

Reflecting on AEWA's Unique Place in International Environmental Law



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20th Anniversary of AEWA

Making Flyway Conservation Happen

9 November 2015

Bonn, Germany



Pfeilstorch ('arrow stork'), University of Rostock, Germany.



1902 Convention for the Protection of Birds Useful for Agriculture



Examples of 'noxious' species under the 1902 Convention:



Other shortcomings:



- Geographic coverage.
- Heavily qualified provisions, with no provision for amendment.
- No institutional framework ('sleeping treaty').

→ *In what ways has international law progressed and how does AEWA compare to other contemporary legal instruments?*

The geographic scope of subsequent bird-protection treaties

International Convention for the Protection of Birds (1950)



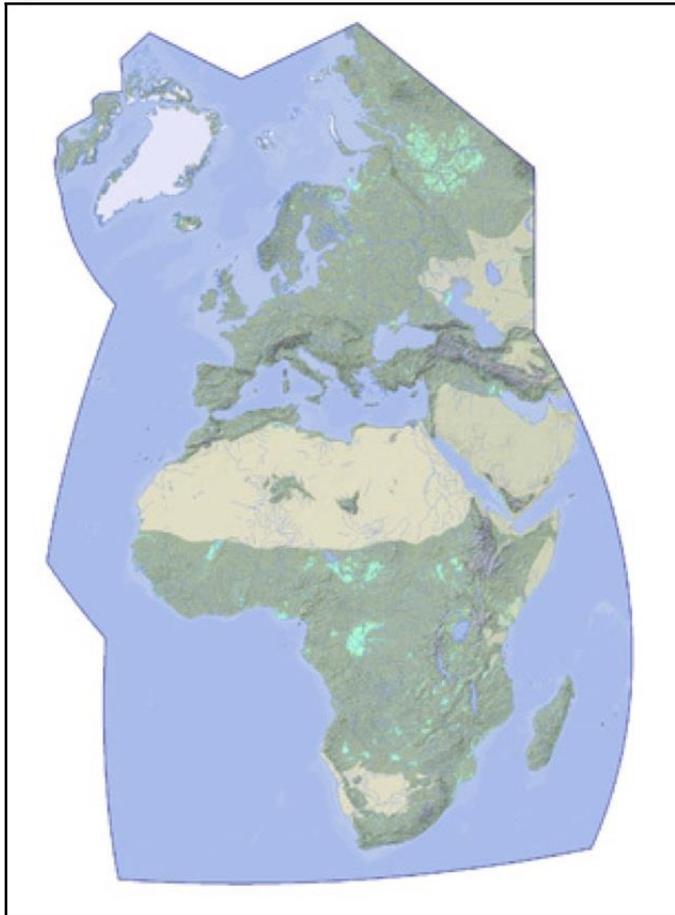
Bilateral migratory bird treaties

- 1916: USA & Canada
- 1936: USA & Mexico
- 1972: USA & Japan
- 1973: Japan & Russia
- 1973: Brazil & Colombia
- 1974: Japan & Australia
- 1975: Brazil & Peru
- 1976: Argentina & Bolivia
- 1976: USA & Russia
- 1981: Japan & China
- 1984: India & Russia
- 1986: Australia & China
- 1994: Russia & Republic of Korea

Flyway conservation and global instruments: Why isn't the Ramsar Convention enough?



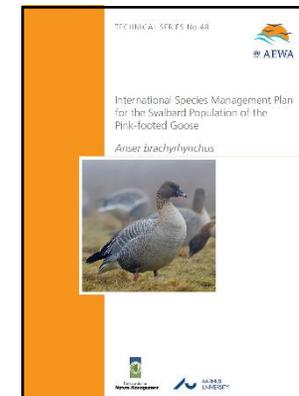
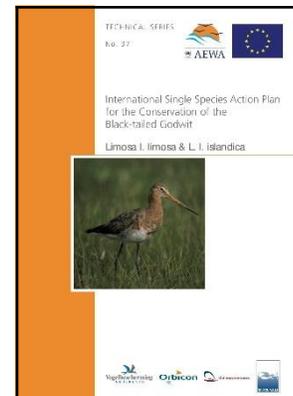
Flyway conservation under AEWA



First treaty to be explicitly based on the flyway approach. E.g.:

- ➔ Maintenance/restoration of networks of suitable habitat.
- ➔ Hunting legislation to take into account populations' full geographic range.

Leading role in promoting this approach both through its own mechanisms & those developed under other treaties.



Other distinguishing features of AEWA's substantive provisions:

- Role of the precautionary principle.
 - Level of detail and legal rigour.
 - Flexibility to evolve over time.
- ➔ *Limits of drawing inspiration from other regional instruments?*



L. Zwarts

AEWA's tiers of conservation norms:

Fundamental principles

General conservation measures for Annex II species.

Legally-binding Action Plan for Table 1 populations.

Platforms for the continued cooperation needed to make flyway conservation a reality.



Implementation mechanisms which fill gaps left by other treaty regimes.



AEWA IRP: illegal hunting of the critically endangered sociable lapwing in Syria



From 'sleeping treaties' to insomniacs: the need to avoid spreading AEWA's efforts too thin.

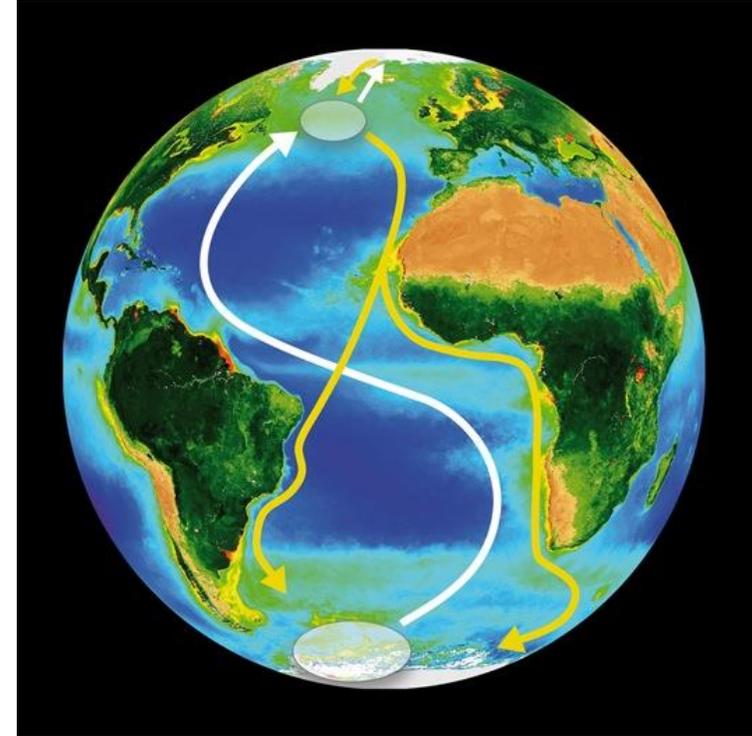
- ➔ Possibilities to work through others?
- ➔ Unique contributions which should be prioritised?



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Thank you!

Good Luck!

Congratulations!

