

Appendix 1. Descriptions of international agreements relevant to the protection and management of sites for nature conservation in Europe.

Biodiversity Convention: Convention on Biological Diversity (CBD)

The Convention on Biological Diversity has three objectives:

- the conservation of biological diversity,
- the sustainable use of its components, and
- the fair and equitable sharing of the benefits arising out of the use of genetic resources.

Covering almost every aspect of conservation and sustainable use, the CBD has become an important framework for conservation-related activities on the regional and national level.

For the conservation of biodiversity the primary approach is *in situ* conservation. Parties have to identify components of biodiversity important for its conservation and sustainable use (Article 7), *inter alia* ecosystems and habitats with large numbers of threatened species or required by migratory species (Annex I). Clearly, national lists of IBAs should become part of these inventories which should be included in national biodiversity strategies and action plans required from the parties by Article 6.

Article 8 outlines a framework for the *in situ* conservation activities by the parties. They are asked to establish a system of protected areas or areas where special measures need to be taken to conserve biodiversity (Article 8a). Thus, in cases where strong protection might not be appropriate they should find alternative ways to ensure the ecological integrity of the sites in question. This should be done in a rational way, using guidelines which need to be developed (Article 8b). As the lists of IBAs have been compiled following strict criteria on a scientific basis, harmonized with existing criteria under the EC Birds Directive and Ramsar Convention, they can serve well as part of a national system of protected and other areas with a focus on conservation.

Effective conservation of biological diversity needs plans and management strategies (Article 8c, f) for the rehabilitation and restoration of degraded ecosystems and the recovery of threatened species. IBAs in most cases need to be managed to enhance their ability to support important bird populations in the long-term. To mitigate negative effects on IBAs these strategies also need to take into account the adjacent areas and to promote their environmentally sound and sustainable development (Article 8e). The CBD also asks for the prevention of introduction and the control and eradication of alien species which threaten ecosystems, habitats and species (Article 8h) and urges parties to set up an effective system of environmental impact assessment. Impact assessment more generally is called for in Article 14.

Overall, the CBD clearly sets a framework for ensuring that IBAs obtain sufficient attention to ensure their long-term ecological integrity. The national biodiversity strategies and action plans which have recently been developed in almost all European countries should reflect the role of IBAs as scientifically-based elements of the national implementation of the provisions of the convention.

Pan-European Biological and Landscape Diversity Strategy

In October 1995, European environmental ministers endorsed the Pan-European Strategy for Biological and Landscape Diversity (PEBLDS), a framework for strengthening and building on existing initiatives and programmes, drawn up as a pan-European response to the Convention on Biological Diversity.

The Strategy is designed to strengthen and build on existing initiatives and programmes including the Convention on Biological Diversity, the Bern Convention, the Bonn Convention, the European Conservation Strategy (1990), the Dobris and Lucerne Ministerial Conferences (1991, 1993) and *inter alia* the United Nations Conference on Environment and Development (1992).

The Pan-European Strategy is defined for a 20 year period, and divided into four five-year Action Plans. Eleven Action Themes run

through each Action Plan, of which one is to establish a Pan-European Ecological Network of protected areas (Council of Europe *et al.* 1996).

European Community Biodiversity Strategy

The European Community ratified the Convention on Biological Diversity in 1993 and in 1998, the European Commission adopted a communication on a European Community Biodiversity Strategy. The aims of this strategy are to anticipate, prevent and attack at source the causes of significant reductions in and losses of biodiversity.

The strategy defines general objectives in the four horizontal policy areas set out in the convention:

- Conservation and sustainable use of biodiversity
- Sharing benefits arising out of the use of genetic resources
- Research, identification, monitoring and exchange of information
- Education, awareness and training.

The strategy then focuses on the integration of biodiversity concerns into relevant sectoral policies, setting out sectoral policy objectives, which should be achieved through specific action plans or other measures for the following policy areas: conservation of natural resources, agriculture, fisheries, regional policies and spatial planning, forests, energy and transport, tourism and development and economic cooperation.

These objectives reflect a recognition that there is a major gap in existing Community conservation policies concerning the impact of relevant sectoral policy measures on biodiversity, both inside and outside of protected areas.

Ramsar Convention: Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar, 1971)

The Ramsar Convention is an inter-governmental treaty which provides the framework for international cooperation for the conservation and wise use of wetlands.

The main undertakings accepted by the contracting parties to the Ramsar Convention are to:

- designate suitable wetlands within (their) territory for inclusion in a List of Wetlands of International Importance (the Ramsar List) (Article 2.1)
- formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible, the wise use of wetlands in their territory (Article 3.1)
- promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands whether they are included in the List or not, and provide adequately for their wardening (Article 4.1).

Each contracting party must designate at least one site for inclusion in the List at the time it joins the Convention (Article 2.4). Specific criteria have been drawn up under the Convention to aid the identification of sites of international importance. One of the objectives of the IBA inventory is to facilitate the designation of wetlands of international importance under the Ramsar Convention. The criteria used to identify IBAs are consistent with the Ramsar criteria for waterbirds (see Box 4, 'Identifying IBAs' chapter). Therefore wetland IBAs meeting these criteria should be considered for addition to the Ramsar List.

Also of relevance is the Montreux Record, a register of selected wetlands on the Ramsar List where changes in ecological character have occurred, are occurring or are likely to occur as a result of technological developments, pollution or other human interference. This is a very important tool because it identifies specific sites for international conservation attention. Other site-conservation tools have been developed under the convention such as guidelines on management planning and on monitoring.

Appendix 1 ... continued. Descriptions of international agreements relevant to the protection and management of sites for nature conservation in Europe.

Bonn Convention: Convention on the conservation of migratory species of wild animals (CMS)

The fundamental objective of the Bonn Convention is to protect migratory species (not only birds but also migratory mammals, fish and invertebrates) in recognition of the fact that protection is needed throughout every part of their migratory ranges, and that this requires international cooperation and action. If a party to the Convention is a Range State of a migratory species listed in Appendix I or Appendix II, it accepts an obligation to provide strict protection for species in Appendix I and to endeavour to conclude Agreements with other Range States for the conservation and management of species in Appendix II. Appendix I species are in danger of extinction throughout all, or a major part, of their range, and Appendix II species are those which would benefit from international cooperation in their conservation and management.

For Appendix I species, Parties that are Range States are obliged to endeavour, amongst other things, to:

- conserve and, where feasible and appropriate, restore those habitats of the species which are of importance in removing the species from danger of extinction (Article III 4a); and
- with regard to the Agreements which Parties are encouraged to conclude for Appendix II species, each Agreement should, where appropriate and feasible, provide for the maintenance of a network of suitable habitats appropriately disposed in relation to the migration routes.

Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)

AEWA is an Agreement under the Bonn Convention, which can be signed and ratified by a Range State, irrespective of whether the state has signed or ratified the Bonn Convention. AEWA aims to create the legal basis for a concerted conservation policy among the range states of all migratory waterbird species and populations which migrate in the African-Eurasian flyway, irrespective of their current conservation status. The Agreement provides a framework for conservation action, monitoring, research and management of several globally important bird-migration systems. As such, it has close links to the IBA Programme and the Ramsar Convention.

World Heritage Convention: Convention concerning the Protection of the World Cultural and Natural Heritage

The aim of the World Heritage Convention is the protection of natural and cultural areas of outstanding universal value. Such sites and monuments are considered to be of such exceptional value that their protection is the responsibility of all mankind, and thus international cooperation in order to contribute effectively to this protection is sought. Each site nominated by the Parties for inclusion in the World Heritage List is assessed by a World Heritage Committee, which in the case of natural sites, is advised by experts from IUCN.

The Convention imposes a legal duty on each party to do its utmost to protect designated sites. Each party is required to contribute to the World Heritage Fund which may be used to secure the protection of World Heritage Sites. A mechanism is provided for the transfer of resources from rich to poor countries for the safeguard of mankind's common heritage.

UNESCO's Man and the Biosphere Programme

One of the aims of the Man and the Biosphere Programme of UNESCO (United Nations Educational, Scientific and Cultural Organization) is to develop within the natural and social services a basis for the rational use and conservation of the resources of the biosphere.

MAB Project 8 (one of 14 international themes or projects in the Programme) is 'the conservation of natural areas and the genetic material they contain'. The objective is to create a worldwide network of reserves (Biosphere Reserves), with each reserve qualifying under one or more of the following categories:

- representative examples of natural biomes;
- unique communities or areas with unusual natural features of exceptional interest such as a population of a globally rare species;
- examples of harmonious landscapes resulting from traditional patterns of land-use;
- examples of modified or degraded ecosystems capable of being restored to more natural conditions.

Each Biosphere Reserve needs to be large enough to comprise an effective conservation unit and must have adequate long-term protection.

Bern Convention: Convention on the Conservation of European Wildlife and Natural Habitats

Contracting parties to the Bern Convention are required to maintain populations of wild flora and fauna and give particular emphasis to endangered and vulnerable species, including endangered and vulnerable migratory species. Specifically, each Contracting party undertakes to:

- take appropriate and necessary legislative and administrative measures to ensure the conservation of the habitats of the wild flora and fauna species especially those specified in Appendices I and II, and the conservation of endangered natural habitats (Article 4.1)
- give special attention to the protection of areas that are of importance for the migratory species specified in Appendix II and III and which are appropriately situated in relation to migration routes, as wintering, staging, feeding, breeding or moulting areas (Article 4.3)
- prohibit the deliberate damage to or destruction of breeding or resting sites of Appendix II species (Article 6.b).

Article 6.b is very specific and strict; however, the explanatory report of the Convention states that it should apply only to important breeding and resting sites. Implementation of Article 6.b necessitates the identification of important breeding and resting sites for species on Appendix II (Lyster 1985). Parties may make exceptions to their obligations under Articles 4 and 6, but only in very limited circumstances (such as interests of public health and safety) and use of the exception must never be detrimental to the survival of the population concerned (Article 9).

Appendix I is a list of plants. Appendix II is a long list of strictly protected faunal species which includes a high proportion of the European avifauna, with Appendix III covering almost all the bird species not included in Appendix II, with the exception of 11 species.

The Emerald Network

The Emerald network is an initiative, under the Bern Convention, to extend the Natura 2000 network of protected areas (see 'Habitats Directive', below) beyond the EU to cover member countries of the Council of Europe.

In June 1989 the Standing Committee of the Bern Convention held an extraordinary meeting exclusively devoted to habitat conservation within the Convention. One of the operative recommendations adopted at the meeting was Recommendation No. 16 (1989) 'on Areas of Special Conservation Interest' (ASCIs) within which the Standing Committee recommended Parties to take steps to designate Areas of Special Conservation Interest to ensure that necessary and appropriate conservation measures are taken for each area situated within their territory or under their responsibility where that area fits one or several of the following conditions:

- a. It contributes substantially to the survival of threatened species, endemic species, or any species listed in Appendices I and II of the Convention;
- b. It supports significant numbers of species in an area of high species diversity or supports important populations of one or more species;
- c. It contains an important and/or representative sample of endangered habitat types;
- d. It contains an outstanding example of a particular habitat-type or a mosaic of different habitat-types;

Appendix 1 ... continued. Descriptions of international agreements relevant to the protection and management of sites for nature conservation in Europe.

- e. It represents an important area for one or more migratory species;
- f. It otherwise contributes substantially to the achievement of the objectives of the Convention.

In 1996 Resolution No. 3 was adopted which resolved to 'set up a network (Emerald) which would include the Areas of Special Conservation Interest designated following its Recommendation No. 16'.

Member States of the European Union will satisfy the habitat protection requirements of the Bern Convention mostly through the designation of sites to the Natura 2000 network (see below). The Special Areas for Conservation and Special Protection Areas for birds in Natura 2000 automatically become Areas of Special Conservation Interest of the Emerald Network.

Most of the work to be done in building the Emerald Network will be concentrated in states which are not members of the European Union. In this way it is aimed to extend an homogenous network of areas over a wide area including the whole of Europe.

EC Birds Directive: Council Directive on the conservation of wild birds (79/409/EEC)

The Birds Directive, adopted in 1979, concerns the conservation and protection of all wild bird species in the European territory of the Member States of the European Union (currently 15 Member States, excluding Greenland). All Member States are committed to providing a sufficient variety of habitats and to preserve, maintain or restore an adequate proportion of these for all wild bird species in their territory. Special conservation measures shall be taken for the habitats of two categories of birds: species and subspecies listed in Annex I of the Directive and other migratory species not included in this Annex (Article 4.1–4.2). This requirement refers in particular to the classification of Special Protection Areas which are considered the 'most suitable' sites for the conservation of the species concerned. Each Member State has to designate such areas for all Annex I species and subspecies (currently 181 taxa in total, see Appendix 2b) occurring on its territory (Article 4.1). This concerns all species for which regularly occupied habitats can be identified so that the objective 'to ensure their survival and reproduction in their area of distribution' can be fulfilled. The number and the area of habitats to be designated as Special Protection Areas should be determined on the basis of the protection requirements and the conservation status of the species involved. Hence for an endangered, localized species a larger proportion of its habitats should be designated, than for a widespread, less threatened species.

With respect to regularly occurring migratory species not listed in Annex I, 'similar measures' have to be taken including the designation of Special Protection Areas as regards their breeding, moulting and wintering areas and staging posts along their migration routes (Article 4.2). Special attention shall be paid to the protection of wetlands and particularly to wetlands of international importance. The latter is considered a reference to the Ramsar Convention. In this IBA inventory the category of 'other migratory species' has been largely confined to waterbirds, seabirds and birds of prey during migration (criteria categories C3–C5) because it was considered appropriate to stay as close as possible to the criteria applied in the previous pan-European IBA inventory in 1989 (Grimmett and Jones 1989). However, other migratory species could be covered as well depending on their 'need of protection' within the territory of the Member States of the European Union.

The network of Special Protection Areas should form a coherent whole, which, together with the sites designated under the Habitats Directive

(92/43/EEC), will form the ecological network Natura 2000 which is required to be completed in 2004. The protection regime applicable to Special Protection Areas, originally laid down in Article 4.4, has now been replaced by Article 6.2–6.4 of the Habitats Directive.

EC Habitats Directive: Council Directive on the conservation of natural habitats of wild fauna and flora (92/43/EEC)

The Habitats Directive aims, among other things, to create a coherent ecological network (Natura 2000) of Special Areas for Conservation (SACs), setting a minimum standard for biodiversity conservation in the EU. This network should be designed to maintain the distribution and abundance of threatened species and habitats, both terrestrial and marine. This network will contain all Special Protection Areas designated under the Birds Directive. Regarding habitats, each Member State is under an obligation to contribute to Natura 2000 in proportion to the representation within its territory of the natural habitat-types listed in Annex I and habitats of the species referred to in Annex II (animals other than birds). Member States are required to draw up lists of Sites of Community Interest (SCIs) following these criteria and from these the European Commission will establish a list of sites of Community importance. Each Member State shall then be required (by 2004) to designate the listed sites of Community importance as Special Areas for Conservation (SACs).

Member States are required to take necessary and appropriate conservation measures for SACs (Article 6). Necessary conservation measures include, if appropriate, management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures. These measures should correspond to the ecological requirements of the natural habitat-types in Annex I and the species in Annex II present on the sites (note that this requirement does not apply to sites designated under the Birds Directive only). Member states are required to avoid significant disturbance and habitat deterioration in SACs with respect to the habitats (Annex I), habitats of the species, and the species (Annex II) for which the areas have been designated. They are also required to assess the implications for the SAC of any plan or project likely to have a significant effect thereon, and to ensure that the competent national authorities agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site and, if appropriate, after having obtained the opinion of the general public. Also they should take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected, if a plan or project must be carried out at or near a SAC for imperative reasons of overriding public interest, including those of a social or economic nature. Where the site concerned hosts a priority natural habitat-type and/or a priority species, the only reasons which may be considered are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.

LIFE-Nature

LIFE-Nature is an EU funding line (Regulation 1973/92/EEC, as modified by Regulation (EC) 1404/96 of 15 July 1996, under review to cover the period 2000–2003) which supports EU environmental legislation, including the Birds and Habitats Directives, and has supported work at many IBAs across Europe, within and outside the EU.



Appendix 1 ... continued. Descriptions of international agreements relevant to the protection and management of sites for nature conservation in Europe.

Barcelona Convention: Convention for the Protection of the Mediterranean Sea against Pollution

The objectives of the Barcelona Convention are to counteract the introduction of certain pollutants into the Mediterranean Sea area (including internal waters); and to conserve natural species and habitats. The 20 states adjoining the Mediterranean Sea, and the European Union, are contracting parties.

There is a Protocol to the Barcelona Convention concerning Mediterranean Specially Protected Areas. This specifies the action that Mediterranean States are bound to undertake to identify, establish and manage marine and coastal areas requiring special protection in the Mediterranean Sea Area.

Helsinki Convention: 1992 Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area

The Helsinki Convention aims to counteract the introduction of certain pollutants into the Baltic Sea area (including internal waters), and to conserve natural species and habitats. The Convention brings the Baltic Sea (Czech Republic, Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Norway, Poland, Russia, Slovakia, Sweden and Ukraine) together with the European Union under the Helsinki Commission (HELCOM).

HELCOM has recommended the establishment of a network of 65 Baltic Sea Protected Areas (BSPAs). Included within this are provisions for the identification of areas important for concentrations of feeding, wintering and staging seabirds (Hägerhäll and Skov 1998).

Parks for Life

Parks for Life is an initiative of the IUCN World Commission for Protected Areas, in association with the Federation of Nature and National Parks of Europe (FNNPE), World Wide Fund for Nature (WWF), World Conservation Monitoring Centre (WCMC) and BirdLife International (IUCN–CNPPA 1994). It sets out a vision for Europe's protected areas in terms of policies, recommendations and actions.

The main themes of the plan include the positioning of protected areas in a wider context, addressing priorities at all levels, and better planning and management for protected areas. There are chapters addressing the main impact of sectoral policies on protected areas, actions concerning some priority sub-regions and countries, and overviewing the legal framework and financial opportunities for better protection. The plan deals with securing public support for protected areas, and outlines the implementation process.

There are 30 priority projects listed in the plan, which need urgent attention. In 1995, a coordinator was appointed to oversee the implementation of these projects. The idea is that a wide range of organizations take up a leading or active participatory role in the projects, so as to ensure effective cooperation and broad support for these activities.

Program for the Conservation of Arctic Flora and Fauna

The Program for the Conservation of Arctic Flora and Fauna (CAFF) was established to address the special needs of Arctic species and their habitats in the rapidly developing Arctic region. It forms one of four programmes of The Arctic Environmental Protection Strategy (AEPS) which was adopted by the Arctic nations in 1991. The other programmes of the AEPS include the Arctic Monitoring and Assessment Program (AMAP) and the programmes for Emergency Prevention, Preparedness and Response (EPPR) and Protection of the Arctic Marine Environment (PAME).

CAFF's main goals, which are achieved in keeping with the concepts of sustainable development and utilization, are:

- to conserve Arctic flora and fauna, their diversity and their habitats;
- to protect the Arctic ecosystems from threats;
- to improve conservation management, laws, regulations and practices for the Arctic;
- to integrate Arctic interests into global conservation fora.

The majority of CAFF's Work Plan activities are directed at species and habitat conservation and at integrating indigenous peoples and their knowledge into CAFF. Some examples are: work on rare, vulnerable and endangered plants and animals of the Arctic; developing circumpolar conservation strategies for certain species (e.g. Scott 1998); work on Arctic vegetation; analysing and making recommendations on threats to Arctic species and habitat; an indigenous peoples, mapping project and development of an implementation strategy for the Convention on Biological Diversity in the Circumpolar Arctic (e.g. CAFF 1996a,b).

References

- BIRDLIFE INTERNATIONAL (1994) IBA Conservation in the European Union: an introduction to the mechanisms. Brussels, Belgium: 19-22 November Workshop proceedings. Cambridge, UK: BirdLife International (unpublished report).
- CAFF [Conservation of Arctic Flora and Fauna] (1996a) *Proposed protected areas in the Circumpolar Arctic 1996*. Trondheim, Norway: Directorate for Nature Management (CAFF Habitat Conservation Report No. 2).
- CAFF [Conservation of Arctic Flora and Fauna] (1996b) *Circumpolar Protected Areas Network (CPAN)—strategy and action plan*. Trondheim, Norway: Directorate for Nature Management (CAFF Habitat Conservation Report No. 6).
- COUNCIL OF EUROPE/UNEP/EUROPEAN CENTRE FOR NATURE CONSERVATION (1996) *The Pan-European Biological and Landscape Diversity Strategy, a vision for Europe's natural heritage*. Strasbourg, France: Council of Europe.
- EUROPEAN COMMISSION (1998) *Integrating biodiversity: A European Community strategy for action*. Luxembourg: Office for Official Publications of the European Communities.
- HÄGERHÄLL, B. AND SKOV, H. (1998). *Proposal for marine Baltic Sea Protected Areas (BSPAs)*. Copenhagen: Ornis Consult (report to HELCOM Environment Committee).
- HECKER, N. AND TOMÁS VIVES, P., EDS. (1995) *The status of wetland inventories in the Mediterranean region*. Slimbridge, UK: MedWet/International Waterfowl and Wetlands Research Bureau.
- IUCN–CNPPA (1994) *Parks for life: action plan for protected areas in Europe*. Gland, Switzerland: International Union for Nature Conservation and Natural Resources (Commission on National Parks and Protected Areas).
- LYSTER, S. (1985) *International wildlife law*. Cambridge, UK: Grotius.
- MCCLOSKEY, C. (1997) *P.E.B.L.D.S. explained*. Tilburg, Netherlands: IUCN European Programme.
- SCOTT, D. A. (1998) *Global overview of the conservation of migratory Arctic breeding birds outside the Arctic*. Reykjavik: Conservation of Arctic Flora and Fauna (CAFF Technical Report No. 4).
- SYNGE, H., ED. (1995) *Parks for life 97: Proceedings of the IUCN/WCPA European regional working session on protecting Europe's natural heritage*. Gland, Switzerland: IUCN—The World Conservation Union/German Federal Agency for Nature Conservation/Federal Ministry of the Environment, Nature Conservation and Nuclear Safety, Federal Republic of Germany.
- TUCKER, G. M. AND EVANS, M. I., EDS. (1997) *Habitats for birds in Europe: a conservation strategy for the wider environment*. Cambridge, UK: BirdLife International (Conservation Series No. 6).