC national governments that are PPPO members. Training in Import Risk Analysis (IRA/PRA) was seen as a high priority for the work program of the PPPO meeting in 2001 and the SPC has undertaken an extensive national program of training during the triennium. In some countries the task of conducting PRA is beyond their national technical capability and the activity can only be completed with external assistance.

The outcome of undertaking risk analyses for plant pests is the discovery of further national government constraints on their capability for implementing an effective biosecurity system. Governments are finding that their legislation is out-

of-date and is not capable of considering the process of risk analysis, the acceptance of pest risk, providing a format for the alteration of import conditions as conditions change, and the incorporation of the outcome of the analysis into an operational directive to be used at the workplace. Many countries do not have Operational manuals and their legislation has not been revised since they became independent nations.

Where the risk of importation of an organism creates also a threat to the environment, the countries are even less prepared. Although legislation for the control of environmental impact of activities is more recent than that for quarantine, the emphasis is on the control of the impact of local activities and processes and not with the likely effect of exotic incursions. Therefore, government agencies with environmental responsibility need to develop legislative mechanisms for consultation with the agencies with experience of imported threats. As a current model, compliance with CITES requirements for exports is administered by the environmental agency, that issues certificates, but it is the quarantine agency at the point of exit that ensures that goods are exported with compliant documentation and also monitors and controls imports of restricted items. Systems need to be developed for the joint approval and issuing of importation permits on behalf of all the concerned agencies.

In terms of the border surveillance of the pathways the quarantine authority has the experience of this type of operation, and it is also unlikely that current government policies will support any need for the duplication of activities by the sanctioning of a new border environment presence. Indeed the movement is towards the multiskilling of border activities with the formation of agricultural quarantine agencies that undertake plant, animal and human quarantine functions, and in some cases the formation of single border control agencies to perform immigration and customs functions.

It is therefore imperative that government agencies with the responsibility for the control of the impact of pests/invasive species, no matter how little this interest, are able to develop a consultative mechanism to determine the outcome of import proposals and to have in place approval and border control systems that implement the import conditions. Such systems also need to have access to technical expertise because in many PICs the critical mass of technical specialists, such as entomologists, plant pathologists and weed scientists are not available at the national level and advise must be sourced from overseas. The SPC Plant Protection Program is able to supply some of this expertise and is able to identify experts from metropolitan countries when required.

In terms of developing national capability to address the issues of invasive species as plant and animal pests and diseases, and by inference the environment, the SPC Plant Protection Service under the auspices of the Pacific Plant Protection Organisation (PPPO) is undertaking other regional initiatives aimed at increasing the understanding of the risk pathways and the implementation of legislative and operational capabilities that are appropriate for the PICs (Ikin et al. 2001). These activities include:

The development of a regional standard for pest risk analysis based on the global standard (FAO 1996) that recognizes that the management options available to PICs is limited and requires that most treatment be undertaken offshore prior to import.

The development of a harmonized guideline for the drafting of legislation to update current laws that will deal with biosecurity risks (Animal, plant, human and environmental risks) and the need to manage this risk through the action of the appropriate government authority.

The development of emergency response by a Generic Incursion Management Plan (GIMP) as a mechanism of responding to incursions within the technical resource capability of the PICs.

The active surveillance of specific countries for the incursion of identified pests such as fruit flies, Rhinoceros beetle and brown tree snake.

Detection surveys of crops and economic plants of the region for pests and diseases so that risk assessments can be undertaken with confidence.

In terms of the duplication of the role of T-STAR in the Pacific Region that has been proposed for the Caribbean, there are a number of factors that may make this an unsuitable strategy. In the first place the U.S. former territories still provide the main transport pathways into mainland U.S., but they are not the countries trading in agricultural products either at present nor in the foreseeable future. Secondly the countries that do send produce to the U.S., such as Fiji, Tonga and Samoa are not countries that have American-affiliated research organisations in their countries.

The key areas that require inputs so that awareness and action toward the incursion of invasive species as pests and diseases and as other organisms are –

The revision, expansion and update of legislative controls.

The development of cooperative risk assessment and management processes between the responsible agencies.

The strengthening of technical risk assessment capability at national level or the development of regional support networks.

The development of information networks on pests, diseases and weeds together with other invasive organisms that will assist in the execution of national policies.

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