

The African-Eurasian Waterbird Agreement: a technical agreement under the Bonn Convention

G.C. Boere & B. Lenten

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The history of the development of the African-Eurasian Waterbird Agreement of the Bonn Convention (Convention on the conservation of migratory species) is outlined. The Dutch Government commenced drafting the Agreement in 1988 and the text was concluded at a final negotiation meeting at The Hague in June 1996. The Agreement is now open for signature and it is expected that the first Conference of the Contracting Parties will occur in 1999 in South Africa. The paper outlines the principle obligations assumed by signatories to the Agreement and the legal implications of these. Various related activities are already underway, such as the development of a number of single species international action or recovery plans.

G.C. Boere & B. Lenten, AEWA Interim Secretariat, c/o Department of Nature Management, P.O. Box 20401, 2500 EK The Hague, The Netherlands.

Буре, Г. К., Лэнтэн, Б. 1998. Соглашение по охране афро-евразийских мигрирующих водоплавающих и околоводных птиц (АЕВЕ) : техническое соглашение в рамках Боннской конвенции. *International Wader Studies* 10: 45-50 .

Намечена в общих чертах история развития Соглашения по охране афро-евразийских мигрирующих водоплавающих и околоводных птиц в рамках Боннской конвенции (об охране мигрирующих животных). Правительство Нидерландов начало готовить Соглашение в 1988 г., и текст был завершен на окончательном переговорном совещании в г. Ден-Хааг (Нидерланды) в июне 1996 г. Соглашение теперь открыто для подписания и предполагается, что первое Совещание Договаривающихся Сторон состоится в ЮАР в 1999 г. В настоящей статье очерчены основные обязательства, принятые странами-участниками Соглашения, вместе с правовыми значениями этих обязательств. Разные, связанные со Соглашением акции уже начали действовать, такие как развитие ряда международных планов действий для отдельных видов или планы восстановления.

Introduction and Perspective

Throughout history, animal migration has been a universal phenomenon. Many animals migrate in response to biological requirements, such as the need to find suitable locations for breeding and raising their young, and to be in favourable areas for feeding. In some cases, these specific requirements are fulfilled in locations that are separated by distances of thousand of kilometres.

During their migration these animals cross political boundaries between nations: boundaries that have no inherent meaning for animals, but which have a dramatic influence on their annual life-cycles and their individual survival chances due to the great differences that exist between countries in conservation policy. Migratory species are

dependent on the specific sites they find, not only at the end of their journey, but also along the way. Increasingly, these sites are threatened by man-made disturbances and habitat degradation. Migratory animals may also fall victim to adverse natural phenomena such as unfavourable climatic conditions. All these influences are aggravated by the fact that, in legal terms, it has long been held that migratory species are not the sole responsibility of any one country that could be held responsible for any harm occurring to these animals.

In 1972 the United Nations Conference on the Human Environment recognized the need for countries to co-operate in the conservation of animals that migrate across national boundaries or between areas of national jurisdiction and the high seas. This recommendation resulted in the

Convention on the Conservation of Migratory Species of Wild Animals, commonly referred to as the Bonn Convention (after the German city where it was concluded in 1979), which came into force in 1983.

The aim of the Convention is to provide conservation measures for migratory terrestrial, marine and avian species over the whole of their range. This is very important, because failure to conserve these species at any particular stage of their life cycle could adversely affect any conservation efforts elsewhere. The fundamental principles of the Bonn Convention, therefore, are:

- that the Parties of the Bonn Convention acknowledge the importance of migratory species being conserved;
- that Range States of particular species agree to take action to this end whenever possible and appropriate, paying special attention to migratory species of which the conservation status is unfavourable; and
- that Range States take individually, or in co-operation, appropriate and necessary steps to conserve such species and their habitat.

Parties acknowledge the need to take action to avoid any migratory species becoming endangered. In particular, the Parties to the Convention:

- shall endeavour to provide immediate protection for migratory species included in Appendix I;
- shall endeavour to conclude Agreements covering the conservation and management of migratory species included in Appendix II.

The primary tools for the implementation of the main aim of the Bonn Convention are called Agreements. They are more specific than the Convention itself, involve more deliberately the Range States of the species to be conserved and are easier to put into practice than the whole Bonn Convention.

A brief historical review

The African-Eurasian Waterbird Agreement under the Bonn Convention is not the first nor the only international agreement aimed at the conservation of migratory birds. A review of historical and existing instruments has been published by Lyster (1985).

Besides the above mentioned Conventions, a number of bilateral conventions for example between Japan and U.S.A., the former USSR, Japan and Australia, *etc.* were concluded.

Table 1. Short historical overview of treaties involving migratory birds in Africa-Eurasia.

<ul style="list-style-type: none"> ● 1902 - Convention for the Protection of Birds useful to agriculture (referred to as the Paris Convention - this Convention did not mention migratory birds specifically). ● 1950 - Convention for the Protection of Birds, substituting the 1902 Convention of Paris; ● 1970 - Benelux Convention on Hunting and Protection of Birds; ● 1979 - The Directive of the Council of the European Economic Community on the Conservation of Wild Birds. ● 1979 - Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention)

After the first Conference of Parties of the Bonn Convention it was decided to prepare an Agreement for the Western Palearctic Anatidae. In 1988 the Dutch Government began developing a draft Western Palearctic Waterfowl Agreement as part of its Western Palearctic Flyway conservation programme. In 1991 a draft, including an Action Plan for ducks, swans and geese and a general Management Plan for all waterfowl, was sent to the European Commission which offered to sponsor the Agreement. However little progress could be made within the European Commission.

In early 1993 the Bonn Convention secretariat, in close co-operation with the Dutch Government, again took the initiative. The text of the Agreement and related documents was updated, a stronger African component was incorporated and the name was changed into the African-Eurasian Waterbird Agreement (AEWA).

The first consultative meeting of Range States of the AEWA was held in Nairobi in June 1994. The meeting strongly supported the completion of AEWA, and agreed that consensus could be achieved on almost all matters of substance. In June 1995 the final negotiation meeting was held in The Hague. At this meeting 64 Range States and the European Union were represented. Several inter-governmental and non-governmental organizations attended the negotiation meeting as observers. The meeting adopted the Agreement by consensus, and accepted, with appreciation, the offer of the Government of the Kingdom of the Netherlands to act as Depositary and to provide, at its own expense until 1 January 1999, an Interim Secretariat and to host the first session of the Meeting of the Parties.

The Dutch Government, Ministry of Agriculture, Nature Management and Fisheries established the Interim Secretariat on 1 January 1996.

The procedure for signing and ratifying the Agreement has been delayed because of problems with the Russian and Arabic translation of the Agreement text. In March 1996 these problems

Algeria	Greece	Romania
Andorra	Guinea	Russian Federation
Angola	Guinea -Bissau	Rwanda
Armenia	Hungary	Sao Tome and Principe
Austria	Iceland	San Marino
Azerbaijan	Iran	Saudi Arabia
Bahrain	Iraq	Senegal
Belarus	Ireland	Seychelles
Belgium	Israel	Sierra Leone
Benin	Italy	Slovakia
Bosnia-Herzegovina	Jordan	Slovenia
Botswana	Kazakhstan	Somalia
Bulgaria	Kenya	South Africa
Burkina Faso	Kuwait	Spain
Burundi	Latvia	Sudan
Cameroon	Lebanon	Swaziland
Canada	Lesotho	Sweden
Cape Verde	Liberia	Switzerland
Central African Republic	Libyan Arab Jamahiriya	Syrian Arab Republic
Chad	Liechtenstein	The former Yugoslav Republic of Macedonia
Comoros	Lithuania	Tanzania
Congo	Luxembourg	Tunisia
Côte d'Ivoire	Madagascar	Turkey
Croatia	Malawi	Turkmenistan
Cyprus	Mali	Uganda
Czech Republic	Malta	Ukraine
Denmark	Mauritania	United Arab Emirates
Djibouti	Mauritius	United Kingdom of Great Britain and Northern Ireland
Egypt	Monaco	Uzbekistan
Equatorial Guinea	Morocco	Yemen
Eritrea	Mozambique	Yugoslavia
Estonia	Namibia	Zaire
Ethiopia	Netherlands	Zambia
Finland	Niger	Zimbabwe
France	Nigeria	European Commission
Gabon	Norway	
Gambia	Oman	
Georgia	Poland	
Germany	Portugal	
Ghana	Qatar	
	Republic of Moldavia	

Table 2. List of Range States.

were solved, including some minor linguistic problems with the English and French versions.

The Agreement has been open for signature at the Ministry of Foreign Affairs of the Netherlands from 15 August 1996.

The Netherlands, Guinea, Switzerland, Sudan, Jordan and Equatorial Guinea have signed without the need for further ratification. Germany, Ireland, United Kingdom, Mali, Luxembourg, Morocco, Togo, Spain, Greece, and the European Community have all signed with reservations with respect to ratification. a further 30 or so countries are currently in the process of ratification.

The African-Eurasian Waterbird Agreement

Structure of the Agreement:

The African-Eurasian Waterbird Agreement has two parts, both of which are legally binding:

- Firstly the Agreement text, which describes the philosophy, legal framework and provisions;
- Secondly an Action Plan, which describes the conservation actions that are to be taken. The Action Plan is at present restricted to geese, swans, ducks, spoonbills, ibises and storks.

The African-Eurasian Waterbird Agreement is the first regional Agreement of a vast area of 60 million square kilometres. It covers the entire continent of Africa and Europe, as well as parts of Asia and a few Arctic islands of north-eastern Canada, encompassing about 120 Range States (see Table 2 and Figure 1). AEWA covers 170 species (see Table 3).

In implementing the Agreement two fundamental principles have been agreed on:



Figure 1. Map of the Agreement Area

1. Parties shall take co-ordinated measures to maintain migratory waterbird species in a favourable conservation status or to restore them to such a status;
2. In implementing the measures of paragraph 1, Parties should take into account the precautionary principle.

Conservation measures to be taken

Based on the Fundamental Principles, Parties shall take general conservation measures. These measures include:

I. Parties shall take measures to conserve migratory waterbirds giving special attention to endangered species as well as to those with an unfavourable status;

II. To this end, the Parties shall *inter alia*:

- protect endangered migratory waterbird species in the Agreement area by strict legal protection;
- ensure that any use of migratory waterbirds is based on sustainable use;
- identify sites and habitats and encourage their protection, management, rehabilitation and restoration;
- develop and maintain programmes to raise awareness and understanding of migratory waterbird conservation issues;

Technical Committee

In the Agreement the establishment of a technical committee is foreseen. This technical committee shall comprise:

- a) *nine experts representing different regions of the Agreement Area;*
- b) *one representative of the International Union for Conservation of Nature and Natural Resources (IUCN), one of Wetland International and one of the International Council for Game and Wildlife Conservation (CIC); and*
- c) *one expert in each of the following fields: rural economics, game management, and environmental law.*

The task of this committee is to provide scientific and technical advice and information, to make recommendations concerning the Action Plan and Agreement, *etc.* for the Meeting of the Parties.

Action Plan

The second Part of the Agreement is the Action Plan. This Action Plan specifies actions which Parties shall undertake in relation to priority species and issues, under the following headings, consistent with the general conservation measures:

- a) *species conservation;*
- b) *habitat conservation;*
- c) *management of human activities;*
- d) *research and monitoring;*
- e) *education and information; and*
- f) *implementation.*

These are described below.

Species conservation

The first group of actions is directed towards the conservation of species. It provides for legislation and law enforcement measures to be undertaken by Parties, development of programmes for emergency situations, both natural and caused by human activities, and the development of International Species Conservation Plans for all threatened and vulnerable species of populations of watebirds.

Habitat conservation

The second group of activities concerns the conservation of habitats and important sites. Parties shall endeavour to continue establishing protected areas and shall give special protection to wetlands of international importance. Furthermore, they will endeavour to make wise and sustainable use of all wetlands, to avoid degradation or to restore or rehabilitate areas that are important to populations.

Management of human activities

The third group of activities is the management of human activities. One of the human activities is

Gaviidae	Divers	Gruidae	Cranes
Podicipedidae	Grebes and Coots	Rallidae	Rails, Crakes, Gallinules
Pelecanidae	Pelicans	Dromadidae	Crab Plover
Phalacrocoracidae	Cormorants	Recurvirostridae	Stilts and Avocets
Ardeidae	Bitterns, Herons, Egrets	Glareolidae	Courses and Pranticoles
Ciconiidae	Storks	Charadriidae	Lapwings and Plovers
Threskiornithidae	Ibises and Spoonbills	Scolopacidae	Curlews, Sandpipers and
	Snipes	Laridae	Gulls and Terns
Phoenicopteridae	Flamingos		
Anatidae	Whistling Ducks, Swans, Geese and Ducks		

Table 3. List of taxa covered by the AEWA.

hunting. Parties shall co-operate to ensure that their hunting legislation implements the principle of sustainable use. In order to assess the annual harvest of populations, Parties shall co-operate with a view to developing a reliable and harmonized system for the collection of harvest data. Eco-tourism is another kind of human activity that may affect waterbird populations. Therefore, Parties shall encourage eco-tourism, where appropriate, but not in core zones or protected areas.

Research, monitoring, education, information and implementation

Besides the above mentioned groups of activities research and monitoring is very important. Scientific research and monitoring of the migratory waterbird population can reveal population trends, point out priorities for protection activities and discover the reasons for unfavourable developments.

Education and information is also a must. Without these kind of activities there will not be public awareness of the importance of conservation of migratory birds. In the long run this will negatively influence the acceptance of all the activities mentioned in the AEWA.

The Action Plan shall be reviewed at each ordinary session of the Meeting of the Parties. The first session will take place no later than one year after the date of the entry into force of this Agreement. This meeting will probably take place in 1998.

Activities that have already taken place

Although the Agreement has not yet entered into force, some actions have been taken already. After the establishment of the Interim Secretariat in January 1996, the new secretary started with the normal activities needed for a secretariat, such as setting up archives, databases, etc. Furthermore, during several international meetings presentations were given to promote AEWA.

A species conservation plan has been drafted (but not yet finalised) for Greenland White-fronted Goose *Anser albifrons flavirostris*, financed by Ireland,

UK and IWRB (Stroud 1994; Stroud 1998). Also, species conservation plans were drafted for Lesser White-fronted Goose *Anser erythropus*, Slender-billed Curlew *Numenius tenuirostris*, Dalmatian Pelican *Pelicanus crispus*, Pygmy Cormorant *Phalacrocorax pygmeus*, White-headed Duck *Oxyura leucocephala*, Marbled Duck *Marmaronetta angustirostris* and Red-breasted Goose *Branta ruficollis* (Heredia *et al.* 1996). The drafting of these conservation plans was financed by the Council of Europe and the European Commission.

On the initiative of the Trilateral Wadden Sea Conference 1994, a single species action plan for Dark-bellied Brent Goose *Branta bernicla bernicla* is under preparation. The Dutch Ministry of Agriculture, Nature Management and Fisheries, National Reference Centre for Nature is financing this project.

In close co-operation with the Dutch Reference Centre for Nature, the Danish National Forest and Nature Agency will prepare a management plan for the Great Cormorant *Phalacrocorax carbo*.

Wetlands International has produced a Flyway Atlas for Migratory Anatidae Populations in the Western Palearctic Region late in 1996 (Scott & Rose 1996). This project was funded by the Ministry of Agriculture, Nature Management and Fisheries of the Netherlands and the UK's Joint Nature Conservation Committee.

In accordance with the Programme for International Nature Management (1996-2000) of the Government of the Netherlands, special attention is, and will be, given to wetlands and migratory birds in Western Africa.

Work programme for the interim secretariat

According to the Final Act of the AEWA Negotiation Meeting (1995), the meeting invited the Interim Agreement Secretariat to prepare a proposal for the first Meeting of Parties concerning:

- a) *amendment of the Action Plan with regard to species or families listed in Annex II to the Agreement;*
- b) *a review of the conservation status of populations covered by the Action Plan;*

- c) *criteria related to emergency situations;*
- d) *the Conservation Guidelines;*
- e) *format for reports of the Parties;*
- f) *a budget, financial rules, and other matters relating to the financial arrangements for the Agreement;*
- g) *the establishment of the Technical Committee; and*
- h) *a logo for the Agreement.*

The Work programme for the Interim Secretariat shows that for the period 1996-1997 priority will be given to the preparation of proposals for the above mentioned items b, c, d, e and h.

For the preparation of the Review of the conservation status of populations (b), and the Conservation Guidelines (d), Wetlands International will be contracted by the Interim Secretariat. The other issues will be addressed by the Secretariat itself.

Conclusion

It is widely felt that conclusions of the Agreement will strongly encourage international co-operation (surveys/research/habitat protection/new reserves/changes in agricultural policies) between Africa and Eurasia.

In the future, AEWA will function as the governmental platform for integrated conservation and management on the whole Western Palearctic Flyway. It is not a new legislation but rather, acts as a framework for co-operation and co-ordination in the conservation of a natural resource shared amongst 120 Range States. Currently it acts as an example for similar agreements in other flyways, such as that being prepared for the Asian Pacific Flyway.

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