

INTERNATIONAL CONVENTIONS

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Of the four modern global conventions on nature conservation, CITES has little relevance for wader conservation while the World Heritage Convention may be useful for conserving a relatively small number of the most important sites. The Bonn Convention, though currently limited in scope by the small number of widely-dispersed Contracting Parties, holds promise of future regional Agreements of value for waders. The most effective of the four for conservation of wader habitat is the Ramsar Convention, which is specifically concerned with wetlands, and has 43 current Contracting Parties and 352 wetlands covering 21 million hectares designated for the Ramsar list. Future work under the Convention will concentrate on greater involvement by developing countries through increased emphasis on the concept of "wise use" of all wetlands in addition to the concept of "listing" important sites. A series of criteria has been developed to identify wetlands of international importance. Among these, the 1% criteria, applied to figures for total flyway numbers of species, sub-species or geographical populations, has been particularly useful for sites used by waders particularly in the non-breeding season. At the third Ramsar conference in Regina, four workshops will be held: on criteria, wise use, the Convention as a clearing house, and on flyways. The flyway workshop will review current estimates of the population sizes of waders and other waterfowl, and, where necessary, amend them. Its work will be of scientific interest and direct relevance to wetland conservation.

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There are four modern global conventions on nature conservation: the "Convention on wetlands of international importance especially as waterfowl habitat" (usually called the Ramsar Convention, since the text was adopted at the city of Ramsar, Iran in 1971); the "Convention concerning the protection of the world cultural and natural heritage" (adopted in 1972 and usually called the World Heritage Convention); the "Convention on international trade in endangered species of wild fauna and flora" (adopted at Washington in 1973 and usually called CITES from the initial letters of the main words in the title); and the "Convention on the Conservation of Migratory Species of Wild Animals" (adopted at Bonn in 1979 and usually called the Bonn, or Migratory Species Convention). All four are inter-governmental agreements, which means that a country can join only after approval by its highest legislative authority - parliament, national assembly or, under some systems, presidential decree. The essence of an international convention is that states agree to work together for some goal of joint interest - in this case, nature conservation. However, they retain sovereignty and jurisdiction in their own territory and do not by any means surrender their powers to some supra-national authority. There is no way that states can be obliged by some international police force to take (or not to take) some specific action. There is no international court which can punish failure to comply with an international convention, but many countries adapt their national legislation (which can be enforced in national courts) to fit international standards laid down in conventions. Furthermore, international conventions give wider publicity to conservation issues, they ensure that governments have to answer for their action (or inaction) to other interested governments, and

they enable moral pressure to be exerted by individuals, non-government organizations or other governments.

The four conventions all have global coverage. Their paper does not cover international agreements of a regional nature, such as the African Convention, the Western Hemisphere Convention, the Berne Convention or the EEC Birds Directive, which are each in their own way very effective and sometimes carry much stronger provisions than the global conventions, but which cover only a limited geographical area. The European measures are considered by Batten (this volume).

A detailed review of international wildlife law has recently been published by Lyster (1985).

THE RELEVANCE OF THE FOUR GLOBAL CONVENTIONS TO WADERS

Each of the four conventions aims to cover a wide area of activities, and the purpose of this paper is to describe their relevance for waders. CITES is concerned principally with controlling trade, notably through import and export licences. Unlike skins of spotted cats, rhinoceros horns, parrots and other cage birds, there is little or no trade in waders or their skins, so CITES is of little relevance to wader conservation. The World Heritage Convention covers both cultural and national properties (e.g. the Pyramids as well as the Yellowstone National Park). It aims to list the major cultural and natural sites outstanding in a world scale, and where necessary (especially in developing countries) to provide funds for their conservation. Hitherto the emphasis has been more on cultural sites, but more and more natural sites are now being proposed; any site proposed needs to be a "Rolls-Royce" among sites (such as the Wadden Sea, the Banc d'Arguin or the peatlands of northern

Scotland). A few wetland sites have been listed - Everglades in USA, Ichkeul in Tunisia, Djoudj in Senegal. However, for those sites which are accepted by the vetting committee, the prestige and potential for support is considerable.

The other two conventions have considerably more scope for wader conservation. The Bonn Convention, the most recent, and in legal terms the most tightly drafted, has as yet a relatively small number of members with a wide geographical spread. It is an umbrella convention. That is, it aims to draw up regional Agreements covering all aspects of conservation of one or more migratory species of wild animal (i.e. not only birds, but also mammals, reptiles, fishes and invertebrates), including habitat conservation, hunting conservation, research, information exchange, restoration of unfavourable conservation status. However, in order to be effective all the states of a region must join the Convention and must then negotiate Agreements. No Agreements have so far been negotiated, but Working Groups are currently preparing Agreements on White Stork and on West Palearctic ducks and geese. It should also be noted that the Bonn Convention includes an Appendix listing endangered species, for which immediate action should be taken without waiting for the conclusion of an Agreement. Two waders are listed in Appendix I: the Slender-billed Curlew *Numenius tenuirostris* and the Eskimo Curlew *Numenius borealis*.

However for wetland conservation in general, and for waders in particular, the Ramsar Convention is so far the most useful instrument. The rest of this paper will therefore concentrate on Ramsar.

The Content and Coverage of the Ramsar Convention

The Ramsar Convention was adopted at one of a series of governmental conferences on waterfowl and their wetland habitats, organized by the International Waterfowl Research Bureau (IWRB) in the 1960's and early 1970's. It must be emphasized at the outset that, although IWRB has always been closely involved with the convention and the title of the convention includes the word waterfowl, this is a habitat convention, dealing with all kinds of wetlands. The two principal undertakings accepted by Contracting Parties are to designate at least one wetland of international importance for the Convention list, and to make "wise use" of wetlands, whether or not they are included in this List. Once a site is listed, its ecological character has to be maintained, and there is an obligation to inform the Convention Bureau (maintained by the International Union for the Conservation of Nature and Natural Resources (IUCN) in Switzerland, with IWRB as Scientific Advisor) of any change that has happened, is happening or is likely to happen. If a site is deleted from the list, another of the same type has to be designated to compensate for any loss of wetland resources.

So far 43 countries are Contracting Parties (Table 1), several more, including Argentina, Egypt, France, Mali and Peru, at least, are known to be on the verge of joining. Between them they have listed 352 wetlands, covering over 21 million hectares (see Table 1 for details). Hence a considerable area of wetland has been designated and, most important of all, no state has ever deleted a listed site. This is in itself an illustration of the

considerable moral force given by Ramsar designation.

The states which have so far joined the Convention are for the most part from the developed world and have naturally placed the greater emphasis on listing of major wetlands. Some (like Japan, Norway or UK) have listed only those sites which already have some kind of protection under national legislation. Others, such as Denmark, Italy or Sweden, have been more adventurous, and have listed sites which do not as yet enjoy statutory protection. It is of course possible for a state to add extra sites at any stage, and a most encouraging sign is that many states have added to their original listing. Those to have done so are: Australia, Bulgaria, Canada, Federal Republic of Germany, Ireland, Italy, Japan, Netherlands, Norway, Poland, Senegal, South Africa, Spain, Switzerland and UK. The aim (clearly stated in a Recommendation from the first Conference of the Contracting Parties, in Italy in 1980) is for as many as possible wetlands of international importance to be listed. Eventually it is hoped that all wetlands of international importance in a Contracting Party's territory will be listed. This is a distinction from the World Heritage Convention, which can accept only a small number of sites.

Coverage amongst the developing countries is very much less complete than in the developed. There are a number of reasons for this: in Africa, Asia and South America nature conservation is an even lower priority than for governments of industrialized countries, and furthermore there are few specialized scientific or technical bodies or non-governmental organizations, to spur them on. For this reason IWRB, in collaboration with sister organizations like IUCN, the International Council for Bird Preservation (ICBP) and the World Wildlife Fund (WWF), has embarked upon inventories of wetlands which might be listed under the Ramsar Convention. A Neotropical Directory (covering South and Central America and the Caribbean) has already been produced (Scott and Carbonell 1986). An Asian Directory is in preparation (with major support from Interwader - see Parish, this volume). One of the major by-products of such inventories is the creation of a network of enthusiastic supporters in the area concerned. However it is clear that in developing countries a somewhat different approach to wetland conservation is required. For example the government of a Sahel state will show greater interest in conserving a wetland because of its value for agricultural production, fisheries, grazing and water supply than because it is a major wintering area for, e.g. Garganey *Anas querquedula* or Black-tailed Godwit *Limosa limosa*. Fortunately the Ramsar Convention is well placed to cover such an approach through its "wise use" provision. It seems likely that, whereas in the past most emphasis has been placed on the listing provision, future developments will be concerned more and more with definition and implementation of wise use, especially in a socio-economic context in developing countries (see Dugan, this volume).

WETLANDS OF INTERNATIONAL IMPORTANCE, AND HOW TO IDENTIFY THEM

The text of the Ramsar Convention calls upon Contracting Parties to list "wetlands of international importance", but does not provide

Table 1. Current Contracting Parties to the Ramsar Convention as of December 1986, with the number of sites listed and their area (in hectares),

	Date Convention Instrument deposited Unesco	Date 1982 Paris Protocol Instrument deposited Unesco	No. of wetlands designated	Area of wetland (hectares)
1 Australia	8 May 74	12 Aug 83	27	1 284 090
2 Finland	28 May 74	15 May 84	11	101 343
3 Norway	9 July 74	3 Dec 82	14	17 545
4 Sweden	5 Dec 74	3 May 84	20	271 075
5 South Africa	12 Mar 75	26 May 83	2	9 968
6 Iran	23 June 75	29 Apr 86	18	1 297 550
7 Greece	21 Aug 75		11	78 600
8 Bulgaria	24 Sept 75	27 Feb 86	4	2 097
9 UK	5 Jan 76	19 Apr 84	31	91 333
10 Switzerland	16 Jan 76	30 May 84	2	1 816
11 FRG	26 Feb 76	13 Jan 83	20	314 315
12 Pakistan	23 July 76	13 Aug 85	9	20 990
13 New Zealand	13 Aug 76		2	14 807
14 USSR	11 Oct 76		12	2 987 185
15 Italy	14 Dec 76		40	51 476
16 Jordan	10 Jan 77	15 Mar 84	1	7 372
17 Yugoslavia	28 Mar 77		2	18 094
18 Senegal	11 July 77	15 May 85	3	96 000
19 Denmark	2 Sept 77	3 Dec 82	26	593 372
20 Poland	22 Nov 77	8 Feb 84	5	7 090
21 Iceland	2 Dec 77	11 June 86	1	20 000
22 GDR	31 July 78		8	49 600
23 Hungary	11 Apr 79		8	29 450
24 Netherlands	23 May 80	12 Oct 83	13	263 185
25 Japan	17 June 80		2	5 571
26 Morocco	20 June 80	3 Oct 85	4	10 580
27 Tunisia	24 Nov 80		1	12 600
28 Portugal	24 Nov 80	18 Dec 84	2	30 563
29 Canada	15 Jan 81	2 June 83	17	10 380 014
30 Chile	27 July 81	14 Feb 85	1	4 877
31 India	1 Oct 81	9 Mar 84	2	119 400
32 Spain	4 May 82		3	52 392
33 Mauritania	22 Oct 82		1	1 173 000
34 Austria	16 Dec 82		5	85 150
35 Algeria	4 Nov 83		2	8 400
36 Uruguay	22 May 84		1	200 000
37 Ireland	15 Nov 84	15 Nov 84	5	9 289
38 Suriname	18 Mar 85		1	12 000
39 Belgium	4 Mar 86		6	7 635
40 Mexico	4 July 86	4 July 86	1	(48 000)
41 France	1 Oct 86	26 July 84	1	85 000
42 USA	18 Dec 86	18 Dec 86	4	350 911
43 Gabon	30 Dec 86	30 Dec 86	3	1 058 000+
			352	21 292 275

a guide for their identification. To remedy this an informal series of identification criteria was worked out at the Heiligenhafen conference in 1974 (Smart 1976). There were refined and formally adopted at the Ramsar Conference of contracting governments in Cagliari in 1980 (Spagnesi 1982).

Some of the criteria are qualitative, and very general. These are concerned with endangered species, ecological diversity, critical habitats and endemic species, and with representative or unique wetlands. Other criteria are quantitative. These deal particularly with waterfowl especially in the non-breeding seasons, for which data are readily available for many areas; as a result of international counts of wintering waterfowl, organized by IWRB. This use of waterfowl as indicator species has proved to be justified, since waterfowl are often at the top end of a food chain and sites important for waterfowl nearly always prove to be important for other taxa as well. The current quantitative criteria

identify a site as of international importance if it regularly supports 10 000 ducks, geese and swans, 10 000 coot or 20 000 waders; if it regularly supports 1% of the individuals in a population of one species or sub-species; or if it regularly supports 1% of breeding pairs of a population, species or sub-species.

Use of these totals or of the 1% criteria has enabled a whole series of sites to be identified. In order to define sites, the overall population needs to be known, and this information regularly updated. Hence there is direct conservation use for the regular counting operations carried out in so many countries. These counts have been used to compile "shadow lists", i.e. lists of all the sites that meet the criteria for designation. Such shadow lists are a useful yardstick to monitor any given country's progress in its listing of sites. If a country has only one wetland of international importance and lists it, then it has achieved a great deal. However, if the shadow list shows many sites, but few

have been designated, then evidently there is still much progress to be made.

THE THIRD RAMSAR CONFERENCE AT REGINA

So far there have been two conferences of Contracting Parties to the Ramsar Convention, one in 1980 at Cagliari, Italy, and the other in 1984 at Groningen in the Netherlands. The third will take place in May/June 1987 at Regina, in Canada. The Regina Conference, like the two previous conferences, will hear reports from Contracting Parties (and other states present as observers) on listed sites, wise use, and wetland policies. There will be opportunities for national or international non-government bodies to pose questions.

Another most important aspect of the Regina meeting will be four workshops on: Criteria; Wise use of wetlands; the Convention as a clearing house for development co-operation; and Flyways. The Cagliari conference approved criteria for identifying wetlands of international importance. Experience has shown that some development of these criteria is needed. For example the existing criteria work well for temperate wetlands, but need expansion to cover arctic and tropical sites, they need to take greater account of non-wildlife values; they need to define the importance of temporary wetlands in arid zones; and the quantitative criteria need review, for example to provide adequately for the conservation of breeding waterfowl, many of which occur in a more dispersed distribution than during winter (see Pienkowski et al., this volume).

No definition has ever been made of wise use. This, especially for developing countries, is a serious gap. The wise use workshop will attempt to find a solution for this very difficult problem. The "clearing house" workshop will address the problem of co-operation in wetland conservation between industrial and developing countries. The Convention could be used as a clearing house in this field, to ensure that development aid projects between Contracting Parties pay proper regard to wetland conservation and perhaps to channel funds for wetland conservation to key projects in developing countries.

THE FLYWAY WORKSHOP AT REGINA

Perhaps of most interest to wader workers is the Flyway workshop. The 1% criteria requires knowledge of the total population sizes of birds in any given flyway. For the European/African flyways, the currently used estimates are given in Scott (1980). However,

recent studies such as those reported elsewhere in this volume, have shown that these estimates require revision. For most of the other flyways, no attempt has ever been made to bring all the data on population sizes together in one place.

The Regina flyway workshop will try to produce estimates of population sizes for each of the major flyways of the world. For waders, a report from the Canadian Wildlife Service will present the results of extensive recent work in Central and South America, and link this with North America work, for the Eastern Atlantic, a report on counts of waders in recent years will update Scott's figures. For south-east Asia there will be a review of the innovative studies by Interwader. The major problem is undoubtedly in the East Africa/Asia flyway, where insufficient work has yet been done, but it is hoped that at least a start can be made.

Updates on other groups of waterfowl will also be presented. The recent publication by Ruger et al. (1986) gives new figures for some west Palearctic duck populations, and these are to be developed further. It is hoped that, following this flyway workshop, population estimates will be available for a wide range of species. The 1% criteria can then be operated to identify wetlands of international importance along all flyways, and priority can be given for conservation measures at sites so identified.

REFERENCES

- Lyster, S. 1985. *International Wildlife Law*. Grotius, Cambridge.
- Scott, D.A. 1980. A Preliminary Inventory of Wetlands of International Importance for Waterfowl in West Europe and Northwest Africa. *IWRB Special Publication No. 2*. 128 pp.
- Scott, D.A. and Carbonell, M. 1986. *A Directory of Neotropical Wetlands*. IUCN, Cambridge and IWRB, Slimbridge.
- Smart, M. (Ed.). 1976. *Proceedings of the International Conference on Conservation of Wetlands and waterfowl, Heiligenhafen*. IWRB, Slimbridge. 492 pp.
- Spagnesi, M. (Ed.). 1982. *Proceedings of the Conference on the conservation of wetlands of international importance especially as waterfowl habitat, Cagliari*. *Ricerche di Biologia della Selvaggina Vol. VIII., Suppl.*
- Ruger, A., Prentice, C. and Owen, M. 1986. *Results of the IWRB International Waterfowl Census 1967-1983*. IWRB Special Publication No. 6. 118 pp.

