

The History of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds



Its development and implementation in the
period 1985-2000, within the broader context of
waterbird and wetlands conservation

by

Dr. Gerard C. Boere



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UNEP / AEWA Secretariat, Bonn, Germany. 148 pages.

Author: Dr. Gerard C. Boere; Honorary Patron of AEWA.

Produced by: UNEP/AEWA Secretariat

Editing & Proof Reading: Robert Vagg

Scans of reports, books, documents, and photos: Dr. Gerard C. Boere

Design: Florian Keil, Nikolas Pankau, Dunia Sforzin

Printing: in puncto druck+medien GmbH

© 2010 United Nations Environment Programme (UNEP)/Agreement on the Conservation of African-Eurasian Migratory
Waterbirds (AEWA).

ISBN 978-3-9813731-2-7

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Image front page: Participants of the First Consultative Meeting on the development of AEWA, 12-14 June 1994 at the UNEP
premises in Nairobi, Kenya (Photo: UNEP).

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Published by the UNEP/AEWA Secretariat on the occasion of the 15th Anniversary of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)
in June 2010



Great White Pelicans, Pelecanus onocrotalus (Photo: Sergey Dereliev (UNEP/AEWA)).

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African Spoonbills, Platalea alba (Photo: Sergey Dereliev (UNEP/AEWA)).

Foreword by Bert Lenten, Executive Secretary of AEWA

In Dutch we have a saying something like this: 'he who does not know his past does not have a future'. This expression makes clear that lessons learned in the past will prevent you from making the same mistakes in the future.

The book before you is meant to give an overview of the history of AEWA. While reading the initial text I came to the conclusion that drafting an Agreement like AEWA is something that does not happen overnight. Particularly consulting all major stakeholders is very time consuming. Sometimes little progress could be made at a certain time due to reasons unknown. The author assumes that some stakeholders were not interested at all in finalizing this Agreement. I believe that the ten years or so that it took to draft and conclude AEWA was not a waste of time. On the contrary this time has made it possible for all major stakeholders to be ready to 'embark on AEWA' and to conclude the Agreement during the final Negotiation Meeting which took place from 14 to 16 June 1995, at the Ministry of Foreign Affairs of the Netherlands.

Not having been involved in the drafting and consultation process myself, I would like to thank particularly the former Executive Secretary of the Convention on Migratory Species, Mr Arnulf Müller-Helmbrecht and former Senior Policy Officer of the Ministry of Agriculture,

Nature and Food Quality (LNV) and author of this book, Dr. Gerard C. Boere for all their tireless efforts to negotiate AEWA. Furthermore, I would also like to take this opportunity to thank the Government of the Netherlands and in particular LNV for their substantial support to the whole process of developing an Agreement for the African-Eurasian Flyways. This Ministry made it possible for Dr. Boere to spend a great part of his time on this subject.

At the beginning of January 1996 I was appointed by the LNV as Executive Secretary of the Interim Secretariat of AEWA, which was based at the Ministry in The Hague. Since then I have had the pleasure to work on the implementation and further development of the Agreement. Looking back a great deal has been achieved due to support received from many Contracting and Non-Contracting Parties and Partner Organizations, for which the Secretariat is very grateful. Hopefully we can count on all of you to support the implementation of the Agreement in the years to come because much more has to be done to reverse the decline of many populations of migratory waterbird species. We are still not there.

Bert Lenten



A view on AEWA by one of its founding fathers: Dr. Eugeniusz Nowak

My involvement in the development of an international instrument for the conservation of migratory waterbirds goes back to the late seventies of the last century or even earlier as I had already been involved in IWRB activities while still in Poland. In 1973 I organized an IWRB meeting in Warsaw where the international aspects of waterbird conservation were already being discussed with my Russian colleagues who were very interested and most supportive. Nobody was really thinking about a legal instrument on the flyway level then, but there was strong support to increase international cooperation in the whole Palearctic.

The activities of the Ramsar Convention had just started. Its Article 5 on the need for international cooperation was mainly seen as applying to cross border activities and river catchment areas involving more than one country. Very few people thought about applying that article on a migration route level; even the word “flyway” was not frequently used.

This was the period when I was also closely involved in the discussions on the development of the Bonn Convention. Developing an international instrument for the worldwide conservation of all migratory species stemmed from a decision of the 1972

UN Stockholm Conference on the Human Environment. The German Government took the lead in developing such an instrument which was concluded in 1979. During the same years the development of the Birds Directive of the European Union also took place. The Birds Directive provides a strict international legal framework for the EU Member States to protect their breeding birds and take measures to protect them during migration as well, both in and outside the European Union.

In June 1979 I published my ideas on migratory bird conservation in an article in the German journal ‘Natur und Landschaft’ (Nature and Landscape) with a plea for much more research and international cooperation on migratory birds (see also fig. 17 and 18 and note 46).

It was encouraging to see that the first CMS COP supported these ideas and adopted the resolution to start with the development of a few CMS Agreements including one on Anatidae. What I really wanted was that a sound international instrument that in a practical way facilitated conservation, sustainable management and research on migratory birds (just waterbirds as a first step) could become true. I prepared some first ideas for the Agreement and what should be addressed. From the very beginning there was a good cooperation with the Netherlands and with Dr. Gerard C. Boere in particular.



By the end it took another 10 years before AEWA could be concluded; partly due to the fact that there was in the beginning almost no CMS Secretariat to facilitate and coordinate the development process. Judith Johnson, who became the first Coordinator, had many other tasks including setting up activities of CMS in general. Also the issue of hunting influenced the time schedule.

Now, more than 30 years later, I am very pleased and impressed to see that AEWA has proven to be that practical international conservation instrument that I had in mind when I started. It remains a pity that the Russian Federation, so important for millions of migratory waterbirds, has not yet joined AEWA.

My sincere congratulations to Bert Lenten and his team for the good work conducted since 1996 with the Interim Secretariat in The Hague and from 2000 onwards with the Secretariat in Bonn.

Continue the good work!

Eugeniusz Nowak

Inspired people make the world go round

The foundation stone for AEWA was laid during the first Meeting of the Parties of the Bonn Convention in 1985. A working group, which I had the pleasure of chairing, made a recommendation to the plenary meeting on a coherent approach to policy on management, including hunting, of waterbirds along the Western Palearctic migration route. This recommendation was unanimously acclaimed by the Meeting of the Parties.

My memories of that meeting are crystal clear. It was my first international meeting and I had been cajoled into leading the delegation which also comprised my colleagues Nico Visser and Ton Boon van Ochssee (Foreign Affairs). It was also the first time that I met Herbie Kalchreuter, Yves Lecoq, Tim Jones and many others with whom I would continue to be in contact during the years to come as AEWA was further developed. I also have a very clear memory of the meeting in The Hague (1990), where a working group sketched out the contours of AEWA; contours that remained intact in the years that followed.

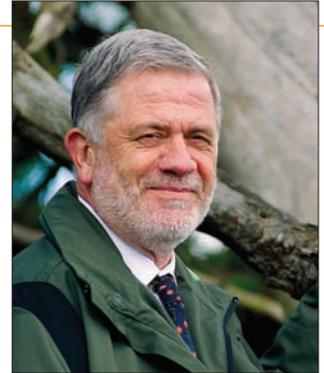
Both these memories formed the starting point for countless other memories and meetings with countless numbers of people in countless locations throughout Europe and Africa.

What are the main elements of AEWA for me?

The first to come to mind is the shared passion for migratory birds. A passion that sometimes has its origin in a fascination with the mystery of animals which know exactly where they want to travel to. This passion can also derive from studying migratory birds and their routes or can even have its roots in the economic relevance of migration. But this shared passion always results in the will and determination to be active in the management and protection of migratory birds; with the ultimate aim of contributing to a sustainable future for the migration routes.

Secondly, AEWA means inspiring meetings with people who share this passion. People who, at every level, are involved in the protection of migratory birds; those in the long drawn out meetings in government buildings discussing document details, those in research institutes processing field data in order to gain insight into the migration routes and, above all, those involved, on a day to day basis, in the practical aspects of protecting the many migratory birds in our natural areas. AEWA supports and underpins this teamwork.

And finally, working together with Gerard Boere, for whom I have huge admiration. Without him AEWA simply would not have come into existence. His boundless energy



and commitment to the organization ensured that many joined the club. People like Gerard make the world a better place.

I am very grateful for the opportunity to have been involved in the instigation of the AEWA. It has meant many wonderful moments for me, but more importantly: AEWA has played a substantial role in the protection of migratory birds. Magnificent and important birds which are, above all, the symbol of the connection of nature and people in the continents of Africa and Europe.

There is still much work to be done. May our migratory birds form the source of inspiration to continue doing this work with relentless energy.

Chris Kalden



Introduction, rationale and acknowledgements

The development of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) took a period of 10 years for the formal conclusion and another four years before the Agreement came into force. The idea of a structured instrument for the flyway was first suggested in an IUCN document of 1983; we have now moved on almost 30 years. Clearly it takes time to reach a consensus on international instruments requiring from Parties a commitment to undertake, in this case, active conservation measures for migratory waterbirds and their habitats in the African-Eurasian region.

Few conventions and treaties have documented their history of development. One of the best known is the book by Geoffrey Matthews (former Director of the Wildfowl Trust in Slimbridge and IWRB) about the development of the Ramsar Convention. It shows how

complex negotiations sometimes are and how external political factors can influence the process and delay the conclusion. In the case of the Ramsar Convention, it was the 1968 crisis in Czechoslovakia which led to the planned wetlands and waterbird conference in Leningrad (now St. Petersburg) in the USSR losing its diplomatic status. It had been hoped that a text for the wetlands convention could have been concluded or at least very nearly finalized.

It was not that problematic for the development of AEWA. But still the EC Birds Directive required that an international instrument like AEWA had to be first discussed and agreed within the Member States. This delayed the conclusion of AEWA by 2-3 years as did the issue of hunting. However, you cannot ignore the political and policy realities even if sometimes it was a

little frustrating for the people most closely involved.

I believe that describing in general terms the history of the process of developing AEWA helps to understand the policy and political developments and discussions that took place within the framework of that time. Too few national and international governmental organizations document their history and background of activities. For me, it was for instance interesting to attend, in the course of 1988, a discussion day with Secretariats of various treaties and UNEP staff on a draft text of what later became the Convention on Biological Diversity. The development of that convention and the upcoming Rio Conference must have had their influence on priorities within the EU and other countries, and AEWA could have come lower on the priority list.

Over the years, a number of people have been involved in the development of AEWA, and I believe that they have found their place in the text with pictures, maps and copies of documents; photos from the very earliest days are, however, scarce. Mentioning their names in the text is at the same time one way of thanking them for their constructive input and commitment to the work to develop AEWA.

From the official documents and many informal documents from 1983 onwards a few are in the text or attached in Annex 3; all materials, including my personal files, are now with the AEWA Secretariat.

While writing this publication the following people who have been involved in the development of AEWA have been consulted and have read parts of or the whole manuscript: Fer von der Assen, Bert Lenten, Rob

Wolters, the late Herby Kalchreuter, David Pritchard, Yves Lecocq, Eugeniusz Nowak, Mike Moser, Ulf Müller-Helmbrecht, Douglas Hykle, Niels Kanstrup, Florian Keil, Patrick Triplet, John O'Sullivan and the editor, Robert Vagg. I would like to thank all of them for providing their comments and some draft text. In addition, I would like to thank the AEWA Secretariat and in particular Florian Keil, Dunia Sforzin and Nikolas Pankau for taking care of the design, lay-out and printing of this publication.

Finally, I would like to sincerely thank Bert Lenten, the Executive Secretary of AEWA, who has played an instrumental role after the Agreement was concluded, from early 1996 onwards until today. He and his team can be most satisfied with their achievements so far.

With AEWA, the global flyway approach has taken off and the cooperation between the Contracting Parties, Range States, Intergovernmental Organizations and Non-Governmental Organizations dealing with the conservation of migratory waterbirds, has increased substantially to the benefit of many species.

The dream that some of the "Founding Fathers", including me, had when starting this process of drafting and negotiating AEWA has come true: AEWA has found its clear niche. However, there is no time for contemplation because a great deal has still to be done to ensure that future generations will be able to enjoy the beauty of migratory waterbirds.

Gerard C. Boere

Greater White-fronted Geese, Anser albifrons (Photo: Gerard Boere).





1. Historical background and the broader perspective of waterbird and wetland conservation in Eurasia - Africa



*Caspian Tern, *Sterna caspia*, and Great Black-headed Gull, *Larus ichthyæetus*, in a mixed breeding colony, Lake Chany, West Siberian lowlands (Photo: Sasha Yurlov).*

The more concrete thinking about an international instrument to stimulate and to support the more structural and long-term conservation of migratory waterbirds on a flyway level in Eurasia and Africa, goes back to the late seventies. But even much earlier as shown by the report from the 1927 conference (see fig. 1 and note [1]) special attention was being paid to the migration of waterfowl.

In the early seventies the first more comprehensive flyway maps for waterbirds in this part of the world were published by the International

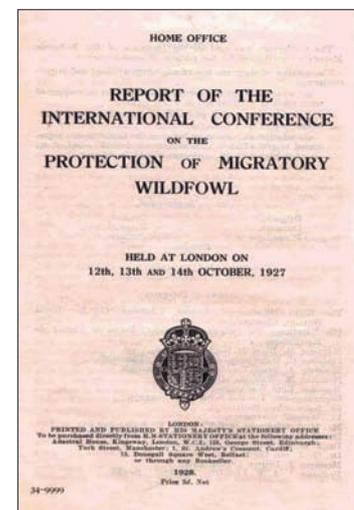


Fig. 1. One of the older reports on migratory waterfowl and their conservation.



Fig. 2. Bird migration routes map for several species (Dixon 1895).

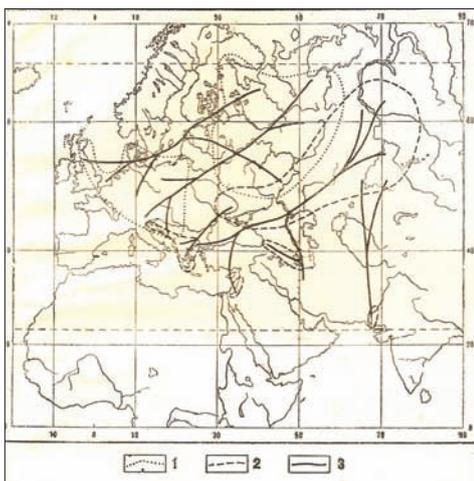


Fig. 3. Flyway map for Mallard from Wuczeticz and Tugarinov (1937).

Waterfowl Research Bureau (IWRB; since 1995 Wetlands International) and Prof. Isakov of the Soviet Academy of Sciences.

There are much older maps showing migration routes or primitive flyways in the European and North African regions available as well but they were not always restricted to waterbirds [1]. However, in particular the maps from Isakov's book were published against the background of ongoing discussions about an international legal instrument for the conservation of wetlands and migratory waterfowl, which later became the Ramsar Convention on Wetlands.

Those discussions had started in the late 40s and 50s with the MAR Conference in 1962 in Les Saintes-Maries-de-la-Mer in France [2].

At a later stage the discussions became more structured and were shaped by a series of conferences on waterfowl and wetlands starting with the First European Meeting on Wildfowl Conservation held in St. Andrews, Scotland in 1963 [3], followed by similar technical meetings in Noordwijk aan Zee, the Netherlands in 1966 [4], and Leningrad, USSR in 1968 [5].

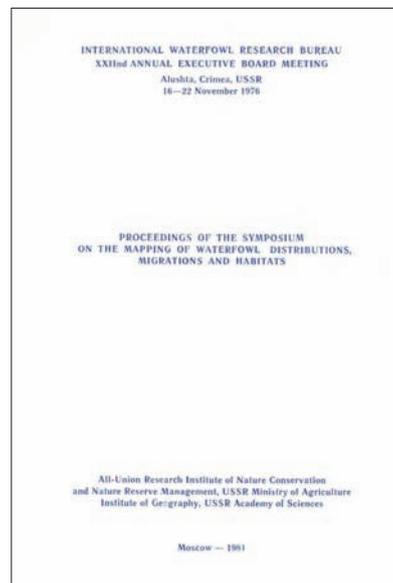
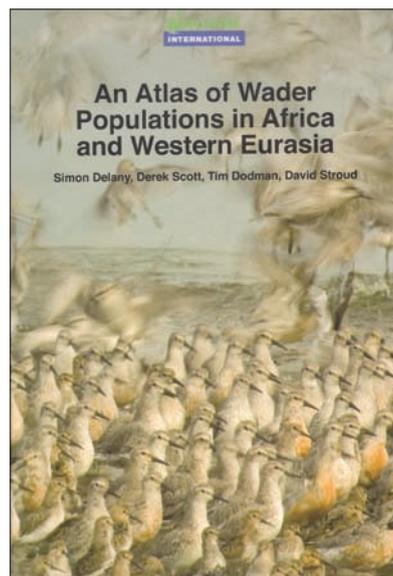


Fig. 4. Waterbird flyway atlases: one of the very first prepared by Isakov 1976 (finally published in 1981) and the last one by Delany c.s. published in 2009.



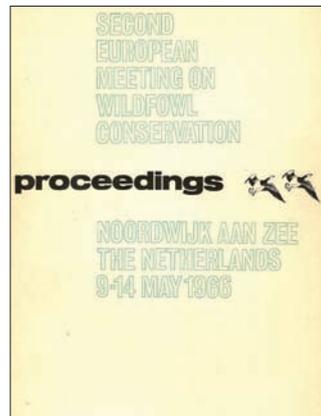
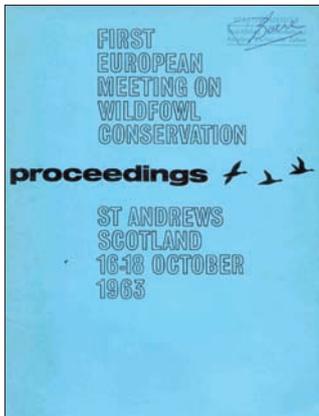


Fig 5. *Proceedings of the first two European Wildfowl Conferences; the 2004 Edinburgh Conference 'Waterbirds around the World', was the most recent one in this series.*

Other meetings were organized in between, for instance by Dr. Eugeniusz Nowak in Poland (he later moved to the German Nature Conservation Institute) in September 1966 where attention focused on growing East-West cooperation [6].

Development of the Wetland Convention

The 1968 Leningrad Conference was a very special case as it was originally meant to be a final (on a diplomatic level) consultation conference to conclude the text for what we now know as the Ramsar Convention on Wetlands. However, the invasion by Warsaw Pact troops of Czechoslovakia in August 1968, led to the withdrawal of the diplomatic support by the Dutch Government, which sponsored this conference,

and technical support by IWRB. The conference still took place but had a technical character and no longer 'the diplomatic status and power' to conclude an inter-governmental treaty [7].

This whole process finally resulted in the adoption of the "Convention on Wetlands of International Importance Especially as Waterfowl Habitat" at an international conference held in Ramsar, Iran in 1971. (See also Matthews (1993) [8] for a detailed historical overview of the development of the Ramsar Convention and De Klemm and Créteaux (1995) on the legal aspects of the Ramsar Convention [9]).

This increasingly intensive series of meetings, collection of data and exchange of information, which

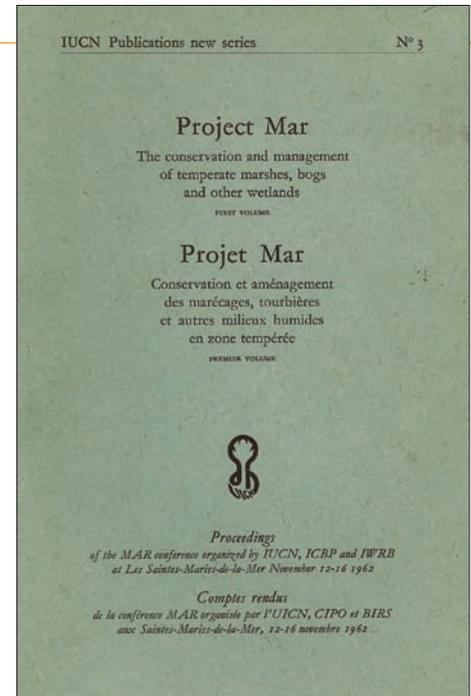


Fig. 6. *Proceedings of the MAR Conference of 1962.*

continued after the adoption of the Ramsar Convention on Wetlands in 1971, identified in detail the great problems for waterfowl conservation caused in the first place by the decline of wetland habitats and, to a lesser extent, the probably unsustainable harvest of some waterfowl species and populations in parts of the region.

An alarming loss of wetlands was evident in large parts of Europe caused by intensification of agriculture, expansion of cities, building of infrastructure, etc. Great threats to wetlands still exist around

IWRB Refuges

International Wildfowl Research Bureau

PROVISIONAL LIST OF WILDFOWL REFUGES IN EUROPE,
NORTH AFRICA AND THE MIDDLE EAST

The IWRB prepared for the First European Meeting on Wildfowl Conservation in 1962 a compilation of information on wildfowl refuges in Europe and North Africa. An account of this was published in the Proceedings of this meeting where the participants recommended that the IWRB continue along the same lines in view of making available a complete and significant documentation.

We propose to consider here as wildfowl refuge any area favourable to wildfowl where conservation of free living wildfowl is a major purpose of land use. This would include nature and hunting reserves but also many private properties and especially many larger hunting estates. However, private grounds without official reserve status are often not known to administrations or naturalists and we could therefore not compile much information on this category. We have only listed such "refuges" when we had been successful in gathering sufficient information and when we knew that they were of major importance for wildfowl conservation in their region or country.

We have not limited this list to Anatidae and waders, but also considered all refuges of importance to other categories of water birds such as Divers, Seabirds, Herons, Gulls, Rails, etc. (Tubinares, Gaviae, Podicipedes, Steganopodes, Gressores, Phoenicopter, Grues (incl. Rallidae), Laridae and Alcidae).

The compilation and the analysis of this documentation has been done by the Assistant of the IWRB, Mr. Hayo H. HOEKSTRA, in cooperation with the other members of the IWRB staff.

The documentation is presented country by country, according to alphabetical order. At the beginning of each chapter dealing with a country an introduction contains general information on the categories of reserves existing there and on their administration. A list and a map then give a synopsis of the refuges on which information could be obtained. Then each refuge has its own sheet containing information along the following pattern :

April 1966



the Mediterranean Sea and, on a more global scale, in large parts of Africa, Asia and Central and South America. In several countries in Europe, this process of loss of wetlands has now been halted and former wetlands are being restored [10] and large new wetlands are being created. The internationally renowned Oostvaardersplassen in the Netherlands is a classic example of the latter. The more than 3,000 ha in the Flevopolder was originally meant to be an area for industrial development. However, factors such as the soil condition prevented that and it became a large wetland with a great variety of breeding and migrating waterbirds.

Fig. 7. First page of one of the very first wetland inventories published by IWRB in 1966 and the map of Danish wetlands as included in that inventory.

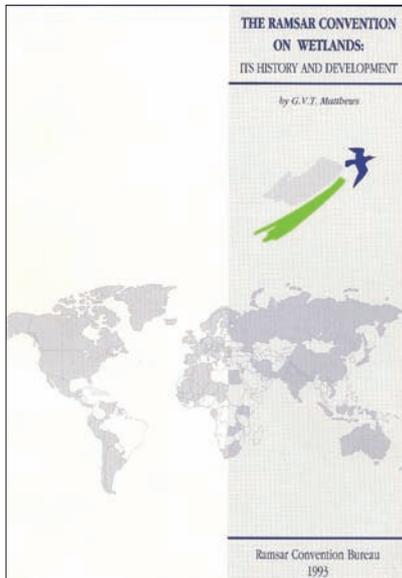


Fig. 8. In 1993, former IWRB Director, Geoffrey Matthews published an overview about the development of the Ramsar Convention.

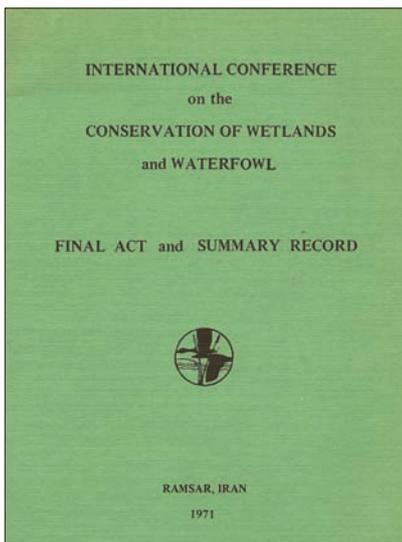


Fig. 9. The formal Final Act of the Ramsar Convention.



Fig. 10. Two pioneers of international waterbird research and conservation: Hugh Boyd of the Canadian Wildlife Service (left) and Geoffrey Matthews, Director of IWRB (right) (Photo: Gerard Boere, during the IWRB Astrakhan Conference, September 1989).

a European/Eurasian perspective, to include Africa as well, giving the project a much wider focus. At the same time, the ongoing activities in North America which eventually led to the development of the North American Waterfowl Management Plan and its flyway and governance/management structure [11] acted as an example of how a similar approach might be developed for the Eurasian-African region and flyways.

The development of such a flyway instrument for the African-Eurasian region became possible from 1979

onwards under the newly established Convention on the Conservation of Migratory Species of Wild Animals (CMS) also known as the Bonn Convention, which requested Parties to develop separate regional Agreements and other instruments like Memoranda of Understanding (MOUs) for single species or for groups of migratory species [12]. From a geopolitical point of view the North American situation was - and still is - less complicated: at the start there were only two countries: Canada and the USA and two languages (English and French)

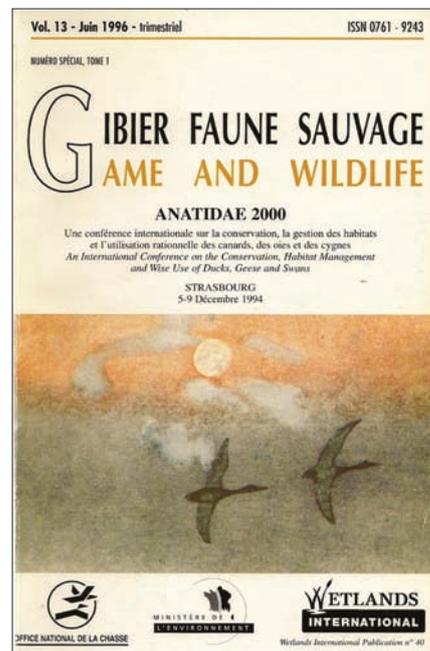
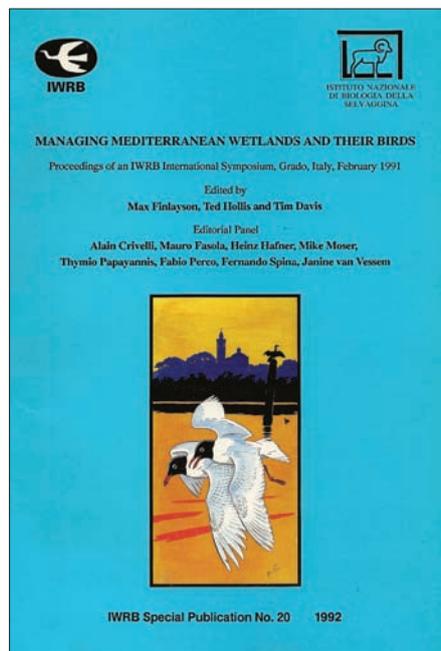
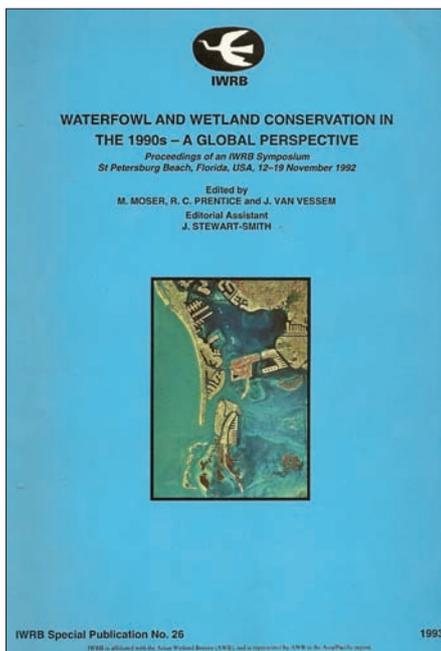


Fig. 11. Proceedings of various international waterbird and wetlands conferences in St. Petersburg (USA, 1992), Grado (Italy, 1991) and Strasbourg (France, 1994).

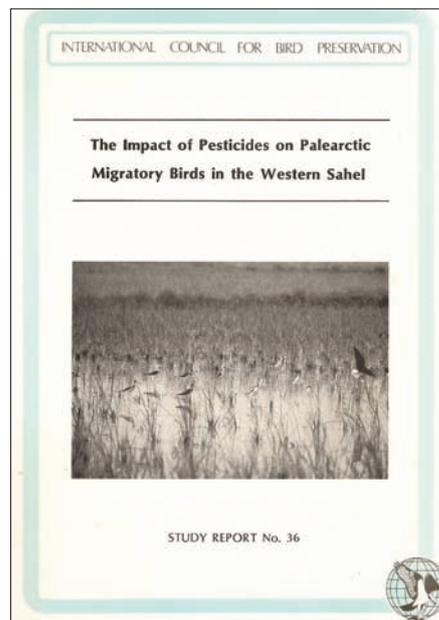
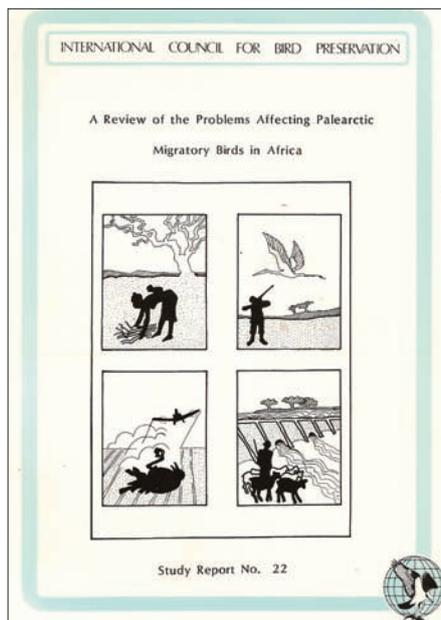
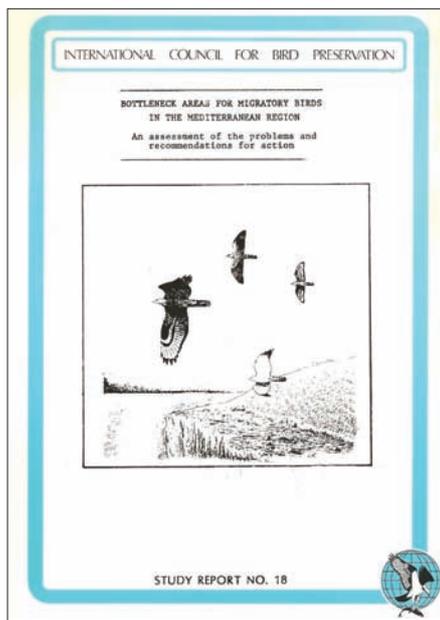


Fig. 12. A selection of ICBP reports, published in 1986 and 1987, drawing attention to the serious problems migratory birds were facing during migration and in their wintering areas in Europe and Africa.

involved. Later, when Mexico joined it became three countries with a third language (Spanish).

However, the Eurasian-African region is much more complicated as it involves about 120 countries, dozens of different languages and a great variation in culture as well as approaches to conservation and issues such as hunting. This much more complex situation meant that the governance and management structure of an international instrument for waterfowl conservation within the Eurasian-African region would have to be different from that in North America [13]. For those involved in those earlier discussions, it was clear that a more formal and legally binding arrangement might be needed to really have many countries and organizations involved.

The international discussions on waterfowl and habitat monitoring, research and conservation continued with technical meetings [14] also often as part of the later established formal Conference of the Parties (COP) [15] to the Ramsar Convention as in Regina, Canada, 1987 [16]; but they continued particularly as part of the triennial meetings of IWRB/Wetlands International such as in

Astrakhan, USSR (1989) [17], St. Petersburg (Florida), USA (1992) [18], Kuala Lumpur, Malaysia (1995) [19], Dakar, Senegal (1998) [20]; or as the theme of special conferences such as the one held in Grado, Italy on Mediterranean Wetlands and their birds (1991) [21], "Anatidae 2000" in Strasbourg, France (1994) [22], and the 'Waterbirds around the World' Conference, held in Edinburgh, Scotland, UK (April 2004) [23] and focusing on the state of the art of monitoring, research, management and conservation of global waterbird flyways.

ICBP programme on migratory birds

As early as the 1980s the Migratory Birds Programme of the International Council for Bird Preservation (ICBP, now BirdLife International) had paid much attention to conservation priorities, including those of migratory waterbirds in the Mediterranean and Africa, through a series of reports [24] and a technical publication [25] highlighting these problems and setting priorities for habitat conservation and the use of agrochemicals for example. Furthermore, it was requested that attention be paid to the need to regulate hunting

pressure, and its side effects, on waterfowl [26].

This programme greatly stimulated the interest in the conservation of migratory waterbirds on an integrated flyway level. Threats to waterbirds during migration were given attention through many studies on wader/shorebird migration, such as the one published by IWRB in 1987 [27] and in many of the previously mentioned conferences.

Hunting

The topic of hunting of waterfowl and how to achieve a sustainable harvest was part of the long lasting discussions addressing for instance a possible setting of threshold levels as a politically sensitive issue, in relation to intense discussions on what factors influence population levels. Setting threshold levels was considered possible only if this was done on an international level, but at the same time seen by some as impossible to control [28]. The ongoing limited spring hunting in Western Europe (to be phased out under the EC Birds Directive) also played a role in these discussions and "the compensatory density principle" became legendary words in this respect [29].

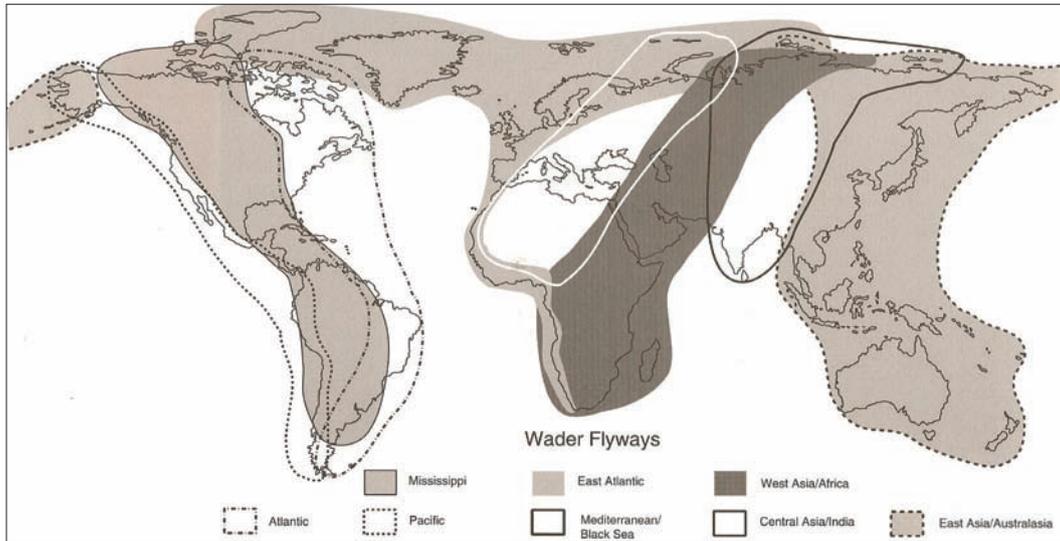


Fig. 13. Wader flyway map for Eurasia, Africa, Asia-Pacific and the Western Hemisphere as presented at the Odessa Meeting in April 1992; Rodney West for the International Wader Study Group.

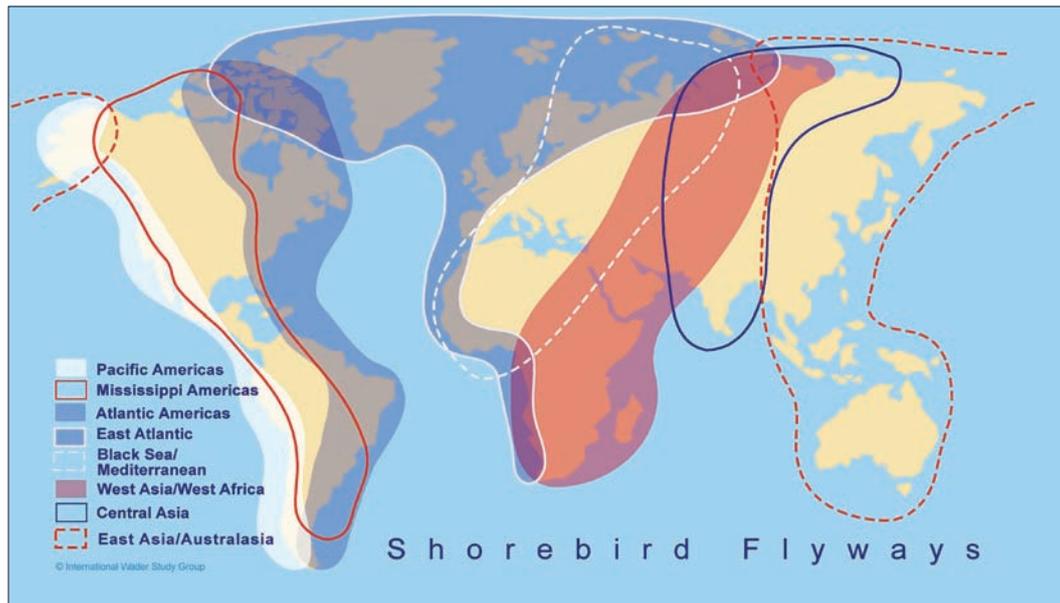


Fig. 14. The same Wader flyway map as in Fig. 13; further developed by Rodney West for the International Wader Study Group in 2000; some changes compared to the one from 1992 are visible but not many. It is particularly this map, which over the years has been used when people mentioned flyways in whatever context.

Key players those days in the sustainable hunting discussion were people like the late Herby Kalchreuter (Migratory Birds Commission of the CIC), Raymond Pouget (OMPO/France), John Swift (BASC, UK) and Yves Lecocq (FACE). They all followed, in a critical but mainly constructive way, the development of the flyway instrument under CMS which later became AEWA.

The first improved maps, after those of Isakov [1] with flyway indications for species and populations were published and they helped scope the ideas about which areas of the Western Palearctic flyway should be covered by a flyway agreement under CMS.

NGOs active at the flyway level

From about 1970 onwards, many expeditions and field studies in the Mediterranean, African and Eurasian regions, by for example teams from the UK (various Universities; Wash Wader Ringing Group), France (ONCFS and the Biological Station of Tour du Valat) and the Dutch Working Group for Wader and Waterfowl Research (WIWO) [30] showed more clearly than ever the great importance of a chain of larger and



Fig. 15. Mr. Atkinson-Willis, second from left with binoculars, was the first co-ordinator for the IWC and gave it a great start and scientific foundation (Photo: Gerard Boere, IWRB meeting Poland, September 1973)

smaller wetlands for waterbirds to be able to undertake their migration from the Arctic breeding grounds (the origin for many of the waterbird species) to the wintering areas around the Mediterranean and in Africa as far south as South Africa.

Recent research has underpinned this importance and shown how migrants have various strategies to meet the requirements of travelling long distances [31].

This flyway conservation approach for Eurasia and Africa was also stimulated by the work of the International Wader Study Group (IWSG) [32] in close co-operation with

IWRB. In East Asia, INTERWADER [33] a similar group, became active which eventually resulted in the East Asian-Australasian-Pacific Migratory Waterbird Conservation Strategy and Partnership. Today, the global wader/shorebird flyway map, which was developed by the IWSG and first published in the Odessa Proceedings [34], is often used as a reference for waterbird flyways on a global level; for certain regions more detailed flyways could be described. The latest version of the map was published in the Summary Booklet and Proceedings of the "Waterbirds around the World" conference [35], [36].

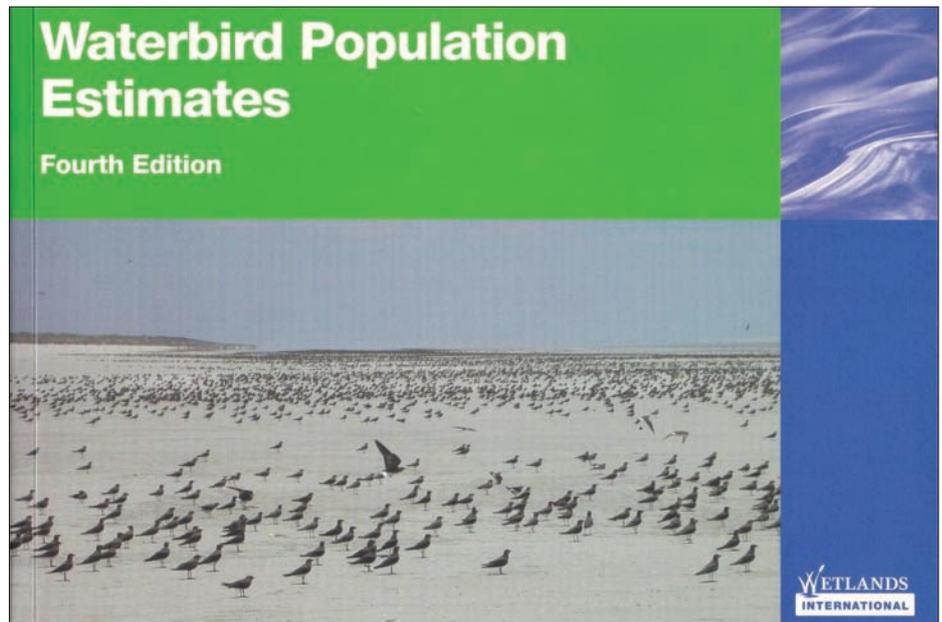
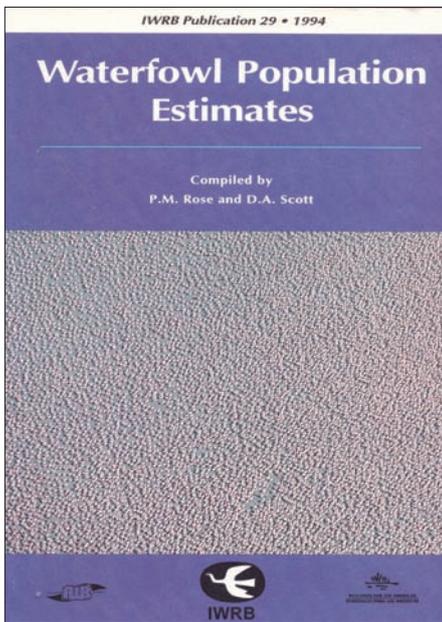


Fig. 16. The first (1994) and fourth (2006) edition of Waterbird Population Estimates.

IWRB/ Wetlands International: International Waterbird Census (IWC) and Waterbird Population Estimates (WPE)

IWRB, with the late G.L. Atkinson-Willis as the pioneer, played a major role in coordinating and organizing the collection of essential data to underpin the importance of wetlands by developing and organizing the International Waterbird Census (IWC) [37]. The results of the IWC are the basis for what has become known as the “1% criterion” to identify wetlands of international importance to be

designated as Ramsar Sites.

The first comprehensive overview with results of IWC activities was presented in 1974 and published in 1976 [38]. But it must be underlined that the whole set-up of the waterbird census had already started in the late forties, with further and wider development of the geographical coverage in the fifties and sixties which already included the USSR in those early days [39]. The IWC later developed into an almost global monitoring system coordinated by the successor of IWRB, Wetlands

International, with reports published on a regional basis at regular intervals [40].

The IWC, together with the extensive network of Waterbird Specialist Groups within Wetlands International and as part of IUCN's Specialists Network, also provided, and still provides, the basic information for the Waterbird Population Estimates (WPEs) which support the Parties to the Ramsar Convention with updated figures for the 1% criterion for all waterbirds.

Four WPEs have so far been published

by IWRB/Wetlands International in relation to COPs of Ramsar. The last one, WPE4, was, as a draft, published in conjunction with Ramsar COP9 in Kampala, Uganda, November 2005 and later in its final version in December 2006 [41].

The IWC combined with the WPE is generally seen as the world's longest and most extensive monitoring system for a group of bird species or fauna species in general. In spite of the broadly recognized importance of both the IWC and WPE datasets and publication, it was and remains until today extremely difficult to receive appropriate funding for this work. This is the more striking if one knows the number of volunteers involved in the IWC and the fact that most of them pay for the costs of fieldwork themselves.

The series of species-related workshops and conferences should also be mentioned, which provided a regular overview of the current status of certain groups of waterbird species. These meetings were, and still are, organized by Wetlands International Specialists Groups (SGs) such as the Swan SG, Goose SG, IWSG, Seaduck SG, Woodcock and Snipe SG, etc. [42].

Almost parallel with the development of the IWC and its extension to a global monitoring system, much attention was also paid to preparing inventories of wetlands of international importance for many regions and continents [43]. They played an important role as shadow lists for the designation of sites by the Ramsar Parties and were a welcome source of information for NGOs (often involved in the field work), to remind Ramsar Parties about their obligations to designate internationally important sites as Ramsar sites.

Bonn Convention (UNEP/CMS; Bonn 1979) and flyways

The development of the Bonn Convention (UNEP/CMS) as a framework convention, which came into force in 1983, opened the way to establish separate conservation and management instruments for geographical areas, single species and species groups of migratory animals, including migratory birds. For migratory birds this was not an entirely new concept, because there were already some older instruments aiming at their protection. Most of these were bilateral agreements such as the ones between the USA and the United Kingdom, Japan, Mexico

and the USSR [44]. Dr. Gerhard Emonds [45] published a short review of these flyway agreements and other international instruments which could be applied to the conservation of birds. This overview was published in a special issue of the journal "Natur und Landschaft" ("Nature and Landscape"), issued by the German Federal Institute for Nature Conservation and Landscape Ecology. It was published in 1979 just before the start of the final negotiation

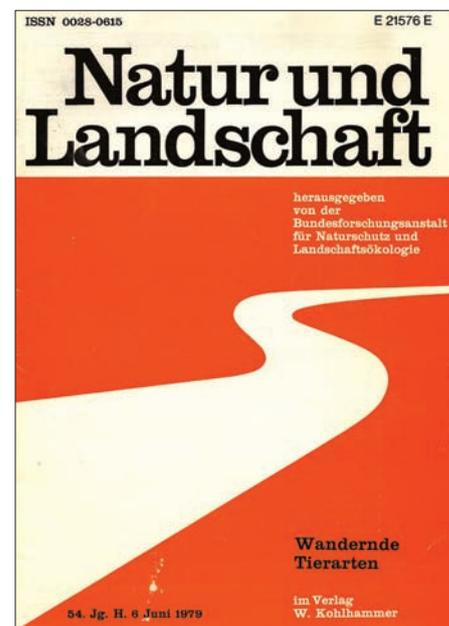


Fig. 17. *Special issue of 'Natur und Landschaft' on migratory species, published in 1979 at the start of the final negotiation meeting on the text of the Bonn Convention.*

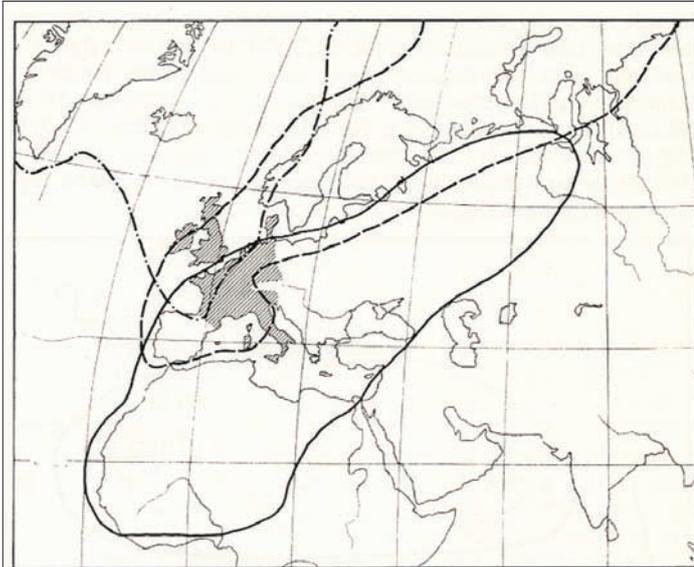


Abb. 1: Die Jahreslebensräume der holarktischen Entenvogel-populationen, für deren Schutz das Gebiet der Europäischen Gemeinschaft eine Schlüsselrolle spielt: 1 (---) = asiatisch-europäischer, 2 (-·-·-) = amerikanisch-europäischer, 3 (—) = euro-afrikanischer Lebensraum.

Fig. 18. In the 1979 issue of 'Natur und Landschaft', Dr. Nowak published the first policy ideas about flyway maps and how to use them; this example generalized the ideas about all duck species.

conference for the Bonn Convention [46]. For more details and an updated overview of global flyway activities see various other publications such as Boere and Rubec (2002), Boere (2003) and CMS (2009) [47].

It is important to note that in parallel to these developments at the global level, the European Community (now European Union) developed its own instrument on bird conservation: the EC Birds Directive [48]. In the implementation of this Directive, attention was focused not only on

national legislation and actions of EU Member States, but also on regions frequented by breeding birds of the EU Member States during migration and wintering [49].

Finally, as concerns inter-governmental instruments for Europe and Africa in relation to migratory birds, it is important to mention the Bern Convention. This European Nature Conservation Convention, administered by the Council of Europe in Strasbourg was also concluded in 1979. It contains a specific

arrangement for the protection of European species of migratory birds. On that basis this Bern Convention has a facility for African countries to become a formal Party although only a few have joined. This Convention focuses almost entirely on Pan-European conservation issues. Moreover, nowadays the majority of activities related to migratory birds under the Bern Convention are now taking place within the framework of CMS and its agreements including AEWA. However, one should keep in mind that AEWA is restricted to waterbirds and the Bern Convention is not.

The growing activities of ICBP at the regional level via programmes and projects helped to provide broad support on the conservation of migratory birds. These were strongly enhanced by the formation of BirdLife International, which had National Partners and well organized national and regional programmes on migratory bird conservation. That was helpful for AEWA which was being developed in the same period as ICBP was transformed into BirdLife International.

The thinking behind implementing the EC Birds Directive in combination

with activities of organizations such as BirdLife International and Wetlands International in the field of waterbird research and conservation, led the EU to determine its role in the conservation of migratory species wintering in Africa. EU activities had a particular focus on wetland areas [50] as it was also the time of the severe Sahel droughts affecting European bird populations and not only waterbirds. These drought-related problems needed special attention both at the species level (and not only for waterbirds) and in relation to their habitats in general [51].

Conclusion

Looking back over a period of 40-50 years in this short summary of the broader context of wetlands and waterbird conservation in Eurasia and Africa, the development of a large flyway instrument was seen as a logical step in the conservation activities for waterbirds, their flyways and habitats in Eurasia and Africa. This was facilitated by the fact that the Convention on Migratory Species had, in the meantime, entered into force. Still a few people thought that implementing Article 5 of the Ramsar Convention could achieve the same results.

Most of the basic needs for data concerning wetlands and waterbirds in order to underpin an international legal instrument were well advanced and structures to continue data collection and research and improve it, were in place.

In general, remaining threats to species and habitats were quite well known and already many data, thanks to the IWC and the various wetland inventories, were available for a large part of the Eurasian/African flyway; with the African continent and Central Asia as the least known.

There was a growing need to have a structural framework for the coordination and further stimulation of so many activities which were already ongoing. Moreover, the conservation and management successes of the North American Waterfowl Management Plan and its integrated flyway approach towards sustainable harvest in combining breeding successes with bag limits, have also stimulated thinking in Eurasia and Africa. It set minds in the right direction of greater international cooperation in a structural way in the Eurasian-African realm. Discussions in some countries on the sustainable harvest of waterfowl,

by the end triggered the real start of the work through the resolution on the development of four agreements adopted at the first CMS COP in 1985 in Bonn; 'the time was ripe' for the Agreement.



Greater Flamingos, Phoenicopterus ruber (Photo: Sergey Dereliev (UNEP/AEWA)).

2 ■ Steps towards the development of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA); the development process over time

Earlier 1983 IUCN proposal

In 1983, the year when CMS came into force, the IUCN published a first proposal for an Agreement [52] on all migratory species (birds, mammals, butterflies etc.) in the Western Palearctic Region [53] to stimulate and support the discussions before and during the upcoming first Conference of the Parties to CMS, which eventually took place in 1985. In 1986 IUCN also published an overview of existing instruments for migratory species in general. Later, in 2006 and 2007, UNEP brought out a number of handbooks about Multilateral Environmental Agreements including a comprehensive manual explaining how to apply them; the latter is something from which we could have derived some considerable benefit if only it had been available at the start of our work! However in 1985 Simon Lyster (Cambridge University) in association with the IUCN issued a book with an analysis of international treaties concerned with the conservation of wildlife. That

study included all current ones from the Bern Convention to Antarctic Marine Living Resources and included a first preliminary analysis how to take CMS forward. His book was very helpful in those early days when we were considering what to do, how to achieve it and what was already available in other conservation instruments. UNEP recently issued a very informative series of books on the same issue [54]. In the past there was not that much experience of this type of instrument.

That draft IUCN Agreement for all migratory species in the Western Palearctic, thus by definition excluding the larger part of Africa south of the Sahara, was a very detailed legal and procedural document. It did not mention species but instead provided for the development of Annexes listing all migratory species, not only birds, of the Western Palearctic Region [55]. This proposal anticipated discussions on possible Agreements developed during the First Meeting of the Conference of

the Parties to CMS which was held in Bonn in 1985. This 1983 model IUCN Agreement did not provide a few basic things which existing international conservation treaties provide for. For instance, the text did not foresee the need for a periodic Meeting of the Parties but postulated the establishment of a Commission, which would meet regularly and to which each Party could appoint a member. This commission model with representation of all Parties is similar to the way the Bern Convention, administered by the Council of Europe in Strasbourg, runs its annual meetings.

The IUCN model agreement also provided for the adoption of Recovery Plans and Management Plans by this Commission or other committees, but did not prescribe such plans as integral parts. This is a rather fundamental difference with the final AEWA text developed later, which states that Action Plans are an integral part of the Agreement and therefore legally binding documents; thus in principle forcing Parties 'to do something'![56]

The IUCN 1983 proposal had no suggestions for making more specific arrangements into separate

legal instruments (as possible under CMS), for instance for endangered species and/or some groups of species. The idea was that one overall Agreement for all species would be sufficient and effective. In practice it did not work out that way as became clear at the first COP of CMS. Still the IUCN preparatory work on this Western Palearctic has been quite useful in facilitating discussions about Agreements under the Bonn Convention and as a checklist for what should be included in the type of instruments.

2.1. The First Meeting of the Conference of the Parties to CMS (COP1) in 1985

CMS, entered into force in 1983. In October 1985 CMS COP1 was held in Bonn. At that time CMS still had only 19 Parties! With 44 more countries formally represented as observers and with admitted delegates from 33 GOs and NGOs, the meeting counted just over 100 participants. This is quite a difference from the last CMS COP9 held in December 2008 in Rome at the Food and Agriculture Organization Headquarters, where 86 Party countries were present, a very large number of NGOs and close to 400 participants. It shows

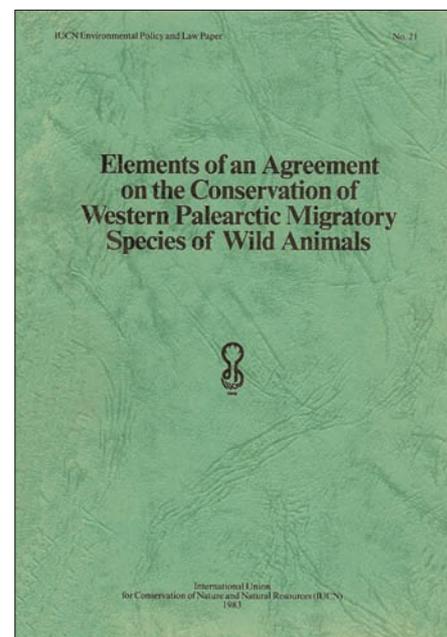


Fig. 19. *The IUCN draft from 1983 for an Agreement for all migratory species in the western Palearctic region.*

the development of the Bonn Convention and, at the same time, the global interest in conserving migratory species and not just birds. However one has to start small and in order to build up experience with the implementation of CMS, Parties in 1985 agreed on a resolution [57] with instructions to the Secretariat to take appropriate steps to develop Agreements for four groups of animals:

- European species of Chiroptera (Bats)

Resolution 1.6

AGREEMENTS

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals,

Recognizing the importance of demonstrating the effectiveness of the Convention,

Aware of the particular need to conclude Agreements for appendix II species,

1. Instructs the secretariat to take appropriate measures to develop Agreements for the following species and groups of migratory animals:

- a. European species of Chiroptera;
- b. Ciconia c. ciconia;
- c. Western palearctic Anatidae;
- d. North and Baltic Sea populations of Phocoena phocoena and Tursiops truncatus;

2. Recommends that process on these Agreements should be reviewed at meetings of the Standing Committee and Scientific Council, and reported on at the second meeting of the Conference of the Parties;

3. Further recommends that full account be taken of the record of discussions on the development of exemplary Agreements during the first meeting of the Conference of the Parties.

- *Ciconia c. ciconia* (White Stork, nominate race)
- Western Palearctic Anatidae (ducks, geese and swans)
- North and Baltic Sea populations of two marine mammals: *Phocoena phocoena* and *Tursiops truncatus*.

This list is, if we may say so, very Eurocentric but in 1985 the Parties were mainly European with only a couple of African and Asian countries. One should also realize that the CMS Secretariat was extremely small, for some time only one person. This changed in 1986 with the nomination of Judith Johnson, an Australian citizen, as the first full time Coordinator plus part time secretarial support.

The Government of the Federal Republic of Germany provided additional support to the Secretariat by making available Dr. Eugeniusz Nowak of the German Institute for Nature Conservation in Bonn-Bad Godesberg. Also the chair of the Scientific Council of CMS, Dr. Michael Ford (Joint Nature Conservation Committee of the UK) was active in supporting the development of the Bonn Convention and getting things off the ground.

Fig. 20. The original text, taken from the report of CMS COP1, of the resolution as adopted by CMS COP1 in October 1985. The proposed Agreement on Western Palearctic Anatidae developed into AEWA.

Working Group on Ducks and Geese at CMS COP1

The inclusion of the Western Palearctic Anatidae was done on the basis of recommendations of the Working Group on Ducks and Geese (WGDG) of the Scientific Committee of COP1 [58]; rapporteur of the WGDG was the Head of the Dutch delegation to COP1: Drs. Chris J. Kalden (Ministry of Agriculture, Nature and Fisheries, the Netherlands) [59]. The Dutch wish,

also based on discussions within the Netherlands (but not only there), to undertake coordinated management measures and develop such an Agreement, was also related to issues on the development of sustainable hunting, to study the possibility to set bag-limits and threshold levels over a wider geographical range to avoid excessive and accumulated harvesting of certain species [60].

At the same time, this plea for some stricter hunting regulations at the international level (and at the national level within the Netherlands), but not a ban on hunting, was one of the sources for the problems the national and international hunting organizations have had, from that time onwards, with the prominent role the Netherlands played in the development of AEWA. It may have slowed down the process of its development. One should also keep in mind that at this time the discussions on the change from lead shot to non-toxic shot (bismuth, steel etc.) also took place; another difficult issue for the hunting community although less than they feared they would see in the draft Agreement.

The WGDG at CMS COP1 advised that such an Agreement for Western Palearctic Anatidae should however emphasize that Parties should continue to be or become active on the following:

- Continuation of monitoring (counts e.g. IWC continuation and expansion, coverage of more areas also smaller ones; increased waterbird ringing and studies on migration, etc.)
- Collection of bag statistics

- Education of hunters
- Support with respect to these activities (technical assistance, training etc.)
- Coordination of management plans for single species or species groups

The WGDG also mentioned that habitat protection and public awareness should be included in an Agreement and recommended that the Agreement should be flexible and not too strict in rules, regulations and prohibitions so as to be able to incorporate new data and thinking.

Noticeable is a strong emphasis on issues related to the harvest of waterfowl in this first phase of the development of an Agreement. In the course of the development process, this changed to a much broader conservation and management approach, including sustainable harvest.

At this time the WGDG already noticed the serious problems in the Central Palearctic Flyway [61] but it recommended first to build up experience to develop an international instrument within a smaller region and fewer species. The WGDG also underlined the

possibilities present in the European region to receive support and resources to achieve concrete results, namely an Agreement text and consensus about conservation and management measures. Finally the WGDG recommended close cooperation with the hunters and their international organizations such as CIC/Migratory Birds Commission and FACE.

2.2. The AEWA development process and other activities between CMS COP1 (October 1985) and CMS COP2 (October 1988)

The CMS Secretariat located in Bonn [62] was, as mentioned before, not yet well resourced and by 1987 had only two staff members. It certainly could not undertake the work necessary to develop, in parallel, four Agreements, as requested by CMS COP1, and at the same time deal with the regular administrative and diplomatic work for a UNEP administered Convention in its early days of implementation and development [63].

Moreover, it was in those early days of CMS the understanding of the Parties that it lay within the responsibility of

the Parties that were Range States to migratory species to conclude Agreements (cf. CMS Art. IV.3) and that the Secretariat had only the task of “promoting” the conclusion of Agreements (cf. CMS Article IX, 4 (g)). Therefore it was always a Party that volunteered to take the lead in the development and negotiation of an Agreement under CMS. The instruction to the Secretariat by CMS COP 1 in Res. 1.6 “... to take appropriate measures to develop Agreements” was in the light of the above in fact not fully appropriate as the Convention text clearly states that Parties should take initiatives to develop Agreements and not the Secretariat.

Dr. Nowak’s activities from late 1986 onwards

The first step towards the development of the various proposed Agreements was the German Federal Government making the time of Dr. Eugeniusz Nowak [64] available. This was from the end of 1986 onwards, to work together with the CMS Secretariat to implement Res.1.6 regarding for example the Western Palearctic Anatidae Agreement (WPAA), which was at that time the name of the proposed Agreement which much

later became AEWA. Dr. Nowak was the CMS Scientific Council member for the Federal Republic of Germany and at the same time the Scientific Council’s Focal Point for the WPAA. He also coordinated work on the other proposed Agreements, notably the White Stork Agreement.

As a result of internal German discussions, in April 1987 Dr. Nowak wrote a letter [65] with an Annex to Drs. Kalden, the Chair of the Working Group on Western Palearctic Anatidae during CMS COP1.

The Annex [66] was a description of elements to be included in the proposed Agreement on Western Palearctic Anatidae and a listing of various studies to be undertaken before a legal format for an Agreement should be developed. Dr. Nowak also (even at this early stage!) proposed that the Agreement should be extended to all waterfowl species in the Western Palearctic as so many other waterfowl species had similar migration routes and habitat problems as the Anatidae. The name of the proposed Agreement would then be: Western Palearctic Waterfowl Agreement (WPWA) instead of its original title: Western Palearctic Anatidae Agreement (WPAA). Later,

at the Ad Hoc Working Group meeting in February 1990 in The Hague, the Netherlands (as far as the author can recollect from documents and his memory), the name ‘waterfowl’ was changed into ‘waterbirds’ as the term ‘waterfowl’ is traditionally more used for the waterbird species that are taken e.g. hunted, netted or caught in duck decoys.

Dutch Ministry of LNV providing support

On the basis of this German proposal, and in close consultation with the CMS Secretariat [67] and the German Ministry for Environment as well as the European Commission [68], the Dutch Ministry of Agriculture, Nature and Fisheries [69] (LNV) decided to make a staff member [70] (Dr. Gerard C. Boere) available to assist UNEP/ CMS with the development of the Convention in general and especially to work on the development of the Western Palearctic Anatidae/ Waterbird Agreement in close co-operation with the CMS Scientific Council Working Group for that Agreement. From 1 January 1988 onwards Dr. Boere was given a broad mandate and resources (from the Dutch Ministry) to develop the Agreement and to participate in

international meetings of a variety of organizations to collect information, discuss the various elements of an instrument and stimulate initiatives that could help to develop the Agreement.

In this period, the development of the text of the Agreement and related documents such as Action Plans (for priority species) and Management Plans (of a more generic nature for all species) was undertaken on two parallel tracks:

- In the Netherlands, a Dutch Expert Support Group was established to assist Dr. Boere with his work and to discuss and further develop the work undertaken by Dr. Nowak as presented in his letter of 10 April 1987 [71].
- The CMS Secretariat worked with the German Government and the Working Group of the CMS Scientific Council, as an independent group with the same documentation provided by Dr. Nowak.

CMS COP2 (October 1988) and WPWA

Work progressed slowly in part

because the small UNEP/CMS Secretariat also had to prepare the CMS COP2, 11-14 October 1988 in Geneva. However, a considerable number of discussion documents were prepared, including a first Agreement text for the Western Palearctic Waterfowl Agreement. [72]. This text set out some general administrative principles on meetings, the establishment of a Management Committee and a procedure for amendments of the text of the WPWA. It also formulated the “Fundamental Principles” on conservation and the need to develop a Management Plan and Management Prescriptions to more precisely formulate implementation of the Management Plan.

Steered by the wish that the Agreements should be simple and operate at low cost, this first draft did not provide for example for the establishment of a Secretariat but a small coordination team instead. It also did not ask for a financial contribution from Parties; decisions on all these issues were, in this draft text, to be left to future Meetings of the Parties to this new waterbird Agreement.

This draft text was the very first of many to follow until the final negotiation meeting in June 1995. There were so many drafts for the Agreement that it was sometimes difficult to know what the current text at the time was and therefore the numbering of drafts was also restarted from zero in 1993. Good understanding of the most recent draft was also necessary because of the continually changing ideas about the total scope of the Agreement in relation to the number of species and the geographical area, as well as management issues to be included.

Also some publications and presentations for relevant journals and at relevant meetings and conferences were prepared, which represented the first steps in the more public and stakeholder involvement process of developing the Western Palearctic Waterfowl Agreement (WPWA). CMS COP2, more specifically Committee 1 (the Scientific Committee) advised, as suggested by Dr. Nowak, that more species could be included in what originally was meant as the Western Palearctic Anatidae Agreement. He stated: ‘that species other than Anatidae should be included and that the area involved should include the wetlands of sub-Saharan Africa’ (CMS COP2 Proceedings) [73].

One should bear in mind that at the time of COP2 work on a separate regional Agreement for the White Stork was also still underway (as decided by COP1 in 1985). That work was coordinated by the EU (at that time still the EEC) and included the preparation of a management plan for the White Stork actually undertaken by ICBP (BirdLife International) under contract from the EU. Only later was it decided to include the White Stork in the waterbird Agreement; that was formally agreed at the first consultative meeting on AEWa in June 1994 in Nairobi.

2.3. Further progress in the period 1989 to 1993; developing the WPWA and its Annexes into a more definitive format

Relations between CMS and Ramsar Convention concerning migratory waterbirds; the Ramsar Convention Art. 5 discussions.

The period between early 1989, just after CMS COP2, and the end of 1993 was absolutely crucial for the more definitive formulation of the draft Agreement text and its Annexes. There was a continuous input from a whole range of stakeholders including

the EU. For instance it became necessary to explain more precisely the reason why this Agreement was being developed under CMS and not as a specific action under the Ramsar Convention. People asking such questions (and there were many) referred to Article 5 of the Ramsar Convention which specifically allows and asks for international cooperation on transboundary wetlands and shared water systems; which in the interpretation of these people would also apply for international cooperation on migratory birds using these wetlands.

At Ramsar COP3 (1987, Regina, Canada), the relation with flyways was made more specific in Recommendation COP 3.2 which emphasized: "...the need to establish reserves at wetlands linked by migratory birds." This can be seen as an early call for the development of what now generally is understood as 'the flyway approach'. A parallel discussion took place, in particular, within conservation circles in Europe, on how to reconnect nature reserves again to better secure the conservation status for many species. Flyways of migratory birds often acted as examples. These discussions on connecting reserves

and the like also became well known as the process towards 'developing ecological networks'; now a well accepted conservation policy [74].

For this purpose the CMS Secretariat (Judith Johnson) together with the Chair of the CMS Scientific Council (Michael Ford, JNCC, UK) prepared a Note [75] in 1989 to compare the substance and regulations of both the Ramsar Convention on Wetlands and CMS. They concluded that the conventions were complementary in this respect and that Article 5 of the Ramsar Convention could hardly be applied to bring all countries and stakeholders together at a flyway level encompassing two or three continents. In 1990 (COP4, Montreux, Switzerland) the Ramsar Convention adopted a Recommendation asking its Parties to support the development of the Western Palearctic Waterfowl Agreement and to develop similar instruments for other flyways [76].

The possibility of applying Article 5 of the Ramsar Convention was mentioned several times during the discussions on the various drafts of the WPWA, whereby the need for a specific migratory waterbird Agreement under CMS was put forward and highlighted. However the general understanding was that

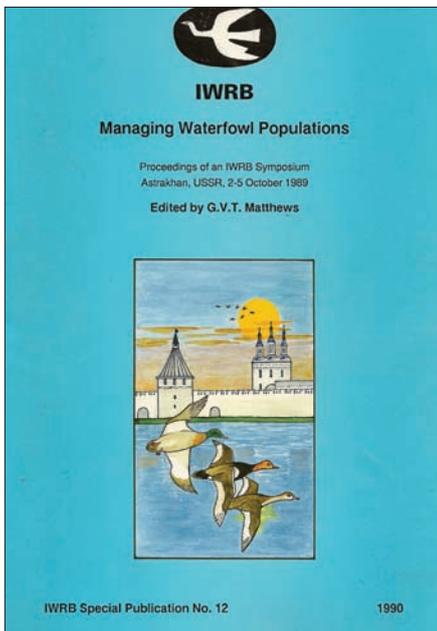


Fig. 21. *Proceedings of the IWRB conference in Astrakhan, October 1989, with the first published paper outlining the (excessively!) detailed ideas about the development of a Western Palearctic Waterfowl Agreement.*

Article 5 was meant in the first place to stimulate cooperation, supported by the Ramsar Convention, among countries sharing a wetland or water system (lake, catchment area of a river, etc.) across the borders of two or, in a few cases, three or four countries and not over a long distance flyway which involves dozens of countries or even over one hundred.

Exceptions on the species level

were mentioned for some migratory geese species migrating through a few countries only [77]. Article 5 was certainly not seen as the basis for formal Agreements within the meaning of CMS [78].

Similar discussions on substance and the need for a new international bird conservation instrument, in relation to existing instruments and organizations, took place with ICBP (BirdLife International) staff in Cambridge. ICBP's Director Dr. Christoph Imboden was, in the first instance, in favour of separating the waterbird species into two groups:

- those primarily in need of conservation
- those that could be hunted.

The first group was seen as the responsibility of ICBP and not directly to be subject of a new international conservation Agreement. The second group could potentially be included in the new waterbird Agreement to be developed [79].

However, the fear of many other experts and organizations was that this would reduce and restrict the WPWA too much to a 'single issue' arrangement, instead of addressing

the wide range of conservation and management problems waterbirds were facing.

IWRB meeting in Astrakhan, USSR, September 1989

The first more extensive public presentation of the draft proposal for a WPWA took place during the triennial meeting of IWRB in late September 1989, Astrakhan (Volga Delta), USSR. The text of that presentation was published in 1990 in the Proceedings of that meeting [80]. A more general publication on the implementation of UNEP/CMS, the development of more Agreements in general and the WPWA in particular was soon published thereafter in a technical publication of ICBP on migratory bird conservation [81].

Dr. Boere, in that latter paper, put forward a plea to develop special Agreements for not only other global waterbird flyways, but also for albatrosses and petrels, birds of prey and some smaller specific groups. A number of these suggested instruments are now in place, such as the Albatross and Petrel Agreement, the MOU on Birds of Prey for Eurasia and Africa and some regional individual species MOUs such as the

one for Andean Flamingos [82]. Reactions during the 1989 Astrakhan meeting showed a great variation: a number of European and African country representatives were very supportive of the idea that CMS should develop an instrument facilitating and stimulating more cooperation within the whole flyway. Others were quite sceptical - such as the German IWRB representative and representatives of national and international hunting organizations. These critical remarks were primarily aimed at the suggested regulations concerning hunting, which they

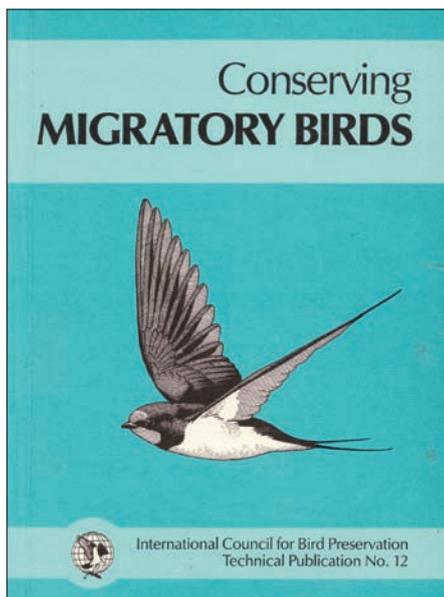


Fig. 22. ICBP Technical Publication no. 12 (1991) with the general paper on CMS.



Fig. 23. Participants of the IWRB Conference in Astrakhan, Russian Federation; September 1989; all have been involved in the AEWA discussions. From left to right: Eric Carp (IWRB/Tour du Valat); Geoffrey Matthews (Wildfowl Trust and IWRB); Simon Nash (IWRB); Luc Hoffmann (Tour du Valat; WWF); Eugeniusz Nowak (German Institute for Nature Conservation); Mike Smart (Ramsar Secretariat) and Mike Moser (IWRB) (Photo: Gerard Boere).

considered to be too detailed. The regulations covered management of species and habitats in general, and hunting, lead shot, threshold levels and bag limits, etc. The details of these issues were more of a problem than the idea of having an Agreement as such. Some of the “Fundamental Principles” formulated on a flyway level, and certainly the proposed integrated flyway approach covering the whole annual range of a species, were strongly supported and seen as a way to stimulate cooperative research and conservation actions

over a large geographical area.

The international hunting community was in particular afraid that the WPWA could become a kind of “second EC Birds Directive” with too many restrictions on hunting, and over a much wider geographical range! Countries with a traditionally large hunting community such as France and Italy therefore, in the first instance, opposed the development of the WPWA rather strongly, in which they were supported by their national hunting associations and important

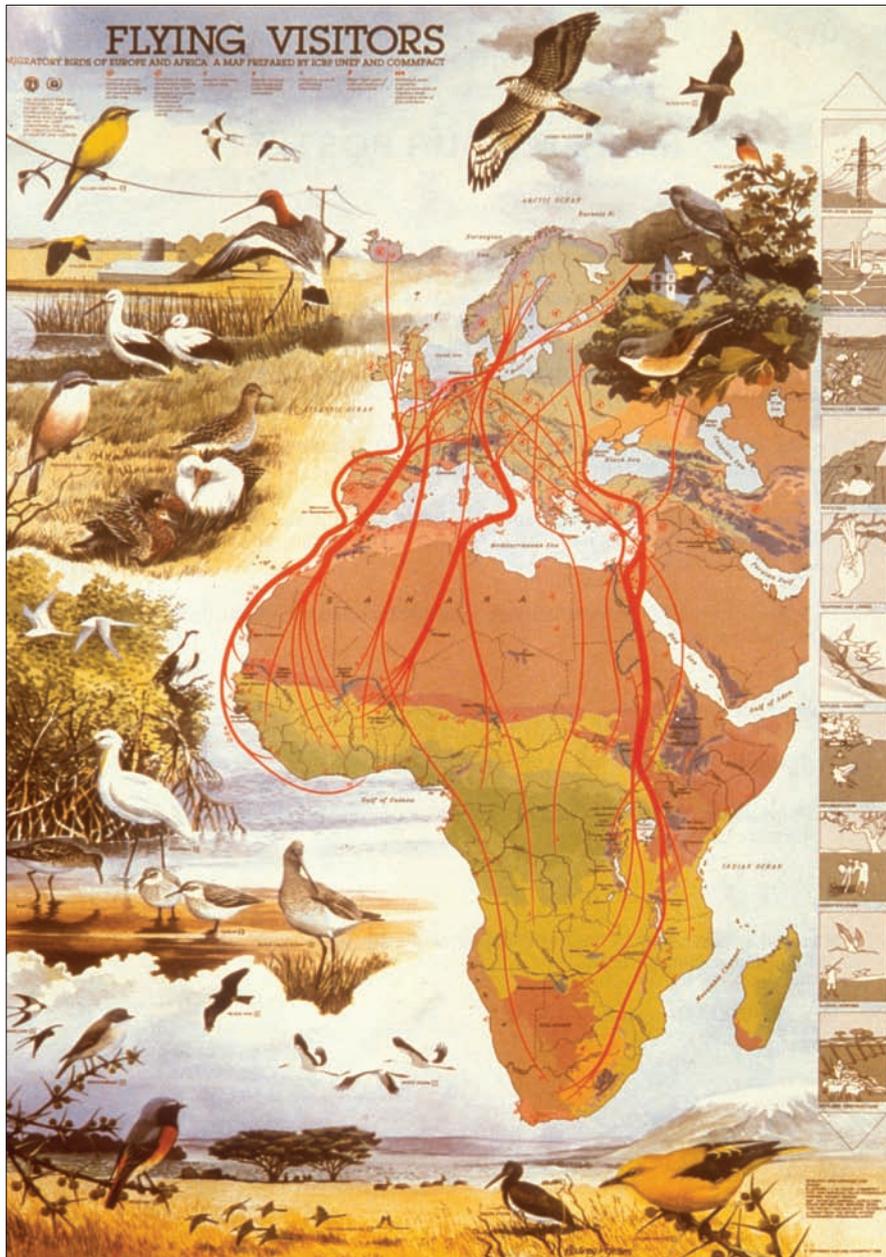


Fig. 24. The attractive and successful flyway map published by ICBP as part of their migratory birds conservation programme 1989-1991.

groups within the international hunting organizations.

The word 'within' should be underlined: there were different views expressed by groups within the different international organizations and their various committees: some were simply against the development full stop; others were in favour (but preferred less detailed management arrangements) or in favour under certain conditions (see also below). [83].

The discussions in 1989 in Astrakhan, many of them 'in the corridors', also made it clear that the legal arrangements in the first draft Agreement needed much improvement and that features such as a permanent secretariat, regular meetings of Parties and a financial instrument (obligatory contributions) should be included from the very beginning and not be left to a First Meeting of Parties once an Agreement had been concluded. There was not much difference of opinion on the Fundamental Principles; these formulations remained much the same throughout the very many drafts that were circulated during the entire period of consultations and negotiations from 1987 until

June 1995 when the text was formally concluded.

More seriously, the continually changing opinions of all potential parties on what should be prepared as a general Management Plan, as Action Plans and how strictly these plans should be implemented by future Parties and which species should then have priority, etc. took up a great deal of time in detailed and painstaking discussions. Changing views also emerged on some administrative issues, such as what type of governing bodies should be established, how and where secretariat functions should be catered for and, of course, the financial implications and the way funding should be secured for the Agreement structures themselves and for the implementation of management plans and action plans of whatever nature.

Astrakhan and discussions on hunting

It is worth mentioning here, in relation to what should go into the management plan, that after the presentation at the IWRB Conference in Astrakhan (Russian Federation) in early October 1989, during that same conference

at least two presentations by Russian waterbird experts strongly advocated the establishment of bag-limits for many waterbird species wintering in Western Europe and breeding in the USSR [84].

They expressed concern about the high number of waterbirds being harvested, especially in countries around the Mediterranean. In particular, spring hunting in that region (still happening then but later largely banned) was criticized by Russian scientists, as it could seriously reduce the breeding population and lead to a decrease of populations within the USSR [85]. It was seen as more damaging than the still existing traditional spring hunting of about 10 days with strict baglimits per day, in most of the Arctic and sub-Arctic regions within the USSR itself.

This difference of opinion, and others, influenced the relationship between in particular French hunting organizations and some representatives of the Russian Academy of Sciences, who regularly attended the meetings of CIC [86] and OMPO [87] and implemented joint projects [88]. This discussion certainly did not help win support from the French and Russian side for

the development of WPWA.

Worth mentioning is that this approach by Russian waterbird scientists critical of West European hunting activities, did not stop them developing plans to introduce non-native waterbird species into the USSR as quarry species; for instance, the Canada Goose (*Branta canadensis*) [89]. Such an introduction was seen, among other reasons, as a compensation for the reduced waterbird populations and not regarded as a serious problem as these Canada Geese populations would probably join the



Fig. 25. The late Dr. Heribert (Herby) Kalchreuter, Chair of the CIC Migratory Birds Commission (right) and Dr. Geoffrey Matthews (Director IWRB) chairing a session at the CIC Conference in late 1987 in Istanbul, Turkey. (Photo: Gerard Boere).

flyways of the already (non-native!) existing populations in some of the Scandinavian countries. That position was not supported by waterbird experts from other countries and in the final AEWA text such introductions of non-native species were strictly forbidden, as it is also under all major international conservation treaties.

On the other hand those working on the development of the WPWA were regularly invited to meetings of, for instance, CIC and OMPO, keeping the discussions going and presenting the work and progress related to the development of the Agreement and its Annexes.

This happened for the first time in December 1988 at a meeting, organized by OMPO in Senegal. While the formal plenary presentation was about WIWO's work in West Africa, developments concerning AEWA were also mentioned as part of that presentation [90].

It provided an opportune platform to meet those active in the hunting organizations, to discuss the aims of the Agreement and to keep the flow of information going. It laid the foundation for discussions with OMPO in the following years



Fig. 26. At the December 1988 OMPO conference in Senegal, there was also a celebration of the support provided by OMPO to national parks in Senegal (Photo: Gerard Boere).

which led to a consensus position being found. Those involved recall a memorable dinner at the Paris restaurant 'La Langouste Amoureuse' which was more or less the turning point in OMPO's approach to the Waterbird Agreement.

Regular contacts were also taking place with Dr. Yves Lecocq, the Secretary General of FACE, the umbrella organization of European national hunting associations. From the beginning, FACE had a positive and constructive position towards the development of an Agreement but also

remained critical on particular issues covered by the various drafts of the Agreement. Their position sometimes differed, in a more supportive way, from certain other groups within CIC and OMPO, but also views within CIC and OMPO varied from negative to constructive in a critical way.

On the other hand, it must be stated that FACE and its member organizations were also quite critical of the fact that the Netherlands had a leading role in the development of WPWA. They expressed concern that the very strict hunting legislation,

which applied in those days in the Netherlands, might flow into the development of WPWA and its final contents. This issue resurfaced later during the final stages towards the conclusion of the AEWA text.

It should immediately be stated and emphasized, that the groups previously most critical within the international hunting community, later changed their approach to a much more positive one, once the Agreement was concluded and when it became clear that the hunting issue was not such a prominent element in the implementation of AEWA; far from it. This was true with the exception of the lead shot issue, but even that was not very controversial within the hunting community.

2.3.1. Meeting of the Ad Hoc Working Group on the Western Palearctic Waterfowl Agreement, 6 and 7 February 1990, The Hague, the Netherlands.

In order to have a more co-ordinated exchange of views on the development of the WPWA, the Dutch Government convened the Ad Hoc Working Group [91] to discuss the current state of negotiations and to generate advice for further steps to be taken.

This first (and only!) meeting of the Ad Hoc Working Group took place on 6-7 February 1990 in the Ministry for Agriculture, Nature Management and Fisheries (LNV) in The Hague. It was attended by representatives from 10 countries and 7 organizations and institutes [92]. Drs. Chris J. Kalden, Deputy Director of Nature Conservation in the LNV, chaired the meeting. Politically it is important to note that the work for the development of AEWA, as undertaken by the Dutch Government from May 1989 onwards, was done also on behalf of the European Commission given the Community's competence on bird issues established through the EC Birds Directive [93].

The Dutch Government offered to prepare a number of discussion documents, including a substantially improved WPWA text. To this effect the Dutch Government in consultation with the CMS Secretariat contracted the IUCN Environmental Law Centre [94] to re-write the existing basic draft text given their expertise with international environmental legislation and the comments received in particular during and in the follow-up to discussions after the Astrakhan meeting in late September 1989. This work on drafting what was now a

formal Agreement text was undertaken by the late Dr. Cyrille de Klemm [95] who submitted a new version [96] in January 1990. This was a substantial improvement on the first preliminary texts. It contained very valuable "Explanatory Notes" to indicate the rationale for the amendments, the added text, etc.

Important improvements to the previous draft (see [71]) were:

- A better and more legally relevant definition of the Agreement Area.
- Waterfowl now defined following the Ramsar Convention definition.
- Definitions of other terminology following the CMS definitions and no definitions of "conservation" and "management". It was suggested that these terms be defined in the proposed Management Plan, a document that was not to be legally binding.
- The Fundamental Principles remained the same, but a more generic principle was added to the effect that Parties should take measures to achieve and maintain a favourable conservation status for Western Palearctic waterfowl. This followed the general formulation in CMS on species' status.



Fig. 27. Participants of the Ad Hoc Working Group meeting, February 1990, The Hague, the Netherlands / From left to right: Roseline Beudels, François Boillot (European Commission), Marc van Roomen (Netherlands), Michael Ford (UK, Chair, Scientific Council CMS), Judith Johnson (Coordinator, CMS Secretariat), Carl Edelstam (Sweden), Dr. Khadam (Egypt), Issa Sylla (Senegal) and John Wilson (Ireland); (furthermore Chris Kalden, Gerard Boere and Anne-Marie de Wee).



Fig. 28. Participants of the Ad Hoc Working Group meeting, February 1990, The Hague, the Netherlands / From left to right: Chris Kalden, Gerard Boere, Anne-Marie de Wee (all from the Netherlands), Dr. Vinokurov (USSR), Dr. Nowak (Germany), Dr. Hudec (Czechoslovakia), Dr. Kalchreuter (CIC), Dr. Hofmann (Tour du Valat) (Photo: LNV) (Note: not visible in the two photos above but also present were Mike Moser (IWRB), Tim Jones (Ramsar Bureau), Pierre Devillers (Belgium/EU) and Annette Schmidt-Räntsch (Germany) (Photos: LNV).

- A simpler administrative structure with just a Secretariat and Management Committee.
- A new article to establish a Western Palearctic Waterfowl Fund.
- A new article to establish a permanent secretariat.
- A few amendments on administrative issues (relations with other Conventions, settlement of disputes, amendment of Annexes and accession).

Very important was the inclusion of Article III, which stated that the Annexes attached to the Agreement were an integral part of the Agreement and therefore of a binding nature. This was something Dr. de Klemm very much insisted on, based on his negative experience with other international instruments and non-binding separate action and management plans.

About this time (December 1989), Dr. Nowak convened a meeting of members of the CMS Scientific, Council in co-operation with the Secretariat. They reported in writing, via the CMS Secretariat to the Ad Hoc Working Group and also suggested elements for a draft Agreement text [97].

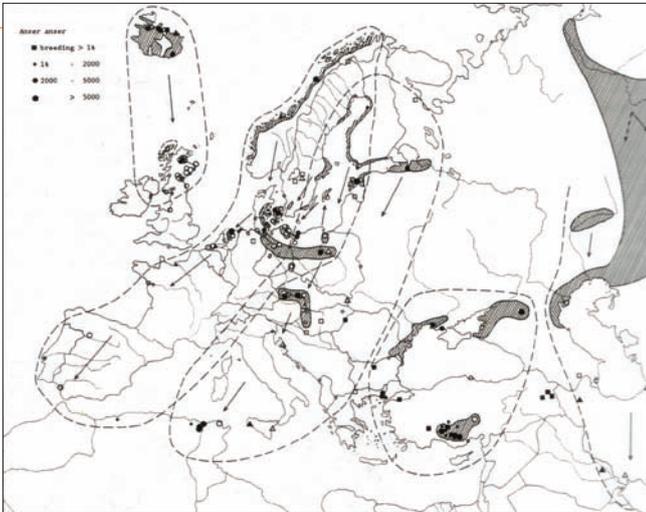


Fig. 29. Flyway map for the Greylag Goose, *Anser anser*, as published in the first, primitive flyway atlas for Anatidae of the Western Palearctic. That atlas had a positive catalytic effect on starting work on the production of more flyway atlases (M.W.J van Roomen & G.C. Boere, 1989).



Fig. 30. As a comparison the flyway map of the same species, Greylag Goose, published six years later in the Atlas of Anatidae Populations in Africa and Western Eurasia; the pattern is similar, many details are different (Scott, D.A. & Rose, P.M. 1996).

The First Flyway Atlas

Both draft Agreements with explanatory notes were added to a number of documents of substance together with a first attempt to produce maps for a number of Anatidae species showing the most important sites in a flyway of a species (or of a separate population of a species) and the conservation status of these sites [98].

This draft Flyway Atlas was particularly meant to show the importance for some duck and geese species of many sites and the fact that a substantial number had no protected status and were not listed as Ramsar

Sites despite qualifying [99]. In this way the Ramsar Convention acted as a complementary instrument alongside a CMS Agreement and as an important instrument for site protection.

This first primitive Flyway Atlas received, not surprisingly, a great number of comments and criticisms indicating first of all that much more information was needed (and was probably available) to produce such maps properly and that this first edition of the Flyway Atlas should be substantially improved. The author could not agree more and concluded that what they had set out to achieve was: more and continuous attention

to further develop and underpin the flyway approach for all these species. That improvement happened in the years thereafter in the much more comprehensive Atlas for Anatidae published in 1996 [100]. It stimulated the development of similar atlases for waterbirds in other regions [101] and the ongoing work on an atlas for waders in the WPWA region which was published in 2009 [102].

Other issues of substance discussed in February 1990 were:

- the list of Range States for Western Palearctic Waterfowl Species;
- the list of countries involved in the proposed WPWA region; with the

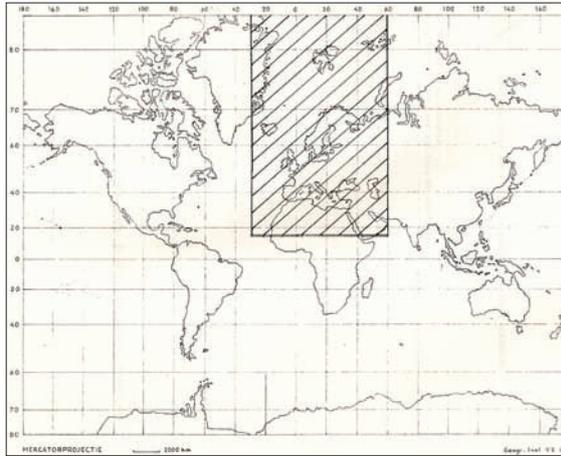
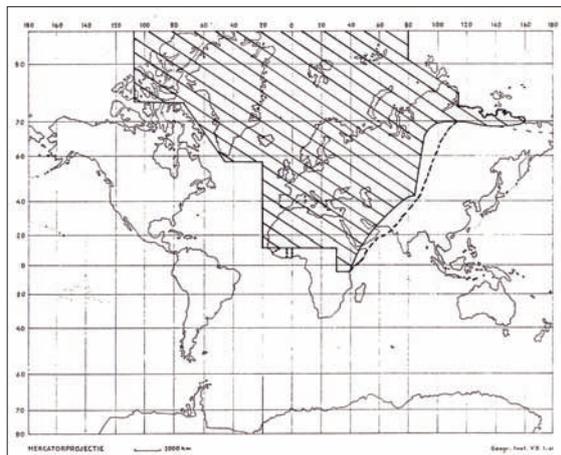
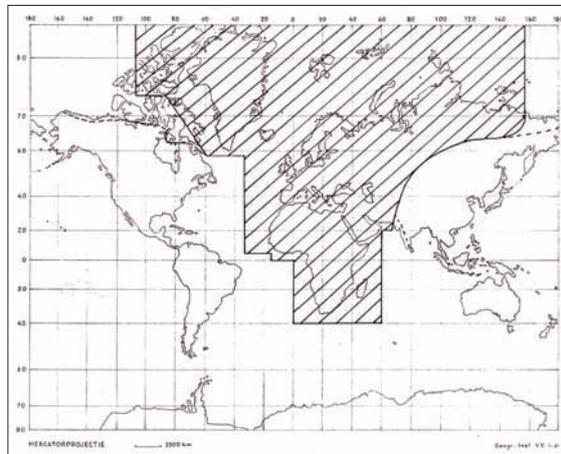


Fig. 31. *The three maps of the AEWA region under discussion; taken from the documentation for the Ad Hoc Working Group meeting of February 1990.*



first map published. [103];

- a definition of the WPWA region;
- a structure and contents for the Management Plan and Action Plan;
- a note on the organizational and financial structure of the WPWA.

Agreement maps

The ideas about the region to be included in the Waterbird Agreement changed frequently for reasons of substance as well as legal aspects. The maps depicted here are some of the first primitive maps of the AEWA region dating from late 1989 and early 1990; the square format was considered too restrictive, not covering the right area and legally not well prepared, although the third model map comes close to the final one. That was also the case with the 1989 Astrakhan proposal. The other one had legally defined turning points but the region was too restricted. The minutes [104] of the Ad Hoc Working Group Meeting in The Hague in February 1990 make clear that the meeting, although informal and not in a position to take binding decisions, was a real breakthrough in the process of developing the WPWA. It had brought about a consensus on a large number of issues, such as the binding nature of some draft Annexes, such as the Management Plan, different Action Plans and the institutional and administrative arrangements and

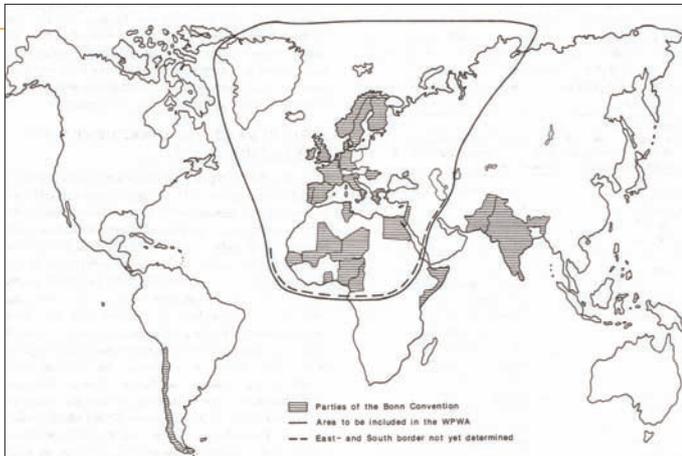


Fig. 32. Astrakhan 1989 map.



Fig. 33. February 1990 map, Palearctic region only.

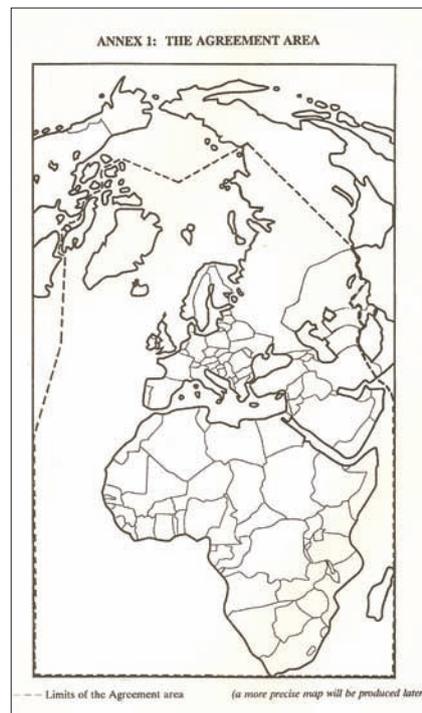


Fig. 34. Left the proposed region for a Waterbird Agreement as included in the final proposal of the Dutch Government to the European Commission of May 1991. The shape and size come closer to the final version. Right, the proposed area in 1993 after further consultation within the CMS Secretariat and published in the new 1993 proposals for the Agreement. The greatest difference with the 1991 version is the inclusion of parts of the Atlantic and Indian Oceans.

their legal formulation.

The newly formulated Agreement text provided for the establishment of a Technical Committee, which should meet once a year. The Contracting Parties should meet once every three years, not once a year as had previously been suggested (which would have followed the existing structure of the Bern Convention) [105] with a view to speeding up the process of implementing the new Agreement.

The geographical area to be included in the Waterbird Agreement changed many times as a result of the discussions on range and species. Also technical and legal aspects played a role in the final geographical area (see figures shown on these pages).

It was also agreed that the Action

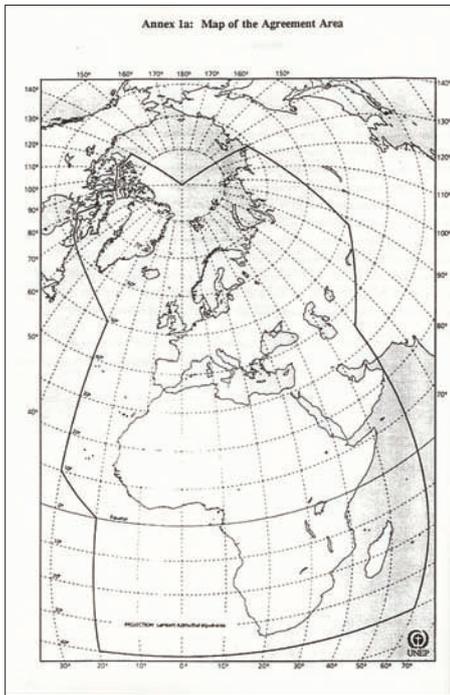


Fig. 35. *The final map as in the Final Act of the Negotiation Meeting, June 1995, The Hague, the Netherlands.*

Plan should be a binding document to be amended every three years and to focus on particular groups of species. Other binding documents should be the list of bird families to be included and a list of Range States within the limits of the WPWA area.

Species and subspecies should be listed in the Management Plan to avoid lengthy discussions on taxonomic and geographical distribution issues at

this stage. The General Management Plan should be amended every 10 years and was not to be a legally binding document.

The difficult issue of harmonizing hunting over such a wider area was addressed by suggesting that Range States could amend their national legislation following the comprehensive list of issues as described by Boere (1990) [106] without this issue being mentioned in the Agreement text or Action Plan. The latter would certainly have created political difficulties in a number of Range States and could have been a serious impediment to the process. However, listing it as a long term goal in the Management Plan (not a binding document!) was seen as appropriate. One issue considered important was a study on the variations in hunting seasons for different species and between Range States.

Early discussions on the location of the AEWA Secretariat

The February 1990 meeting in The Hague also reached consensus on the establishment of a Secretariat for the Agreement, but left open details concerning the administrative and geographical location of the

Secretariat: be it in a governmental or intergovernmental organization. From a policy point of view it is interesting to see that in those days even establishing the Secretariat with an NGO such as IWRB [107] was seriously considered; indeed that option appeared in several later drafts of the Agreement, albeit in the diplomatic square brackets to show that this was an option to be discussed and decided but the idea as such was not shared by everybody!

In relation to this, one should be aware that in those exact same days, starting with formal discussions at the 1989 IWRB Board meeting in Astrakhan, the Ramsar Secretariat technical position at IWRB in Slimbridge (the position of Mike Smart) was under discussion. The Secretary General of the Ramsar Convention, Dan Navid, wished to concentrate his staff at the official Ramsar Secretariat co-located with the IUCN headquarters in Gland, Switzerland.

For the same reasons, it was seen as inefficient if future AEWA staff were placed with IWRB in Slimbridge and not at the CMS Secretariat. In those days, there was no discussion of IWRB becoming Wetlands International or being moved to the Netherlands; that



Fig. 36. Start of the Volga Delta excursion September 1989 IWRB conference in Astrakhan. Visible in the first boat: Mike Smart (pushing), Alan Johnson (Tour du Valat), Mike Pienkowski (UK), Guy Morrison (Canada) and Dan Navid, (Secretary-General of the Ramsar Convention); second boat on the left among others Arnt Ruger (Germany, worked for IWRB), Herby Kalchreuter (CIC) and Patrick Dugan (IUCN) (Photo: Gerard Boere).

debate started in 1994 and the move happened in 1996.

To understand these discussions it is important to realize that AEWA was generally seen as a purely technical instrument on conservation and management and not as a more formal intergovernmental instrument, which it later became with the full support of all involved.

At the meeting in The Hague, February 1990, for the first time some estimates on the annual costs

of operating a secretariat were discussed and provisionally agreed. With two full time staff members, overheads, organizing meetings of the Technical Committee and travel, these costs were estimated to be about GB£ 56,000 [108].

There is quite a difference compared with the present staff and budget. Looking back it should be said that the cost of running a Secretariat for an Agreement with such a large geographic scope had been completely underestimated. At the

last MOP in 2008 the AEWA Parties agreed on an average annual budget of €900,000 for the period 2009-2012. This budget is meant to cover - among other issues - the costs of four full-time professional, and one full-time and two part-time general staff members. Meanwhile, two additional professional staff members and a part-time general employee have been recruited funded by voluntary contributions received from some Parties.

2.3.2. The period after the Ad Hoc Working Group meeting of February 1990 until the end of 1993.

The role of the European Commission

Following the positive results of the Ad Hoc Working Group meeting, further work on the Agreement, Action Plans and Management Plan was taken up by the Dutch Government, through consultations with experts and Range States, including the European Union.

In the arrangements with the Commission, it was agreed that the Netherlands should continue with this work, in consultation with the CMS Secretariat and the CMS Scientific

Council, and submit to the Commission a final Agreement text with Annexes by the end of 1990 or early 1991. This timing was important as the Commission planned to organize a formal consultation meeting for the Member States before CMS COP3, which was to be held at the end of 1991. Furthermore, the Netherlands would have the Presidency of the European Community during the first half of 1991 and could to some extent influence the overall agenda by putting the draft WPWA on the programme of the various European Community institutions involved in the decision making.

In May 1991 the Dutch Government submitted the finished work by presenting a Draft Agreement and related documents [109] to the Commission with the aim that the latter should start negotiations with the Member States and other Range States in close co-operation with the UNEP/CMS Secretariat.

At that time the preparation of a separate Agreement for the White Stork was still continuing [110] despite the fact that the taxonomic group (storks, ibises and spoonbills) to which the White Stork belongs was now included in the WPWA.

The Commission had the documents, as submitted by the Dutch Government, translated into all the official European Community languages and circulated them to the Member States.

However, the Commission did not attach high priority to it in its work plan and made no progress on the conclusion of the Agreement in spite of some pressure from the Dutch Presidency, for reasons one can only guess. The remaining part of 1991 and the whole of 1992 did not show much progress either in further developing the draft WPWA, although a number of informal consultations took place with Member States through the regular bodies of the EU (e.g. Birds Directive Committee) from the side of the Netherlands.

As already mentioned, it is difficult to say what caused this delay, but lack of staff within the Commission and legal discussions on competence, to name but a few, were certainly problems and some EU Member States were probably not eager, possibly influenced by their hunting organizations, to press for an Agreement.

Some publications from the side of the conservation community also did

not help to overcome the animosity within the hunting community (again that was not a common position throughout!) towards the Agreement; see for instance the reaction of OMPO (by its Chair Mr. Raymond Pouget) [111] to the paper by Gernant Magnin on hunting of migratory birds in the Mediterranean region [112].

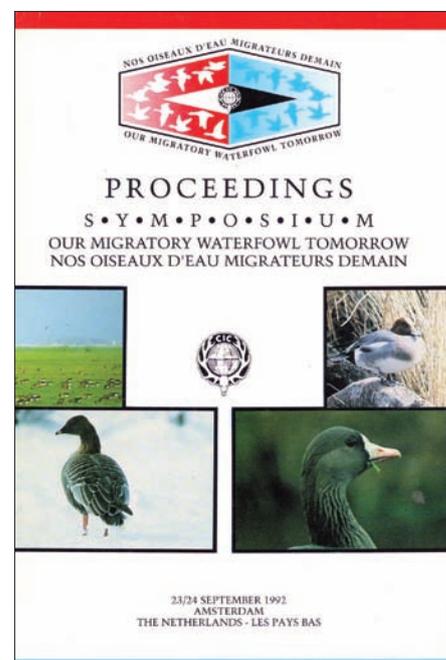


Fig. 37. *Proceedings of the CIC Symposium in Amsterdam, 23-24 September 1992. The proceedings were published in a simple way but were important for their policy statements.*

Symposium on the wise use of waterfowl, Amsterdam 1992

A symposium on the wise use of waterfowl, 23-24 September 1992 in Amsterdam, the Netherlands, further expressed the views of the hunting community that hunting of waterfowl should remain permissible under any possible new instrument such as AEWA [113].

The symposium was organized by the Dutch Delegation to the CIC and was probably meant to show the outside world that within the Netherlands other views also existed opposing the political wish of the Dutch Parliament to further restrict hunting to a very limited number of species or even only allowing hunting on the basis of a management need (crop damage; fisheries interests, etc.).

On the other hand, it was a very positive aspect that the hunting community through this conference provided an open floor for others to express their ideas on the future of wise use of waterfowl populations and international cooperation in this respect. This included an overview by Dr. Susanne Biber-Klemm on the implementation of the wise use concept in CMS and how this could

be included in a future waterfowl Agreement [114], and a presentation by the Netherlands on the proposed Agreement and its contents and philosophy. Both made clear that the proposed Agreement was not meant to be an anti-hunting instrument.

Essential breakthrough with the European Commission's position in the period September 1992 – February 1993

The lack of progress within the Commission regarding the development of the Agreement remained a problem and led to new considerations in the second half of 1992. This period, with the Ad Hoc Working Group meeting in February 1990 as a first major step forward, was an important second step forward in understanding how AEWA could be prepared and its conclusion brought closer.

The newly appointed Head of the UNEP/CMS Secretariat (then called "Co-ordinator"), Arnulf Müller-Helmbrecht, analysed the implementation work under CMS and soon found that the WPWA was the most advanced and promising project for a new Agreement. However, there were two problems: according to

the opinion of international legal experts (IUCN) and of biologists (inter alia IWRB) the definition of the Agreement area and a sophisticated Management Plan warranted further elaboration. Furthermore, the European Commission after having claimed the competence for the lead function did not make any strong initiatives to further the development and negotiation of the Agreement.

On 9 September 1992, the Co-ordinator sounded out the two responsible representatives of the Commission (Dr. Stuffmann and Dr. Geisser). Their response was not encouraging: lack of both personnel (substantial staff reductions were taking place within the Commission) and financial means. The WPWA was simply not on their priority list. The same applied to the White Stork Agreement! In both cases this was because further work was needed on the texts before the European Council could be requested to give authorization to start negotiations, not to mention signature or ratification.

The situation resulting from the legal facts was evident: according to the system originally applied under CMS, it was expected that a country would take the lead in the development and

negotiation of an Agreement. The Netherlands had done so in the case of the development of the WPWA years ago. In the meantime the European Court of Justice had clarified that the EU's internal and external competence for the conservation and management of birds lay with the European Community, not with the Member States. This meant: as long as the Commission did not take action, the hands of the Government of the Netherlands were strictly speaking tied; they were not able to continue their work. However, CMS taking over the lead would not cause a problem, nor would the Netherlands' support of the CMS Secretariat in this work.

Armed with this information, the CMS Coordinator had a meeting in September 1992, during the above-mentioned CIC symposium in Amsterdam, with the representatives of the Dutch Ministry of LNV, Drs. Kalden and Dr. Boere about the next steps to be taken. There was not much hesitation from the side of LNV in supporting the idea that the CMS Secretariat should take over the formal lead with full support from the Netherlands (staff time and resources). For the Netherlands, it was much more important to have an Agreement than playing the lead in

the development of one.

In November 1992, the CMS Coordinator attended the World Conference of IWRB in St. Petersburg, Florida, USA. In his opening address, he focussed on his idea of making progress with the development and negotiation of the WPWA and how to achieve this in the light of the discussions with the European Commission and the Netherlands. During the same World Conference, the Netherlands also presented the most recent ideas about the text of the Agreement and its Annexes, in line with agreed next steps.

All these contacts and discussions by the end included the important step taken by the Secretariat of CMS [115] in sending, on 11 January 1993, a formal request, signed by the Chair of the CMS Standing Committee (Robert Hepworth, UK), to the European Commission asking it to clarify its position before the next meeting of the CMS Standing Committee in February 1993. The letter from CMS provided the two options as to how the work could proceed and be finalized [116]:

- The European Commission, on behalf of the European Community

(now European Union), would take the formal lead e.g. to organize negotiation meetings and a final diplomatic conference to conclude the text in a Final Act or:

- The UNEP/CMS Secretariat would take over the lead with the support of the Commission (and Member States).

This letter was written in the knowledge that whichever option was chosen, the Dutch Government and a few others had already confirmed that they would support (with staff and financial resources) activities leading to concluding the Agreement and would assist the Commission and the CMS Secretariat with the work.

Once more, as the Community had the main competence on bird issues, the Government of the Netherlands could not formally be the leading partner in the process. Assuming this leading role, as such, was never their ambition anyway. The ambition of the Dutch was to have a robust international legal instrument in place for waterbird conservation in the broadest sense and as a tool for international cooperation in this field; a natural inclination, given the importance of the Netherlands

as a staging and wintering area for many millions of waterbirds (geese, waders, ducks, swans) from a very large geographical area.

The reply, a letter dated 24 February 1993, from the European Commission was clear and as expected, given their competence on bird conservation issues over the individual Member States. Their preference was for the UNEP/CMS Secretariat to take the lead in taking the Agreement further, with some financial support of the Commission [117] and other partners, including the Netherlands, as appropriate.

This decision by the European Commission made the whole situation much clearer and more workable from a policy and political point of view, with clearly assigned and defined responsibilities for the main players in the process.

The CMS Secretariat could now take over the responsibility from the Commission to further develop and negotiate the draft Agreement on the table. Basically this was the set of documents of May 1991 as submitted by the Dutch Government to the Commission and which had not been changed during these two

years. The Dutch Government agreed to continue its substantial support [120] to the CMS Secretariat both for general aspects of developing the Convention itself and furthering the WPWA. This Dutch support was considered to be wholly compatible with EU competence under the EC Birds Directive, given the mandate provided by the Commission to the CMS Secretariat.

With these new arrangements and through discussions within the CMS Secretariat, now under the active leadership of Ulf Müller-Helmbrecht and also better staffed with a Deputy Coordinator in the person of Douglas Hykle, real progress could be made. Further input and suggestions came also from NGOs involved in the work. An important step forward was the suggestion by the CMS Secretariat in early 1993, to change the name of the Agreement completely.

It was also Douglas Hykle in his discussions with Ulf Müller-Helmbrecht (within the CMS Secretariat) who suggested that more emphasis be put on the African and Asian region of the flyways and to move away from an approach which appeared too “Eurocentric”. A new, extended geographical annotation

for the Agreement was also seen as a clearer indication of the geographical region to be involved rather than the use of the scientific/zoogeographical name of “Palearctic”, with which not many people were familiar and which restricted the Agreement area in its southern edge, by definition, to Northern Africa only. However many waterbirds, waders in particular, migrate in large numbers across the Sahara or along the coast to wintering areas elsewhere in Africa, as far south as South Africa.

Thus in mid-February 1993, at a meeting at the RSPB Headquarters in Sandy, United Kingdom [118], the name changed from Western Palearctic Waterfowl Agreement into: Agreement on the Conservation of African-Eurasian Migratory Waterbirds, also known as the African-Eurasian Migratory Waterbird Agreement or AEWMA in a slightly different annotation. Coordinator Arnulf Müller-Helmbrecht (personal notes and com.) and also Douglas Hykle, Deputy Executive Secretary of CMS, reminded the author that a series of names were considered at the RSBP meeting such as:

- WEST EURASIA/AFRICA Waterbird Agreement

- AFRICAN - [WEST] EURASIAN Waterbird Agreement
- AFRICAN - EUROPEAN WATERFOWL AGREEMENT
- AFRICAN - WESTERN PALEARCTIC Waterfowl Agreement.
- WESTERN PALEARCTIC - AFROTROPICAL W. A.

Finally all participants at the meeting in Sandy agreed to

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

That basic name did not change again; it was sometimes only formulated in a different way: African-Eurasian Migratory Waterbird Conservation Agreement.

At the same meeting in February 1993 RSPB offered financial support to CMS via IWRB so that the task of amending the existing documents of substance for AEWA could start immediately. Similarly, the preparation of a new Management Plan took into account the new name and extension to a larger region and more species. That work was in the first place undertaken by Derek Scott [119].

The name change and more African focus was strongly supported by Dr. Tolba, the UNEP Executive Director, when Mr. Müller-Helmbrecht reported to him in May 1993 the progress made in the development of CMS in general and of the draft Waterbird Agreement.

Altogether it was a fundamental change in approach, but scientifically and politically correct, which broadened the scope of the Agreement enormously. It had great consequences for substance and process, as now the whole African continent was covered, including all its waterbird species not being migrants from Eurasia.

The problems that waterbirds encounter are similar across the entire flyway and before the change of name had taken place, attention had already been paid in previous drafts to the problems in African winter quarters. The waterbird families included in the draft Agreement covered the region completely, but there were a number African endemic waterbird species that also needed to be placed on the list. The more active engagement of the broader bird conservation community, besides IWRB which had already been involved for a long

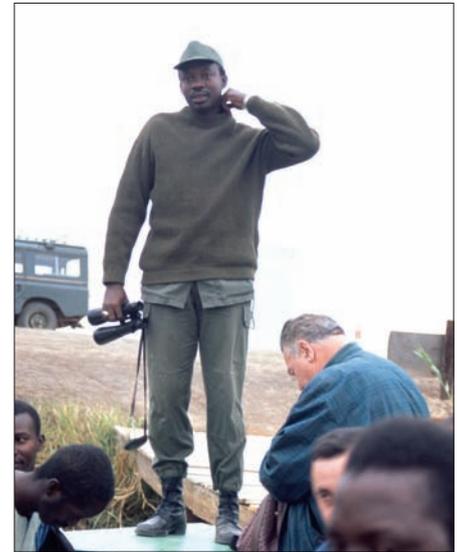


Fig. 38. *Dr. Issa Sylla from Senegal, here leading an excursion into the Djoudj National Park, played an important ambassadorial role in promoting AEWA among the African countries and encouraging their accession (Photo: Gerard Boere).*

time, greatly helped shape the new approach into a new Agreement text and its annexes.

A new report on waterbirds and wetlands in West Africa, published in 1994 by the Dutch Governmental Institute for Nature Conservation (RIN), confirmed the problems in Africa. It emphasized at the same time the urgent need for habitat conservation in that region and to address the development aid problems associated with for instance

the mass capture of Palearctic waterbirds in the flood plains of the Inner Niger Delta and in the coastal regions of West Africa. A very recent publication “Living on the Edge” (Wymenga c.s. 2009) [121] provides a detailed insight into the present situation and what has to be done.

To make this name change and scope effective, the CMS Secretariat, in consultation with the Government of the Netherlands and supported by the IUCN ELC, namely Dr. Cyrille de Klemm and Dr. Françoise Burhenne-Guilmin, published a new draft text of the Agreement with the new name in September 1993 [122]. This version included the following Annexes:

- Annex 1: a map of the Agreement area which already came close to the final map as included in the formal text of the AEWA.
- Annex 2: list of waterbird species to be included in AEWA.
- Action Plan for Anatidae with a list including all species covered by this Plan (including their Range States) but also, as a new element, tables with threatened species and vulnerable species.
- Annex 4: Action Plan for Storks, Ibises and Spoonbills.

The new Annexes were the various documents prepared by IWRB through the consultancy work of Derek Scott.

With this approach a clear choice had been made to discontinue the separate work on the White Stork Agreement, agreed during the 1985 CMSCOP1 [123], and to make the new Agreement a real flyway Agreement which included all relevant waterbird species and the full range of their wintering areas. This discontinuation of work on the proposed White Stork Agreement was, by the way, a condition of the responsible Nature Conservation Division of the European Commission for their further support to the development of the Agreement; they did not have the time and resources available to also support the development of a separate White Stork Agreement.

The extension of the Agreement area was the reason why the new draft map now included parts of the Atlantic, Indian and Antarctic Oceans, where species such as Turnstones (*Arenaria interpres*) and Phalaropes (such as *Phalaropus lobatus* and *Phalaropus fulicarius*) winter respectively on small islands and on the open seas.

The draft Agreement with its four annexes and eight tables and an “Explanatory Memorandum” by the CMS Secretariat was ready in September 1993 and officially disseminated in October 1993 to the governments of all Range States, many international GOs and NGOs as well as to the CMS Scientific Councillors and Focal Points for formal comments. The letters to the Range States were directed to their embassies in Germany, their



Fig. 39. Derek Scott (left) and Mike Moser (right). Derek has been closely involved in the drafting of a number of background documents for AEWA (Photo: Gerard Boere, Asian Wetlands Conference, Karachi, 1994).

equivalent official representations at the European Communities (now European Union) or at the United Nations in Geneva, Switzerland. Much confusion arose out of the fact that in many countries the communication among governmental institutions did not work, because the Agreement proposal did not arrive at the responsible bodies and therefore the reaction was fairly poor. Only through the work of the experts (UNEP/CMS Secretariat, Scientific Councillors, Focal Points and NGOs) did the proposal come to the attention of the responsible bodies in most of the Range States.

The comments received and further considerations of the principal people dealing with the drafting were then incorporated in the First Revision, dated April 1994. This sophisticated version listed all (reasonable) proposals for amendment received from all across the world or developed by the CMS Secretariat, the legal experts of IUCN ELC, the biologists of IWRB, BLI, RSPB and the Dutch Ministry. This “check list” of proposed amendments was the basis for the discussions of the First Intergovernmental Session in Nairobi, 12-14 June 1994.

2.3.3. Other countries and regions stimulating the development of AEWA in the period 1990-1994

The activities by CMS together with the Netherlands and the European Commission to develop the Waterbird Agreement further were certainly not undertaken in isolation. It was an open process involving many other stakeholders.

Various Western European countries stimulated the discussions on the development of AEWA by publishing their activities at a flyway level. One example was the UK, traditionally a country strongly engaged in waterbird conservation [133]. The United Kingdom has from the beginning strongly supported the initiative and was helpful in assisting with the draft text, Action Plans and the species listing. This activity helped secure a commitment from other countries to conclude the AEWA in due time. On the other hand, the national and international hunting organizations remained sceptical about the development of the AEWA, although they remained closely involved in and informed about the discussions on its development.

A conference organized primarily by

OMPO in April 1994 in Carcassonne, France on the importance for waterbirds of the Mediterranean region, including North Africa, made no mention of the Agreement either in opening statements or in the conclusions [134] despite the fact that the organizations had been informed in detail throughout the process and had received all documents. This was even more striking as this conference took place only two months before the first informal negotiation or consultative meeting in Nairobi in June 1994 to which the hunting organizations were of course invited.

This meeting in Carcassonne was a signal that there was still a great deal of suspicion within the hunting community about the Agreement becoming an additional instrument to further restrict hunting on top of the regulations within the EC Birds Directive. That suspicion was not completely unfounded as there were conservation groups in countries like the Netherlands and also Germany that were interested in using the Agreement to achieve hunting restrictions outside the European Community [135].

However, it has never been a goal of the main Parties involved in the

development of the Agreement to aim at more restrictions of hunting outside the EU on the basis of legal measures. There was and is of course a need for good education and promotion of sustainable hunting and finding a solution for the important issue of uncoordinated taking throughout the flyway which could go and probably already goes beyond what can be considered as sustainable. Again the main problem here was that most countries in the flyway region did not have data to study this cumulative effect. Part of the discussion on sustainable hunting at this stage was (and still is to this day) the problem of look-alike species as in the case of the notable example of the Greater-white Fronted Goose, *Anser albifrons*, (common) and the Lesser-white-Fronted Goose, *Anser erythropus*, (becoming rare and threatened).

2.4. Informal Negotiation Meeting on the draft Agreement text of AEWA, 12-14 June 1994, Nairobi, Kenya.

Preparations for the meeting

With the new draft Agreement text of AEWA and its annexes ready and circulated, the UNEP/CMS Secretariat, in consultation with

the European Commission and the Dutch Government, believed it was time to push the work forward. They decided to organize an informal intergovernmental consultation meeting with all Range States and other stakeholders back to back with the CMS COP4, which was to be held in Nairobi, 7-11 June 1994. This was both an excellent idea and a great opportunity as many key countries for the AEWA discussions were already Parties to CMS or in the process of becoming Parties and most of them were planning to attend the CMS COP. Hence, important synergies could be achieved by saving travel funds for the AEWA meeting and at the same time increasing the number of observer countries represented at the CMS COP.

The first announcement of this consultation was included in the invitation, October 1993, from the UNEP/CMS Secretariat to the Parties and Non-Parties alike for COP4 [136], which was followed by a specific formal invitation on 19 April 1994 for the consultation meeting on the Agreement [137]. The meeting was held from 12-14 June 1994 immediately after CMS COP4.

Although the meeting strictly speaking

had an informal character, the letter of 19 April 1994 requested that:

“the representatives of the Range States be authorized to discuss fully the Agreement proposal so that the UNEP/CMS Secretariat may receive clear guidance as to how the Agreement proposal should be further developed in order to reach consensus at a formal negotiating meeting to be held in the future”.

This was done to indicate clearly that the meeting was expected to consider the Agreement seriously and make the text and related documents ready for formal adoption through a diplomatic conference in the near future. At the same time no Range State was to be bound by its statements, if at a later stage a different opinion were to be expressed for whatever reason.

The Dutch Government in its continuing backing of the development of the Agreement agreed to contribute financially to the informal Negotiating Meeting in Nairobi, as did the European Commission and UNEP/CMS through its Trust Fund [138]. Further support on substance came from Wetlands International and BirdLife International in assisting with the redrafting of

various documents including the Agreement text, the Action Plan and the Management Plan; the British BirdLife partner, the RSPB [139] funded the preparatory work on the Management Plan.

In its letter to the UNEP/CMS Secretariat, confirming the financial and in-kind support to the conference, the Dutch Government also confirmed an earlier commitment to further support the AEWA once it had been concluded. This offer for further support included for example the following substantial elements:

- The Dutch Ministry of Foreign Affairs would act as the Depositary for the AEWA [140]
- Financial support for the (interim) secretariat of the AEWA for an initial period of three years
- The Netherlands would organize the first Session of the Meeting of the Parties once AEWA had come into force.

Results of the meeting

Dutch commitment was also shown by presence of the State Secretary of the Dutch Ministry of Agriculture, Nature Management and Fisheries Mr. Dzinghisz Gabor, who in his

opening address to the Consultative Meeting on Sunday 12 June 1994 explained why the Netherlands was so active in the field of waterbird and flyway conservation [141]. He also underlined that, being currently in Africa, which was facing serious problems such as poverty, desertification, drinking water quality, health and poor infrastructure, we should not ignore 'smaller' conservation issues such as an AEWA [142]. They all needed the attention of the international community.

At the start of the meeting, which was chaired by Dr. Claus Stuffmann [143], 64 countries and 12 intergovernmental, international and national non-governmental organizations were present. This was regarded as evidence of great interest in the Agreement and, given the nature of the meeting, as a sign that the Agreement probably did not need many further steps in its development, just a formal diplomatic conference to finalize the process.

During the Opening Session, the African view on the Agreement was expressed by Dr. Jean Ngog Nje from Cameroon [144]. He outlined the complexity of migration, the role of Africa in the migration system and

the fact that an AEWA should not only benefit the birds, but also the people.

There were three basic documents available for this meeting:

- guidelines for the basic issues to be discussed [145],
- a draft text of the Agreement [146],
- a draft management plan (September 1993 and for information only).

The results of this First Informal Negotiating Meeting were published by the UNEP/CMS Secretariat soon after the meeting [147].

In general the structure and content of the draft Agreement were accepted, but some changes regarding administrative and procedural issues and a few on substance were suggested. For instance:

- Range States present agreed on the geographical scope;
- the definition of waterbirds (following the Ramsar definition);
- the incorporation of the precautionary principle [148] with respect to sustainable utilization;

- the change of the term “Management Plan” to “Conservation Guidelines”, which would then not be a binding part of the Agreement. Conservation Guidelines should be regularly updated and could be published in separate documents on specific themes as new aspects emerged.

This proved to be a wise decision given, for instance, the Avian flu (H5N1) problem which became an important issue from the summer of 2005 onwards. As a response to the distorted information on the role of migratory birds might play in the spread of the disease, CMS and AEWA established a special Task Force on Avian Influenza and Wild Birds.

On administrative issues it was agreed that:

- the Agreement Secretariat should be co-located with another competent body and not be established as a completely separate entity; the final decision on the location was left to the diplomatic conference.
- the structure of the Technical Committee was agreed and



Fig. 40. Participants of the First Consultative Meeting on the development of AEWA, 12-14 June 1994 at the UNEP premises in Nairobi, Kenya (Photo: UNEP).

changed (from the proposed model) to a composition with nine regional representatives, three NGO representatives (IUCN, IWRB and CIC) and three specialists covering rural economics, game management and environmental law.

- financing the work of the Agreement and its secretariat would be effected through Party contributions in accordance with the well accepted United Nations scale of assessment.

The above was all more in line with existing international treaties and the way they operated.

Very important was the decision to include all migratory waterbird species already listed in Appendix II of the Bonn Convention and occurring in the Agreement area, as well as the 50 species already adopted by CMS COP4 held just before the consultation meeting [149]. This consensus was not so easily reached, as there were several delegations in favour of restricting the species to be included to those on Appendix II of the Convention and at the same excluding species that had a favourable conservation status. It was also decided to have just a single Action Plan, which would include all species with an identification of their

conservation status (in particular if they were endangered).

The Action Plan would be a rolling but legally binding document as a formal attachment to the Agreement.

As mentioned before, groups within the national and international hunting organizations were not really in favour or at best had very mixed feelings about the development of the Agreement [150], afraid as they were of even more hunting restrictions being imposed than resulted from the implementation of the EC Birds Directive. From the countries present, France was often the voice of these concerns by proposing many amendments on regulations, responsibilities, species to be listed etc., often aimed at achieving a more general formulation. However, by the end of the meeting France followed the consensus positions agreed by the EU.

Continued discussions on hunting and the Dutch position in the development of AEWA

The issue of possible hunting restrictions remained very sensitive, also in relation to the substantial Dutch support for the Agreement

and the Dutch national policy on hunting. It can be illustrated by what happened with the intervention by the representative of FACE at the end of the Nairobi meeting, where he expressed concerns of the hunting community about the Netherlands' role in the development of the Agreement [151].

I personally see the remark as expressing the concern of the whole hunting community rather than a statement on behalf of FACE alone - this in the light of the fact that FACE had, from the beginning been in favour of an Agreement and had had a much more constructive, though critical, input into its development than some groups within other hunting organizations.

Also after the 1994 Nairobi Consultative Meeting and the 1995 Negotiation Meeting, the problems that national and international hunting organizations had with the then very restrictive new Dutch hunting legislation resulted in various letters from around Europe to the Dutch Minister responsible, Jozias van Aartsen. The CIC General Assembly adopted a resolution on 30 April 1996 asking the Dutch Government to reconsider its decisions on waterbird

hunting. Between the lines there was concern about the possible Dutch influence, via the Interim Secretariat

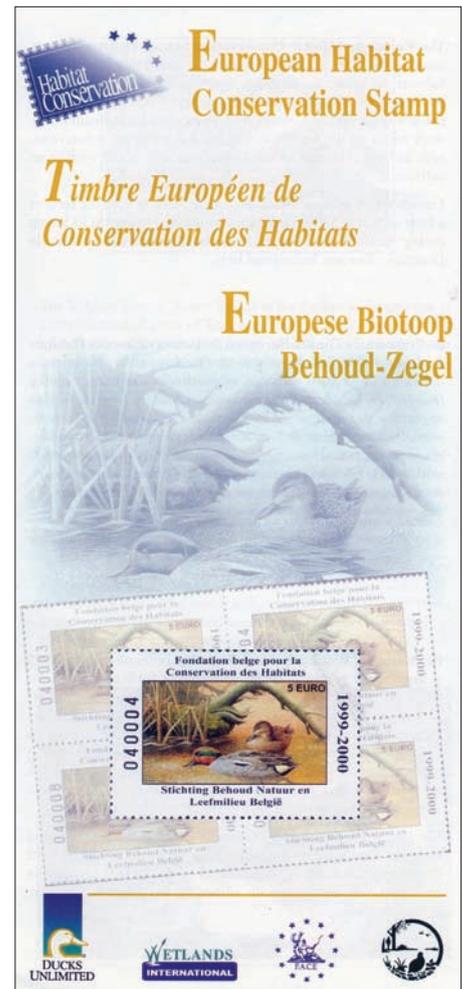


Fig. 41. Some hunting organizations developed a way to raise funds for wetland conservation based on the long-term Duck Stamp programme in North America. FACE in particular raised funds for wetland conservation in Europe.

of AEWA, on hunting issues outside the Netherlands.

These discussions in early 1996 continued in writing for a while between the President of FACE, Pierre Daillant and the Dutch Minister van Aartsen who replied that he had no intention whatsoever of encouraging other Range States to ban the hunting of almost all migratory waterbirds [152]. On other occasions and in other correspondence Minister van Aartsen also made very clear that his national responsibility on these issues was of a completely different nature compared to his international responsibilities in facilitating the development of AEWA and providing the Interim Secretariat.

The continuing process of developing AEWA, after the 1994 Nairobi meeting, took place in continuous, close cooperation with CMS and the European Commission, guaranteeing that no unilateral Dutch opinion on sustainable hunting would appear in the final draft AEWA text and its Annexes; and really it has never been from the very beginning, and the Dutch Government never had the intention of doing so.

The Nairobi 1994 meeting on AEWA and other CMS activities

The positive outcome of the Nairobi meeting, indicating that a large CMS Agreement could be concluded in the near future, was also seen as crucial for the future of the Convention itself. Clearly the purpose of CMS and its delivery of conservation actions rest to a large extent in the development and active implementation of Agreements; and there were not many by that time.

In fact, since the Convention had entered into force in 1983 and after the First Meeting of the Conference of the Parties had been held in 1985, only three small Agreements restricted to Europe [153] had been concluded. This was generally seen as insufficient over a period of almost nine years and the conclusion of a larger Agreement with a much wider range than just Europe, could help the Convention take off. Indeed even limited discussions were going on whether or not to continue with CMS. Although some other CMS instruments, such as Memoranda of Understanding on Siberian Crane (*Grus leucogeranus*) and Slender-billed Curlew (*Numenius tenuirostris*), were in various stages of development

[154] the conclusion of a large flyway Agreement like AEWA was seen by all involved as a way to show that the Bonn Convention had 'real teeth'.

2.5. The formal Negotiation Meeting, June 1995, The Hague, the Netherlands.

Next steps after the Nairobi 1994 meeting

The positive outcome of the Nairobi meeting was seen as strong support from the potential AEWA Range States, Parties to CMS and their allies for the efforts to bring the process to a timely conclusion. To this effect those most closely involved met in August 1994 in Bonn, Germany, at the invitation of the UNEP/CMS Secretariat to co-ordinate further work and to establish a schedule for a formal diplomatic negotiation meeting [155].

The main outcome of that meeting was the acceptance of the offer by the Dutch Government to convene the formal diplomatic negotiation meeting at the Ministry of Foreign Affairs in The Hague from 12-17 June 1995. This offer was fully in line with the support expressed by State-Secretary Gabor in his opening

statement at the 1994 Consultative Meeting in Nairobi. Hosting such a formal negotiation meeting also meant that the Netherlands, through the Ministry of Foreign Affairs signed a Host Government Agreement with UNEP regarding arranging, among many other technical and financial issues, for immunity and visas for delegates [156].

Following the meeting in August 1994, IWRB and IUCN-ELC agreed once more to examine the Agreement text and Annexes in the light of the Nairobi decisions and guidelines and also to merge the two draft Action Plans (Anatidae and White Stork) into one. Also the draft Conservation Guidelines (previously known as the Management Plan) would be updated for the negotiation meeting and the definitive Agreement map would be drawn in a legal and scientifically appropriate way and a written description of the Agreement area developed.

In November 1994 all Range States and relevant national and international organizations were invited by the UNEP/CMS Secretariat to the formal Negotiation Meeting in The Hague foreseen to take place in June 1996 [157]. The meeting would



Fig. 42. *Relaxed atmosphere during the AEWA Workshop at the Anatidae 2000 Conference in December 1994, Strasbourg, France. From left to right: Mike Moser, Arnulf Müller-Helmbrecht and Gerard Boere (photographer unknown).*

follow the rules set out in the Vienna Convention of the Law of Treaties (Vienna 1969) which meant that delegations should have full power (credentials) to act on behalf of their country including to sign the AEWA text and Annexes as laid down in a Final Act.

With the invitation two basic documents were also submitted for discussion:

- Results of the First Intergovernmental Session, Nairobi, June 1994
- Third revision (counting from the moment the UNEP/CMS Secretariat started to coordinate

the work) of the Agreement by the UNEP/CMS Secretariat, November 1994 [158].

Further information, including an Explanatory Note about procedures and small amendments to the Agreement text as of 30 November 1994, was circulated to participants in March 1995 [159].

In the meantime the waterbird conference “Anatidae 2000” was held in December 1994 in Strasbourg, France, bringing together hundreds of waterbird experts from around the world. This created an excellent opportunity for informal meetings and bilateral discussions with experts

and government representatives on the draft of the Agreement text and the substance of the Action Plan and species lists. Also a plenary presentation was given by the CMS Secretariat and from the Netherlands' side on progress with the development of the Agreement.

Reactions before the start of the negotiation meeting (June 1995)

After the distribution of the third revision and nearer to the formal negotiation meeting further comments were received from Range States, mainly small amendments to the November 1994 text.

One exception was the French Government submitting a letter with 18 pages of general and detailed comments. These concerned in particular the Action Plan, the table with the specific actions for the Anatidae species and the legal status of proposed actions, but also the AEWA text. Many of these remarks were of a linguistic and legal nature, which in the opinion of the author did not change the actual substance and they were included in a further amended version of the draft Agreement, prepared by the UNEP/CMS Secretariat and made available

just before the start of the Negotiation Meeting [160]. This document was the text used during the various sessions to conclude the final version of the Agreement text. The European Commission used its own internally amended text for consultation among



Fig. 43. *Dr. Jean Ngog Nje from Cameroon, Vice chair of the AEWA Negotiation Meeting (Photo taken in Senegal, CIC conference, December 1988 by Gerard Boere).*

the EU Member States [161]. In full agreement with the main organizers, it was decided that the conference should maintain a low profile, which, for instance, meant that invitations were only circulated to all those

formally to be asked to participate and that the opening session should be straightforward without much protocol and large numbers of guests.

The Negotiation Conference

The Conference was opened by the Director-General of the Ministry of Agriculture, Nature and Fisheries, Mr. Johan de Leeuw and a welcoming address by a representative of the Ministry of Foreign Affairs. Thereafter the meeting went straight into business. Mr. Jean Renault (Belgium) was elected Chair of the conference with Mr. Jean Ngog Nje (Cameroon) and Mr. Yaroslav Movchan (Ukraine) as Vice-chairs. In general the negotiations went fairly smoothly [162]. However, the details of Table 1 of the draft Action Plan (fig. 46) with the listing of all the Anatidae species, their population status and categories of conservation including the extent to which they could be hunted, turned out to be a real sticking point.

Species classification the difficult issue

In particular the classification of species and populations in one of the three categories of the table and



Fig. 44. Delegates in discussion during one of the many breaks at the Negotiation Meeting in June 1995 in The Hague. From left to right :the late Menno van Genne (Head Dutch Delegation); Wieke Piët (Dutch Ministry of Foreign Affairs); Jan Willem Sneep (Dutch Delegation); Gerard Boere (Secretary General of the conference); John O'Sullivan (BirdLife International); John Swift (BASC) and Yves Lecocq (FACE, back to camera) (photographer unknown).

the way this was linked to the various actions (including sustainable taking) listed in the Action Plan required much negotiation and could have put achieving a consensus at risk and thus resulted in a disappointing end to the conference. To achieve the necessary fine tuning and consensus,

the table became very complicated with three general groups A, B and C affording a descending level of protection.

However, within the three main groups, various categories (numbered 1-3) were indicated as well, mainly based on population levels or related to listings in Annexes of international treaties.

Finally these categories were again split (a - d) identifying mainly trends in populations and their dependence on habitats under threat. To overcome the problem that a country could not ratify AEWA because of different national legislation on some species (often difficult to change within a reasonable time), the Agreement has a provision for States to make reservations on certain species.

Furthermore, the species listed were divided in their identifiable, separate geographical populations. Each of the populations had to be assigned to one of these categories. This process took up much of the conference's time (including part of the night) and required many intensive discussions among official delegates, as well as with the NGOs present, in particular those delegates representing the

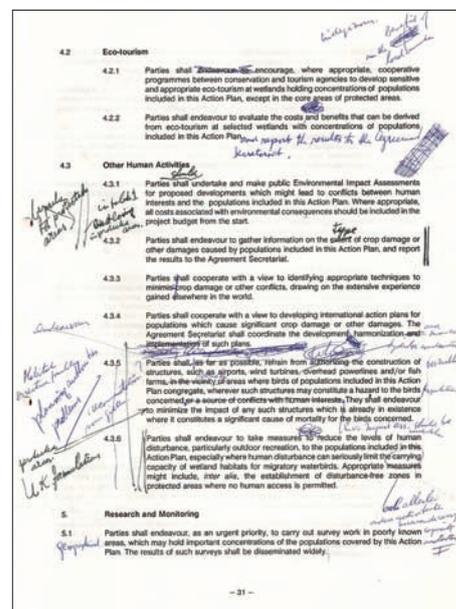


Fig. 45. In June 1995, again many changes to the text of the Agreement; a page from the notes of one of the participants.

hunting community and the EU member states. It sometimes looked as though it would be difficult to reach a common position. The complexity was also meant to define for every species or, where appropriate or necessary, certain geographically separate populations whether they were endangered, or had an unfavourable or favourable conservation status (important for their status as a species or population to be hunted), and enable their status to be reviewed at each MOP.

<i>Anas crecca crecca</i>			
- North-west Europe			1
- W Siberia & NE Europe/Black Sea & Mediterranean			1
- Western Siberia/SW Asia & NE Africa		2c	
<i>Anas hottentota</i>			
- Lake Chad Basin	1c		
- Eastern Africa	(south to N Zambia)		1
- Southern Africa (north to S Zambia)		1	
<i>Marmaronetta angustirostris</i>			
- West Mediterranean/West Medit. & West Africa	1a 1b 1c		
- East Mediterranean		1a 1b 1c	
- South-west Asia	1a 1b 2		
<i>Netta rufina</i>			
- South-west & Central Europe/West Mediterranean		1	
- Black Sea & East Mediterranean	3c		
- Western & Central Asia/South-west Asia			1

Fig. 46. Example rows from the AEWA Agreement, Table 1.

There was also the fact that France had political problems with the proposal to include the possible closure of all spring hunting (possible to a certain extent under the EU's Bird Directive) caused major political tensions and threatened at a certain moment, together with the problems with the table, the final positive outcome [163]. The author believes that individuals within the hunting organizations present, in particular FACE Director, Yves Lecocq, and the Chairman of the Migratory Birds Commission of the CIC, Dr. Herbie Kalchreuter himself, played a positive

role in support of AEWA in solving this problem together with the chairman of the conference, Jean Renault [164].

Final Act signed

Consensus could finally be achieved and the agreed text of the Agreement, in English and French, was put into a formal Final Act of the meeting, which was duly signed by the delegations with accepted credentials.

Needless to say, the Drafting Committee, chaired by Deputy Executive Secretary of CMS,

Douglas Hykle, needed time to finalize everything, often working until 03.00 at night and again late in the afternoon, postponing the signing ceremony by a few hours. During the meeting, translations of the many amendments and new drafts were done via a remote system using the translation offices of UNEP in Nairobi and the UN in New York (the time difference helped!). In particular, it took some time for the French text to meet the precise wording desired by the French delegation and the signing ceremony was postponed by some hours.

The Final Act of the meeting [165] also contains other important decisions such as:

- Acceptance of the offer of the Dutch Government to act as the Depositary for the Agreement (undertaken by the Dutch Ministry of Foreign Affairs).
- Acceptance of the offer of the Dutch Government to provide at its own cost an Interim Secretariat for a period of three years and to host the First Session of the Meeting of the Parties.
- The decision to open the Agreement for signature from 16 October 1995 at the



Fig. 47. The team coordinating the work at the formal negotiation meeting, June 1995, Ministry of Foreign Affairs, The Hague, the Netherlands. From left to right: Monica Björklund (UNEP HQ); Gerard Boere (Dutch Ministry of LNV); Jean Renault (Belgium and Chair of the Conference); Douglas Hykle (Deputy Secretary CMS Secretariat) and Arnulf Müller-Helmbrecht (Executive Secretary CMS Secretariat; Photo: LNV).

Ministry of Foreign Affairs of the Netherlands.

- The decision to consider the co-location of a Permanent Secretariat, once the Agreement came into force, with the UNEP/CMS Secretariat in Bonn, Germany.

This last point had always been the position of the Dutch Government and there were no plans to propose or offer to keep the AEWA Secretariat in the Netherlands.

Furthermore the Interim Secretariat (to be established from the date that the Agreement was opened for signature) was invited to undertake a whole range of activities on substance

and administration such as:

- Amendments to the Action Plan (then limited to Anatidae only)
- Review of the conservation status of all species included in the Agreement
- Criteria for defining emergencies
- The Conservation Guidelines (previously known as the Management Plan)
- A format for Party reports
- Budget, financial rules
- Establishment of a Technical Committee
- Logo for the Agreement

It was highly appreciated that immediately after the official meeting, the President of CIC offered a reception to all participants. This

gesture underlined that the hunting community, although it had followed the whole process in a critical way, supported the final outcome and was ready to work with CMS and the future AEWA staff to implement the decisions and to make the AEWA work in a practical way; and that is exactly what happened.

Negotiation Meeting and beyond

After the conference in The Hague, regional activities, such as a flyway conference in November 1995 in Seville, Spain, were already taking account of the AEWA approach and the need to conserve habitats on a flyway level [166]. Various papers at the International Conference on Wetlands and Development, Kuala Lumpur, Malaysia in October 1995, highlighted the way the recently concluded AEWA could play a role in flyway conservation and the need for such an approach in other flyways too was underlined [167]. Former groups of 'opponents' within the hunting community, now that the AEWA was concluded and on its way to enter into force in the near future, took a loyal approach and formally supported the implementation of AEWA (for instance during a conference in Bologna, Italy in 1996) [168].

Fig. 48. Delegates signing the Final Act (Photo: LNV).



2.6. Interim Secretariat period 1 January 1996 – 1 January 2000 and the First Session of the Meeting of the Parties (MOP1) in November 1999.

Now that the Agreement was concluded, the Dutch Government undertook steps to establish the Interim Secretariat and was the first to sign the Agreement (this being done by Minister van Aartsen of the Ministry of Agriculture, Nature and Fisheries, on 15 August 1996) [169]. The Ministry also started an internal procedure to select and appoint a staff member to run the Interim Secretariat within the Division for International Nature Conservation of the Directorate for Nature. This would also arrange for administrative and general secretarial support from that division; Dr. Boere's time remained available as appropriate, and general policy support could come from the other members of the Division for International Nature Conservation.

In early January 1996, Bert Lenten was appointed to the Interim Secretariat [170] and work started to implement the decisions of the Negotiation Meeting. Promoting the Agreement at many international meetings to stimulate ratification by

Range States was an important part of the work.

Special attention was paid to Africa. Fourteen ratifications were needed for the Agreement to come into force: seven Eurasian countries and seven from Africa. This would have to be achieved before mid-1998 in order to have the first AEWA Meeting of the Parties within three years (before the summer of 1999 as was stipulated in the Final Act (see note [171] for the scary details). At the time of finalizing this publication (May 2010), AEWA had 63 Contracting Parties [172]. It is appropriate to mention here the role of the AEWA Ambassadors such as Dr. Issa Sylla, then Director of National Parks of Senegal and later in his position as Wetlands International's Director for West Africa and OMPO. The Ambassadors together with Interim Secretary, Bert Lenten, encouraged African countries to accede to AEWA.

2.6.1. Development, since 1989, of special contacts with the USSR/Russian Federation/Arctic region as one of the main breeding areas for migratory waterbirds and its involvement during the development process of the Agreement.

For an Agreement on migratory waterbirds, the involvement of the USSR as the main breeding "source" of the waterbirds was crucial. In spite of the political differences in the early days of the development of the Agreement, technical contacts on migratory waterbirds were maintained between "East" and "West" through, for example, specialist groups of the IWRB and regular IWRB meetings which were also held in the USSR and countries such as the German Democratic Republic, Poland, Hungary and Czechoslovakia.

At the governmental level even more important frequent contacts on wetlands and waterbirds were maintained through the formal activities of the Ramsar Convention to which the USSR (now the Russian Federation) was and continues to be a long-standing Party.

The political changes in the late eighties and early nineties greatly helped to intensify the contacts with countries such as Hungary, Poland, the Baltic Republics, but also with the USSR/Russian Federation, and other newly independent states such as the Ukraine and those in Central Asia.

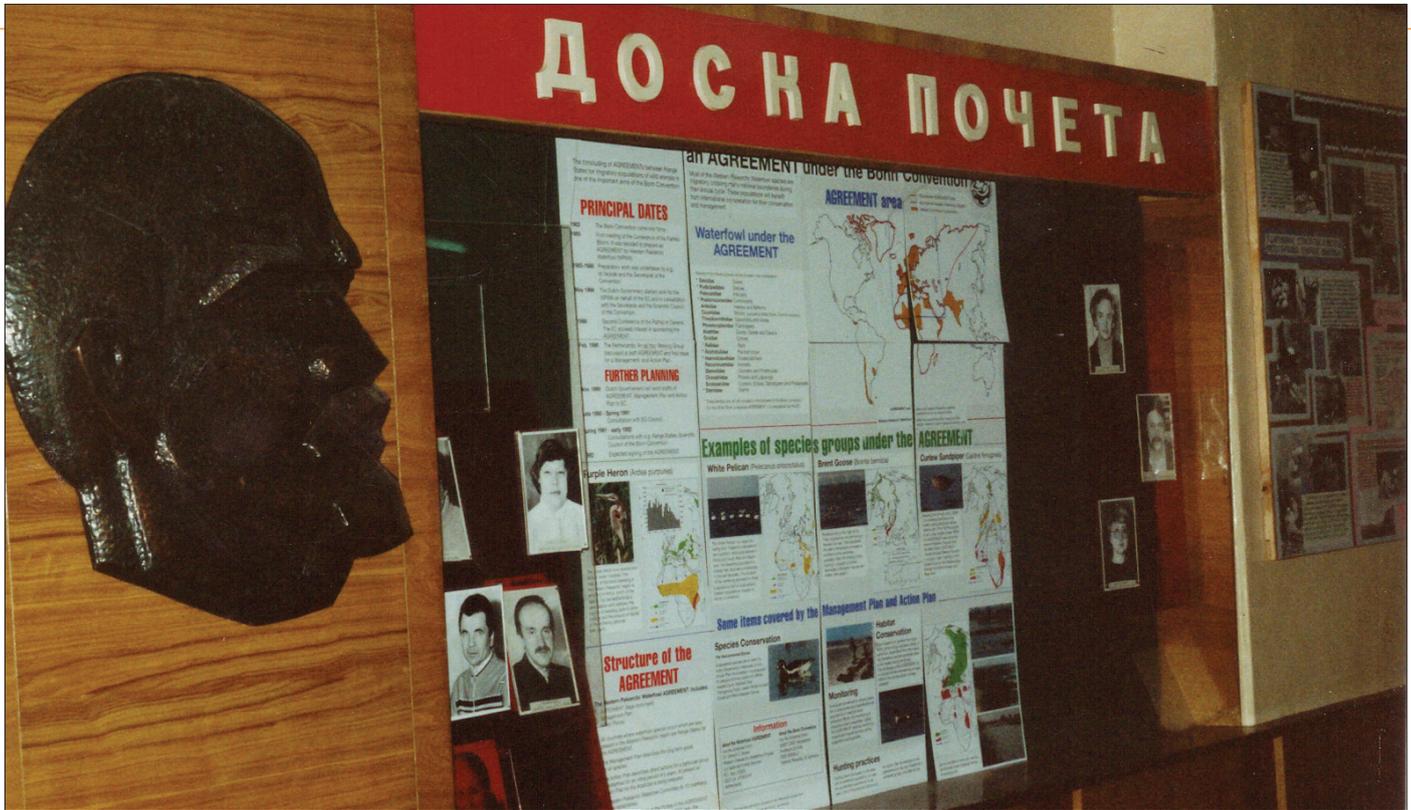


Fig. 49. The AEWA poster presentation here at an international waterbird conference in Magadan, Far East Russian Federation, autumn 1990 (Photo: Bart Ebbing).

Cooperation in the Russian Arctic regions

From 1989 onwards several Western European countries established, more formal and extensive relations with the Russian Federation. These Memoranda of Cooperation were in the first instance meant to undertake joint research in the Arctic regions of the Russian Federation, the breeding area of millions of geese, ducks and waders migrating to and wintering in Western Europe and

the real missing link in the extensive research undertaken by countries in Western Europe on migratory waterbird species. Some of the first countries to establish these formal relations were Germany in 1989 [124] and the Netherlands in 1990 [125]; in parallel with and followed by the Scandinavian countries [126] and the USA (concerning the Bering Sea Region in particular). As said before, these were not entirely new contacts, there had been communication earlier, but from now on they were

intensified with annual work plans and substantial financial resources involved.

The results of the first joint expeditions to important regions such as Taimyr, were published in 1995 [127]. A comprehensive overview of cooperative work in the Arctic, involving several more countries, was presented during a conference, jointly organized by the Russian Federation and the Netherlands in March 1998 in Moscow and the results were



Fig. 50. *The Russian Federation has a long history of conserving wetlands and waterbirds. As shown here on a painting where Lenin discusses conservation issues with the director of the Volga zapovednik (see also the map in the painting, photo: Gerard Boere).*

published afterwards [128], as well as a special overview of 15 years of Russian-Dutch cooperation in this field [129].

At the initiative of the local university in Odessa in the Ukraine, the International Wader Study Group for the first time ever organized a conference, 13-17 April 1992. A wealth of information, much of which had never been available to Western countries (also because most of it was only available in the

Russian language) was presented on waterbirds, and waders in particular, in the proposed AEWA flyway region. The output of the meeting was two-fold: the Odessa Protocol [130] and the Odessa Proceedings [131].

Both have for a long time been leading publications furthering the flyway concept, including at the global level, and increasingly involving Russian and other East European scientists in the work on AEWA.

Many international conservation organizations like IUCN, BirdLife International, Wetlands International, WWF and others have set up sections in the Russian Federation often supported by grants from countries with new formal bilateral relations with the Russian Federation.

CIC and OMPO [132] became active within the Russian Federation and involved in waterbird projects, and supported many worthwhile activities to make the vast amount of data on waterbirds collected in the Russian Federation available for international use. OMPO, with a few countries such as Denmark and the Netherlands, supported the Russian Ringing Centre with funds for publications, equipment and an office (OMPO). This substantially improved the functioning of the centre and international access to the results of waterbird ringing in the Russian Federation and helped them to publish their material for the wider conservation world.

All these bilateral contacts, both by GOs and NGOs, stimulated the exchange of information and increased the number of joint projects in this part of the flyway, so long inaccessible for cooperative research.

Involvement of the Russian Federation during the development of AEWA

As one of most important “sources” of breeding waterbirds in the whole flyway, the Russian Federation was - and is - seen as an extremely important partner for AEWA. After the presentation of the proposed Agreement during the IWRB/ Astrakhan meeting (1989), Russian experts were already expressing their great support for such an Agreement; at the same time asking that attention be given to similar activities in the Central Asian Flyway (CAF)...! [173]. A Russian waterbird expert also active in the field of international nature conservation, Dr. Vinokurov, participated actively in the Ad Hoc Working Group Meeting, February 1990, in The Hague and the Russian Federation was present as an observer at the First Intergovernmental Session on AEWA in Nairobi in 1994 [174], attending, also as an observer, CMS COP4 at the same time.

As indicated above, this process of Russian presence and participation intensified after the political changes and the frequent and intense co-operation by several Western



Fig. 51. Seminar about AEWA, flyway and waterbird conservation and the role of Central and East European countries in research and conservation, September 1998 in Kiev, Ukraine. Vice Minister for Environment Mr Movchan (left) and Mr Onno Hattinga van't Sant Dutch Ambassador to the Ukraine (right) receive the first copy of the Odessa Proceedings and the Odessa Declaration on flyways; Ukraine has joined both CMS and AEWA (Photo: Gerard Boere).

European countries and international organizations with the Russians in the Arctic on migratory waterbirds notably waders and geese, but also a number of seabird species [175].

Very unfortunately no Russian Delegation, although invited, was present during the Negotiation Meeting, June 1995 in the Netherlands (not even as an observer) [176]. Even an intervention by the Netherlands'

Ambassador in Moscow directly to the Minister, did not achieve results. No insight has ever been provided as to why the Russian Government did not attend. In spite of their absence in 1995, the Russian Ministry of Environment and Natural Resources and the many experts involved in waterbird conservation and research were kept informed throughout the development process and consulted on progress and substance.

Special AEWA Workshop in September 1998 in Moscow

Providing information and exchange of information on AEWA and the position of the Russian Federation, was for instance done in a more thorough way on 28 September 1998, when the State Committee for Environmental Protection (their work is now part of the Ministry for Natural Resources) organized, supported by Wetlands International's Moscow Office and funded by the Netherlands (under the bilateral Russian-Dutch Memorandum of Understanding on nature conservation cooperation), a seminar in Moscow to discuss the various aspects of AEWA and the specific barriers to Russia becoming a Party.

A number of Russian Ministries and Agencies were involved, including the Russian Ministry of Foreign Affairs. The meeting concluded unanimously that there were in fact no formal obstacles to accession and the representative of the Russian Ministry of Foreign Affairs made that very clear. Experts from various research institutes and the Academy of Sciences were strongly in favour of Russia's accession but still important technical problems and problems of

substance were mentioned which prevented the Russian Federation from acceding to AEWA.

The main problems in relation to a possible ratification have been described by the State Committee on Environment, Ministry of Agriculture and the Ministry of Finance and can be summarized as follows:

- The level of the formal UN contribution to be paid [177].
- List of species that can be hunted. The Russian Federation would have to make, under its present hunting legislation, a substantial number of reservations on species and length of seasons.
- Phasing out of lead shot: almost impossible in the Russian Federation for reasons of cost and enforcement.
- Monitoring of waterbirds: impossible given the size of the country and only possible in a very restricted way due to the lack of resources.
- The long process of consulting the 84 regions within the Russian Federation and receiving a positive answer; especially as the regions dealt with the day-to-day hunting issues.

This does not seem to be due to political barriers but rather to a number of substantial practical problems, which until now have not been resolved. In 1998 Dr. Orlov of the Russian State Committee for Environmental Protection, presented a detailed analysis of the Russian position with respect to a possible ratification by the Russian Federation at the Wetlands International conference in Dakar, Senegal [178]. This confirmed the above points and also emphasized the potential linguistic and legal problems with the Russian translation for instance and the high costs of implementing AEWA within the Russian Federation.

Promotional activities for AEWA in the Russian Federation; e.g. by hunting organizations

The absence of the Russian Federation in the formal AEWA process does not mean that no coordinated actions are taking place in line with the priorities of AEWA Implementation Plans. Such activities are for instance carried out by a well organized active group of Russian waterbird specialists which has good international contacts and manages national and international support for its activities [179].

In the various bilateral contacts from 1989 onwards, between the Russian Federation and other countries, research, management and conservation of waterbirds and their habitats play an important role. The same is the case with parts of the conservation programmes of NGOs (IUCN, WWF, BirdLife International etc.); they often have regional offices based in Moscow. Issues related to waterbird management also play a role in the contacts with hunting organizations like CIC and OMPO [180]. The CIC President wrote a letter to the Russian Minister for Agriculture (responsible for hunting issues) in support of the Russian Federation becoming a Party to AEWA. The Russian-based Goose, Swan and Duck Study Group of North Asia in its general policy and at its conferences with international participation continuously emphasized the importance of the Russian Federation joining AEWA [181].

USSR and international cooperation on migratory birds

It must be stressed that the USSR/Russian Federation has a number of bilateral agreements on the conservation of migratory birds with countries like the USA, Japan,

India and Australia among others. This has often been mentioned “in the corridors” by the USSR/Russian Federation as one of the arguments, in addition to ones mentioned above, that their interests on the conservation of “their” migratory birds outside their territory are sufficiently covered through the bilateral agreements and consequently there is no need to become a Party to CMS or AEWA [182]. Needless to say that these bilateral agreements just cover a small part of the winter range of migratory breeding birds of the Russian Federation.

Moreover, in the early 90s the Russian Federation initiated an Agreement for the Conservation of Birds and Mammals of the newly independent states in particular aiming at migratory species crossing borders. It was formally signed by the majority of the Environment Ministers in the fifth meeting of the Inter-State Ecological Council of the CIS countries in Moscow, Russian Federation, 9-10 September 1994. However this agreement was never communicated to the CMS Secretariat despite requests (pers. com. Mr. Müller-Helmbrecht, then Executive Secretary of the UNEP/CMS Secretariat). Also, according to rumours, this agreement was never

ratified and never had an important role in the cross-border conservation of birds.

The Russian Federation participates actively in the work under the Memorandum of Understanding for the Siberian Crane, which is also a great success thanks to the efforts made by the International Crane Foundation and to a substantial grant from the GEF. Furthermore, the Russian Federation participates in the work carried out under the Memorandum of Understanding on the Slender-billed Curlew [183].

Unfortunately even today (March 2010) the Government of the Russian Federation has not acceded to CMS or AEWA, although contacts recently have been re-vitalized and a high level Russian Delegation visited both secretariats in Bonn in 2009. According to the latest information the responsible Ministry is looking into the possibility of joining these treaties [184].

2.6.2. Development and activities of the Interim Secretariat from 1 January 1996 onwards.

The Final Act (in English and French versions) was prepared for publication

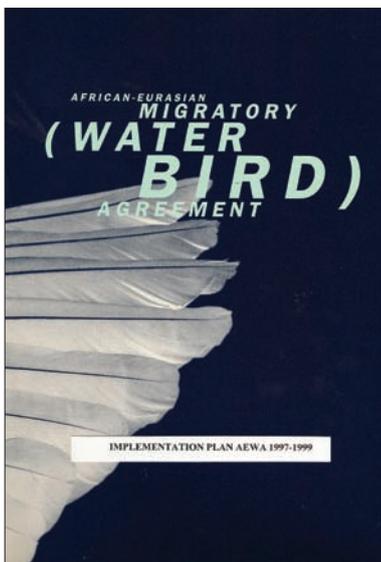


Fig. 52. The first Implementation Plan in the new house style.

and widely distributed with the new house style and logo for AEWA which was launched in early 1997.

An AEWA newsletter was developed and the first printed issue distributed late 1996 [185]. The AEWA website was established in collaboration with UNEP/CMS and WCMC [186] in Cambridge, UK. Publicity materials were developed (leaflets, postcards, posters etc.) informal Russian and Arabic translations of the AEWA text were also prepared.

In April 1997 a first Implementation Plan for the AEWA was published,



Fig. 53. The first AEWA Newsletter; August 1996.

prepared by Wetlands International, to stimulate and prioritize concrete actions as foreseen in the Agreement and the Action Plan as appended to the Agreement in June 1995 [187].

Important priorities were:

- Amendments to the Action Plan to include all waterbird species
- Overview of the Conservation Status of all species included in the Agreement
- Preparation of Conservation Guidelines

A number of reviews were also



Fig. 54. The Second Newsletter in the new AEWA house style.

suggested but these were considered to be of a lower priority and to be done in later years. To name just a few of these suggested reviews: hunting and trade legislation; re-establishment of populations into their former range; status of non-native species; training needs for wetland and waterbird surveys; and regional workshops on the AEWA in general.

The publication of new atlases, with the Anatidae Atlas as an example, was seen as important for the presentation of the overview of flyways, important sites etc. as well as gaps in related

Fig. 55. Minister van Aartsen (Dutch Ministry of LNV), received the first copy of the *Anatidae Flyway Atlas* on the occasion of the establishment of the Wetlands International Office in Wageningen, the Netherlands, November 1996 (Photo: Wetlands International).



information, their conservation and the way populations were being utilized. The Flyway Atlas for Waders was regarded as a realistic future project in light of the work that had already been undertaken by the IWSG but it took until the spring of 2009 before it could be published [188].

Starting AEWA and related activities within the AEWA region

Substantial funding from, for instance, Switzerland, the UK and the Netherlands made it possible to realize a large part of the implementation priorities before the AEWA MOP1. Further work on substance included discussions e.g. on a special action plan for the White Stork now that a formal CMS Agreement for the species was not needed any more; information collected already could be used for a single species action plan.

Intensive work was carried out on the development of an International Management Plan for the increasing

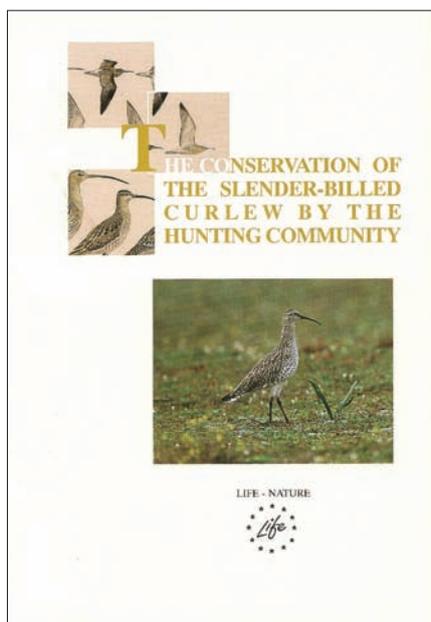


Fig. 56. Leaflet on the conservation of the Slender-billed Curlew. Prepared under the EU Life Programme in cooperation with the European hunting organizations.

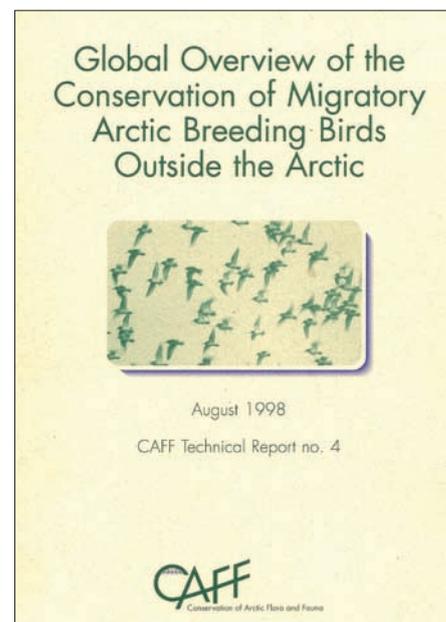


Fig. 57. There was an increasing interest in the Arctic and the Working Group Conservation of Arctic Flora and Fauna paid much attention to migratory waterbirds and AEWA.

population of Dark-Bellied Brent Goose (*Branta b. bernicla*) [189]. The flyway plan itself was presented at AEWA MOP1 [190]. Similar discussions were held under the aegis of CMS about the Great Cormorant (*Phalacrocorax carbo*) in relation to fish farming and fisheries interests throughout Europe [191]. Furthermore, a flyway management plan was underway for the Svalbard [192] population of Barnacle Goose (*Branta leucopsis*). The latter was in accordance with the AEWA Action Plan which states that Parties shall prepare single species action plans for populations listed in Column A of Table 1 of the Action Plan.

In the same period, a list of Globally Threatened Birds in Europe, with action plans, was published by the Council of Europe [193]. Of the 23 species listed, ten belong to the group of waterbirds included in Annex 2 of AEWA (total species list) but some (gulls, waders) were not included in the original Action Plan as adopted in June 1995 through the Final Act.

Nonetheless the Interim Secretariat became actively involved in the implementation of these action plans such as the one for the Slender-billed



Fig. 58. Participants of the Slender-billed Curlew Workshop in Arosio (1992) paid a visit to the famous Roccolo di Arosio, home of the Bana family and the Il Nibbio Foundation. A roccolo is a traditional bird capturing system long since applied for bird ringing almost the year around. Those pictured include, in the middle Mr. Bana, Graham Tucker, Douglas Hykle, Yves Lecocq, Janine van Vessem, Gerard Boere and co-workers of Mr. Bana (photo Il Nibbio Foundation).

Curlew (*Numenius tenuirostris*), a species gaining much international attention as one that was on the brink of extinction or even already extinct. For this species a special Memorandum of Understanding has been concluded under CMS which became effective on 10 September 1994. In practice the implementation work of this MOU is now a joint activity of the CMS and AEWA Secretariats [194], through a Working Group of the Scientific Council of CMS.

The hunting community was active in the conservation, education

and research on the Slender-billed Curlew. Mr Bana who was very active in the Italian and international hunting community, organized through his Il Nibbio foundation a workshop on this species in March 1992 in Arosio with the eponymous declaration on waterbird conservation and flyways as one of the outputs. The draft AEWA text, as then available, was also discussed and suggestions for improvement taken on board.

There has been increasing interest in the Arctic region, exemplified by the establishment of the Arctic Council

and its working groups such as CAFF [195]. In a report published by CAFF and prepared by Wetlands International much attention was paid to AEWA as a possible instrument to coordinate protection and sustainable use of Arctic breeding birds outside the Arctic [196]. In recent years this view has been reiterated by CAFF [197].

2.6.3. Organization of AEWA MOP1.

Soon after CMS COP5, discussions were started with the UNEP/CMS Secretariat on the preparations for the AEWA MOP1 to be held back to back with CMS COP6. These discussions involved the countries of South Africa and the Netherlands following a preliminary offer from South Africa at CMS COP5 to host COP6 in South Africa [198] and the offer, as laid down in the Final Act of the 1995 conference, from the Dutch Government to organize the first AEWA MOP1.

Following a preliminary mission to South Africa by the AEWA Interim Secretariat, the Ministry of LNV and the UNEP/CMS Secretariat, the South African Government, in February 1998, invited AEWA and CMS to hold their meetings in South Africa.



Fig. 59. Opening ceremony of CMS COP6 and AEWA MOP1 on 6 November 1999 at the Lord Charles Hotel, Somerset-West, near Cape Town; David Pritchard addresses the audience on behalf of the NGOs.



Fig. 60. Opening ceremony in Cape Town on 6 November 1999 with from left to right: Mr. Moosa (South African Minister of Environment); Gila Altmann (State Secretary Germany), Kas Hamman (Director Environment, Western Cape Province) and David Pritchard (NGO representative).

A further mission in August 1998 consolidated the preparations on logistics and in October 1998 the formal invitation for both CMS COP6 and AEWA MOP1 was circulated

to the countries concerned. Both meetings took place at the beautiful location of the Lord Charles Hotel in Somerset-West just east of Cape Town [199].



Fig. 61. The South African booklet with ten stamps illustrating migratory birds.



Fig. 62. The Dutch AEWA stamp published in 1999.

It must be said that the organizing countries and the UNEP/CMS and UNEP/AEWA Secretariats had some concerns about holding the AEWA MOP1 back to back with CMS COP6. Therefore this early formal joint invitation was made with great hesitation, as by that time the 14 ratifications (7 from African countries and 7 from Eurasian countries) formally required for AEWA to come into force, had not yet been achieved! This could have rendered AEWA MOP1 powerless and not in a position to take binding decisions.

Indeed at the beginning of 1999 only one African country had ratified AEWA. Therefore specific actions

were taken and Bert Lenten of the AEWA Interim Secretariat visited, together with Dr. Issa Sylla of the Wetlands International Office in Dakar, six countries in West Africa. A few weeks later Bert Lenten also visited six countries in Southern Africa.

The number of ratifications increasingly became an issue, creating much tension, as indeed close to the dates of AEWA/MOP1 a few African signatures were still missing. A number of African countries, in the process of ratification and after consultations with both Secretariats, speeded up their national procedures in order to ratify in time. The Depositary informed the

Interim Secretariat that just before the start of AEWA MOP1 nine African countries had ratified. However, strictly speaking five countries were not full Parties as although they indeed ratified before 6 November, the formal period between ratification and the Agreement coming into force for these countries, which is 3 months, had not yet passed in full.

To overcome this problem the AEWA MOP1 used its decisive power, in line with a proposal by the German delegation and declared by consensus that rule of having to wait three months before being a formal Party, should not to be applied to these five countries - quite an unusual

step in the international conservation treaties scene, but possible under the Vienna Convention [200]. This made it possible for the AEWA MOP1 to take formal decisions on all agenda items, including the budget.

In the period before the AEWA MOP1 a number of activities were undertaken, such as helping ratification procedures!, but also others related to the objectives of the Agreement with the intention of raising AEWA's profile through public events and publications. At various meetings African countries had already indicated that AEWA could become an important conservation and policy instrument for their continent.

A meeting of the African countries in Nairobi in July 1999 confirmed this [201]. A summary report of ringing records and migration studies on African waterbirds, provided much information, showing at the same time the great gaps in information [202]. It is also the year when the CIC adopted a resolution expressing support for AEWA; a change to the positive after the previous sceptical approach to its development [203].

A different but also effective example of publicity was the special AEWA



Fig. 63. *The South African Minister Valli Moosa and the Dutch State Secretary Mrs. Geke Faber received the special South African stamp issue on migratory birds of the AEWA region.*

stamp issue by the Dutch Postal Administration and those on migratory species by the South African Postal Administration [204].

Opening ceremony of CMS COP6 and AEWA MOP1

The formal opening of AEWA MOP1, which was a high level joint ceremony with the formal opening of CMS COP6, showed the strong political interest in both CMS and AEWA. The conference was addressed by the South African Minister for Environmental Affairs and Tourism, Mohammed Valli Moosa; UNEP Director, Prof Klaus Töpfer; the Dutch State Secretary for Agriculture, Nature Management and



Fig. 64. *The entrance of the Lord Charles Hotel in Somerset-West; venue of AEWA MOP1 (Photo: Gerard Boere).*

Fisheries, Geke Faber; the German Parliamentary State Secretary, Gila Altmann, and David Pritchard on behalf of all the NGOs involved.

A few sentences in the opening address by the Dutch State Secretary Geke Faber caused considerable

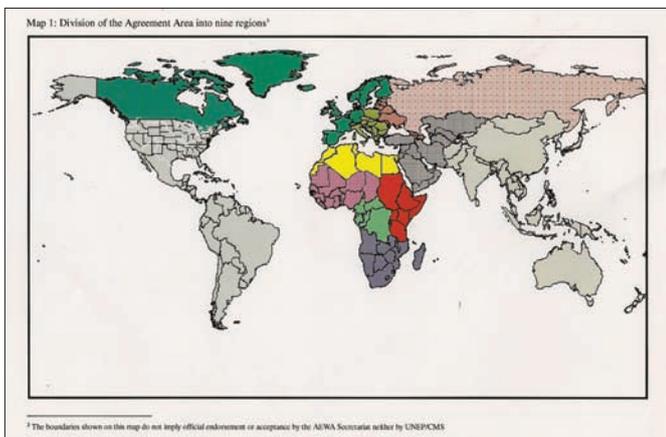


Fig. 65. Map showing the basis of which the regional representatives for the Technical Committee are chosen.



Fig. 66. Janine van Vessem and Mike Moser, the Wetlands International delegation during AEWa MOP1, November 1999, Cape Town (Photo: Gerard Boere).

concern among several delegations, in particular delegations from hunting organizations. She stated:

“Waterbirds are a favourite target for hunters, because of their weight, and the fact that they stick together in large numbers. That underlines the need for strict rules protecting migratory waterbirds. In the Netherlands, there is now a ban on hunting for almost all migratory waterbirds. Of course I would like other countries to adopt such strict rules too.”

This statement was again seen as proof that the concern of the hunting organizations, expressed over the years, was justified in respect of

the Netherlands’ position regarding the hunting of waterbirds and in relation to its close involvement in the development of AEWa. It was also seen as contrary to the statement by Minister van Aartsen in his letter of 15 May 1996 to the President of FACE (see the relevant note). Finally her statement was also seen as factually out of line with the 4th preamble of AEWa on the taking of waterbirds [205].

Although the Interim Secretariat was hosted by the Government of the Netherlands, it had made it clear from the beginning that the policy regarding hunting issues was as laid down in the text of the Agreement,

and was not determined by the policy of the Host Government. On many occasions this was clearly stated by the Interim Secretariat. However, some hunting organizations were still concerned about the fact that the Interim Secretariat was based in the Netherlands.

In the “corridors” of AEWa MOP1 the fact that the AEWa Secretariat would be moved to the UNEP/CMS offices in Bonn was welcomed even more than before by certain groups in the light of statement by Mrs. Geke Faber as mentioned above!



Fig. 67. *Secretary-General of AEWA MOP1, Gerard Boere (left) and Interim Secretary of AEWA, Bert Lenten (right) enjoying a break during AEWA MOP1.*



Fig. 68. *The AEWA MOP1 Bureau: Bert Lenten (Interim Secretariat), Gerard Boere (The Netherlands, Secretary-General), Mbarak Diop (Senegal, Chair) and Fer von der Assen (The Netherlands, Vice-Chair).*

AEWA MOP1 results

The results of the AEWA MOP1 [206] were regarded as very satisfactory and an important step towards the efficient implementation of the Agreement in the whole region. The commitment shown by the Range States and NGOs during the development process and at the Negotiation Meeting of June 1995 continued to be evident during this first crucial Meeting of the Parties and observer Range States. Important decisions were:

- Establishment of a Permanent Secretariat [207]
- Budget and administrative arrangements [208]
- International Implementation Priorities for 2000 – 2004 [209]
- Establishment of the Technical Committee [210]
- Amendments to the Action Plan [211]
- Conservation Guidelines [212]

It should also be stated here that some questionable procedural choices had to be made on the issue of the decision making powers of the meeting itself. Only at the end of AEWA MOP1 was it discovered that Rule 30 of the MOP Rules of Procedure, as

adopted on the first day, requiring that the MOP needed at least two-thirds of the Parties present to discuss issues and to take decisions, had been completely overlooked. But even with the liberal approach of the Credentials Committee [213], it turned out that no such two-thirds quorum of the Parties was present at MOP1! As with the issue of the timing of ratification date versus becoming a full Party, an ad hoc change of the Rules of Procedures was taken in changing the “two thirds” into “at least half of the Parties...” Clearly the MOP really does have decision making power!

Needless to say all present were in favour of these changes to “save” MOP1 and to give the meeting its legal power and it has never been questioned afterwards. In any case, these procedural and legal problems would have had no impact on the substance of the decisions taken and further work by AEWA.

Clearly the AEWA MOP1 would not win any prizes in a possible contest of which convention is the best in applying the Vienna Convention on treaties and conventions! However, it must be said that the situation improved greatly when MOP2 was



Fig. 69. Examples of AEWA Single Species Action Plans.

organized and documents were circulated in a more timely manner and in the two official languages. AEWA MOP1 had been a learning process.

Furthermore - and in fact the main issue at stake – the disadvantages of organizing the MOP back to back with CMS COP6 became apparent at a certain moment. This arrangement provided no flexibility over the timing of the MOP when it was obvious that the formal number of ratifications would not be achieved. After 2002,

the AEWA MOPs were held as independent meetings with a different time schedule from the CMS COPs.

2.7. After AEWA MOP1, November 1999, Cape Town, South Africa.

With the results of AEWA MOP1 in hand, the Permanent Secretariat could be established in Bonn, co-located with the UNEP-CMS Secretariat and integrated in UNEP. Mr. Bert Lenten was appointed as Executive Secretary and, under his leadership and with the positive

outcome of MOP1, there was a firm basis for a wide range of activities in the framework of the Agreement, also facilitating activities in other fora.

To support the implementation of the decisions some of the meeting documents were later published as separate reports [214]. In addition, the report on the conservation status of migratory waterbirds in the Agreement area was published, which also contained information on waterbird species not yet included in the Agreement [215].

A key issue for the implementation of AEWA, as formulated in the Implementation Priorities 2000-2004, has been the development of a GEF PDF-B block [216] as the precursor to a possible submission of a full GEF proposal and funding possibility.

The first outline for such a project proposal, also a document for AEWA MOP1, was discussed during a brainstorming meeting with just a few people in November 1999 at AEWA MOP1 in Cape Town, South Africa [217]. This PDF-B block developed a project aiming at supporting demonstration and pilot projects for AEWA in 11 different countries involving a number of important wetlands for migratory and wintering waterbirds. The PDF-B project was approved in March 2000 and Wetlands International started its implementation [218].



Little Egrets, Egretta garzetta (Photo: Sergey Dereliev (UNEP/AEWA)).

3. Final remarks

Looking back over the last 15 years since AEWA was concluded, it is clear that much has been achieved. This was only possible due to the efforts made by all the Contracting Parties - and even Non-Parties [219] - and other organizations involved [220]. However, there is no time for a rest, taking into account that migratory waterbirds are still facing many threats. Some of them we know well such as the substantial reduction of suitable habitat and the lead shot issue [221]; others are new such as wind farms, climate change [222] and avian influenza [223]. At the same time a wealth of new information has become available e.g. through the publication of a number bird ringing atlases [224] and the results of the April 2004 Edinburgh Flyway Conference [225] 'Waterbirds around the World'. The avian influenza case

clearly showed the need for good data on migratory waterbirds flyways. In all these cases AEWA has played - and is still playing - an important role [226].

From my personal point of view it is great to see that AEWA has evolved from a concept to a real instrument for the conservation of African-Eurasian Migratory Waterbirds even beyond what the 'founding fathers' may have dreamed would be possible. Now it is highly valued and is still gaining more and more recognition thanks to the Contracting Parties and all other stakeholders involved. Moreover it should be underlined that the very dedicated Agreement Secretariat under the active and forward looking leadership of Bert Lenten, has contributed considerably to this success.

Annex 1. Notes added to the text

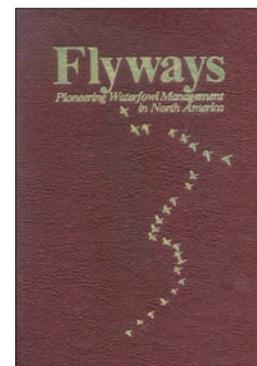
1. The 1927 report is in old IWRB files presently with Wetlands International in Ede. There are also the old minutes of IWRB meetings etc. from the late forties of the previous century. Isakov, Y.A. and Matthews, G.V.T. (eds.) 1981. Studying and Management of Waterfowl in the USSR. Proceedings of the International Symposium on Mapping of Waterfowl Distribution, Migration and Habitats, Alushta. IWRB and USSR Academy of Sciences, Moscow, Charles Dixon (1895). The migration of British Birds; including their post-glacial emigrations as traced by the application of a new law of dispersal. Chapman and Hall, London. W. Wuczetiz and A. Tugarinov (1937). Seasonal distribution and migration of ducks (subfamily Anatinae) on the basis of bird ringing in the USSR; The Mallard - *Anas platyrhyncha*. Central Bureau for Bird Ringing, Moscow, USSR.
2. Project MAR, the conservation and management of temperate marshes, bogs and other wetlands: Vol 1. 1963. Proceedings of the MAR conference organized by IUCN, ICBP and IWRB, November 1962, Les Saintes-de-la-Mer, France. IUCN Publication new series no.5, Switzerland. Vol. 2. 1965. List of European and North African Wetlands of International Importance. IUCN Publications new series No.5 Switzerland.
3. Swift, J.J. ed. 1964. Proceedings of the First European Meeting on Wildfowl Conservation, 16-18 October 1963, St. Andrews, Scotland, UK. Nature Conservancy, London, UK and IWRB, Le Sambuc, France.
4. Salverda, Z. ed. 1967. Proceedings of the Second European Meeting on Wildfowl Conservation, 9-14 May 1966, Noordwijk aan Zee, the Netherlands. Ministry of Cultural Affairs, Recreation and Social Welfare, the Netherlands, together with the State Institute for Nature Conservation Research (RIVON), the Netherlands, and IWRB, France.
5. Isakov, Y.A. ed. 1970. Proceedings: International Regional Meeting on Conservation of Wildfowl Resources, 25-30 September 1968, Leningrad, USSR.
6. Hoffman, L (ed.) 1966. Proceedings of the Meeting on International Co-operation in Wildfowl Research, Jablonna (near Warsaw), Poland, 16-19 September 1966. IWRB, Slimbridge, UK.
7. See for many details: Matthews, G.V.T. 1993. The Ramsar Convention: its History and Development. Ramsar Convention Bureau, Gland, Switzerland; 122 pp; but also interesting details in: Nowak, Eugeniusz, 2005. Wissenschaftler in turbulenten Zeiten. Erinnerungen an Ornithologen, Naturschützer und andere Naturkundler. Stock & Stein Verlag, Schwerin, Germany. 432 pp. This is a fascinating book in German, about the life histories of many Central and Eastern European ornithologists and the way they had to work and live under the various political regimes in National Socialist Germany, USSR and GDR in the last decades. On pages 63-64 he describes the great disappointment of Russian ornithologists, involved in the organization of the 1968 Leningrad Conference; they were not all informed by the responsible USSR Ministries or State Committees.
8. There is a German translation available of Matthews' historical overview: Matthews,



G.V.T., 1993. Feuchtgebiete; Schutz and Erhaltung im Rahmen der Ramsar-Konvention. Der Werdegang des internationalen Übereinkommens über Feuchtgebiete. Translated and amended by Gerald Dick. Bundesministerium für Umwelt, Jugend und Familie; Grüne Reihe Band 3. Bonn, Germany.

9. De Klemm, C and Créteaux, I. 1995. The legal development of the Ramsar Convention. Ramsar Convention Bureau, Gland, Switzerland (document in three languages: French, English and Spanish).
10. See for instance: Hans Skotte Moller (ed.). 1995. Nature Restoration in the European Union; The National Forest and Nature Agency Denmark. 130 pp.

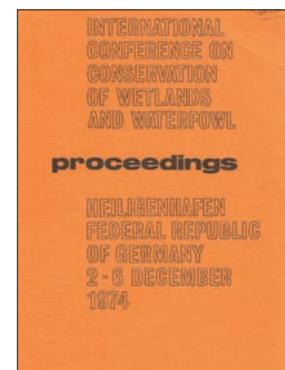
11. See for instance for the earlier discussions: Lincoln, F.C. 1950. Migration of Birds. USFWS Circular 16. Hochbaum, H.A. 1955. Travels and Traditions of Waterfowl. University of Minnesota Press, USA. Bureau of Sport Fisheries and Wildlife: Population Ecology of Migratory Birds. 1972. Papers of a symposium, 9-10 October 1969, Laurel, Maryland, USA. Wildlife Research Report 2. Hawkins, A.S c.s. (eds.). 1984. Flyways; Pioneering Waterfowl Management in North America. USFWS, Dept. of the Interior, Washington, USA. A recent overview is available in: Schmidt, P.R. 2006. North American Flyway Management: a century of experience in the United States. In: Waterbirds around the World. eds. G.C. Boere, C.A. Galbraith & D.A. Stroud. The Stationery Office, Edinburgh, UK. pp. 60-62. Ducks Unlimited is the North American organization active in wetlands and waterbird management. A whole range of other conservation organizations are active as well. With the Neo-tropical Migratory Birds Conservation Act, there is also a financial instrument to support actions on the ground.



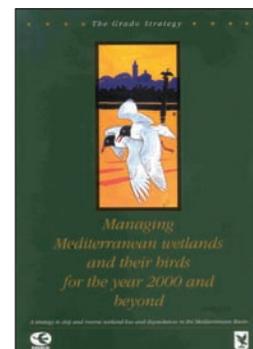
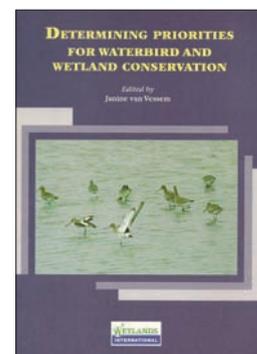
12. The Bonn Convention, administered by UNEP and also known by its initials as UNEP/CMS, was concluded in 1979 at an Intergovernmental meeting in Bonn, Germany. It was based on recommendations from the first Global Environment Conference in Stockholm 1972. The UNEP/CMS Secretariat, along with other CMS related Agreements such as AEWA, the European Bats Agreement and ASCOBANS, is located in Bonn at the UN Premises at the former location and buildings of the Parliament of the Federal Republic of Germany.

13. Ironically there was not much difference in the time needed to develop and conclude the first North American Waterfowl Management Plan and for AEWA: both took 10-12 years.

14. For instance: Smart, M. Ed. 1976. Proceedings: International Conference on the Conservation of Wetlands and Waterfowl, 2-6 December 1974, Heiligenhafen, Federal Republic of Germany. IWRB, Slimbridge, UK, and Fog, J c.s. (eds.) 1982. Managing Wetlands and their Birds. Proceedings of the Third Technical Meeting on Western Palearctic Migratory Bird Management, 12-15 October 1982, Münster, Germany. IWRB, Slimbridge, UK. Note that the 1974 Heiligenhafen Conference was in fact also an informal Conference of the Parties to the Ramsar Convention; only much later formal arrangements to hold COPs, provisions for a budget etc. were put in place.



15. The original text of the Ramsar Convention did not provide for regular meetings of the Parties, a Convention Secretariat and other structures now standard for international treaties. These were included at a later stage through specific diplomatic meetings (Extraordinary Conferences of the Parties) adding to the original convention text; see for details and time schedule: De Klemm, C and Créteaux, I. 1995. The legal development of the Ramsar Convention. Ramsar Convention Bureau, Gland, Switzerland (one document with text in three languages: French, English and Spanish).
16. Boyd, H and Pirot, J.Y. (eds.) 1989. Flyways and Reserve Networks for Waterbirds. IWRB Special Publ.; no.9. Slimbridge, UK. This publication is the result of papers presented at Technical Meetings during the Third Meeting of the Conference of the Parties to the Ramsar Convention, Regina, Canada, 28-29 May 1987.
17. Matthews, G.V.T. ed. 1990. Managing Waterfowl Populations. Proceedings of an IWRB Symposium, 2-5 October 1989, Astrakhan, USSR. IWRB Special Publication No.12, Slimbridge, UK.
18. Moser, M., Prentice, R.C. and van Vessem, J. (eds.) 1993. Waterfowl and Wetland Conservation in the 1990s - A Global Perspective. Proceedings of an IWRB Symposium, 12-19 November 1992, St Petersburg, Florida, USA. IWRB Special Publication No.26, Slimbridge, UK.
19. Van Vessem, J., ed. 1997. Determining Priorities for Waterbird and Wetland Conservation. Proceedings of Workshop 4 of the International Conference on Wetlands and Development, 9-13 October 1995, Kuala Lumpur, Malaysia. Wetlands International Kuala Lumpur.
20. Beintema, A. and van Vessem, J. 1999. Strategies for Conserving Migratory Waterbirds – Proceedings of Workshop 2 of the 2nd International Conference and Wetlands and Development held in Dakar, Senegal, 8-14 November 1998. Wetlands International Publication No. 55, Wageningen, the Netherlands, vi + 71 pp. Many of the presentations anticipated AEWA's implementation although the Agreement was not yet formally in force; this happened in November 1999.
21. Max Finlayson, Ted Hollis and Tim Davis, eds. 1992 Managing Mediterranean Wetlands and Their Birds. Proceedings of an IWRB International Symposium, February 1991, Grado, Italy. The 'Grado Declaration' on the conservation of Mediterranean Wetlands has facilitated a number of conservation activities e.g. the large MEDWET programme. Later the Grado Strategy was published: Anonymous, 1992. A strategy to stop and reverse wetland loss and degradation in the Mediterranean Basin. IWRB and Regione Friuli-Venezia Giulia, Trieste, Italy. 40 pp.
22. Birkan, Marcel c.s. eds. 1996. Proceedings of the Anatidae 2000 Conference, 5-9

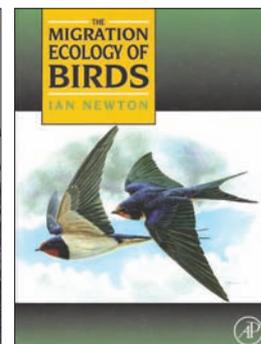


December 1994, Strasbourg, France. Gibier Faune Sauvage (Game and Wildlife) Vol.13 Special issue Tome 1 and 2. Office National de la Chasse, Paris, France.

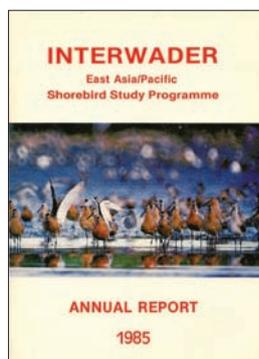
23. Boere, G.C., Stroud, D.A. and Galbraith, G.A. (eds.) 2006. "Waterbirds around the World." Proceedings of the global flyway conference, 4-9 April 2004, Edinburgh, Scotland, UK. The Stationery Office; 940 pp.
24. See for instance: Bijlsma, R.G. 1987. Bottleneck areas for migratory birds in the Mediterranean Region. An assessment of the problems and recommendations for action. ICBP Study Report no.18, ICBP, Cambridge UK. Grimmett, R. ed. 1987. A review of the problems affecting Palearctic migratory birds in Africa. Findings and recommendations resulting from the ICBP Migratory Birds Questionnaire. ICBP Study Report no. 22, ICBP, Cambridge, UK, Mullie, W.C. c.s. 1989. The impact of pesticides on Palearctic migratory birds in the Western Sahel; with special reference to the Senegal river delta. ICBP Study Report no. 36. ICBP, Cambridge, UK.
25. Salathe, T. 1991. Conserving Migratory Birds. ICBP Technical Publication No.12. ICBP, Cambridge, UK.
26. T. Lampio, 1982. National and local requirements for regulation of waterfowl shooting pressure. In: Fog, J. c.s. (eds.) 1982. Managing wetlands and their birds, 293–301. Proceedings of the Third Technical Meeting on Western Palearctic Migratory Bird Management, 12-15 October 1982, Münster, Germany. IWRB, Slimbridge, UK. With some other papers by Lampio in the same publication.
27. Davidson, N.C. and Pienkowski, M.W. (eds.) 1987. The conservation of international flyway populations of waders. Wader Study Group Bulletin 49, Suppl./IWRB Special Publ.7. ISSN 0260-3799. These are the proceedings of a WSG workshop held in the UK, 13-14 September 1987.
28. See for instance: Scott, D.A., 1982. Problems in the management of waterfowl populations. In: Scott and Smart (eds.) 1982. Proceedings Second Technical Meeting on West Palearctic Migratory Bird Management, Paris, 11-13 December 1979.
29. In short "the compensatory density principle" discussion means that hunting in spring of adult females of waterfowl species, thus taking them out of the reproductive population, was not seen as a problem, as a lower density of breeding birds would lead to larger clutches and more young birds to hatch. This would compensate, on a population level, for the loss of birds at the beginning of the breeding season. Clearly this is only part of the many factors influencing breeding results and therefore cannot be singled out for that particular purpose.
30. WIWO is the acronym for (in Dutch) Werkgroep voor Internationaal Wad- en Watervogel Onderzoek; formally established in 1982 after the first Netherlands-Mauritania/Banc d'Arguin Expedition January-March 1980. Since then, WIWO has undertaken almost 100 expeditions to many of the most remote and endangered wetlands in the whole AEWA flyway region and played an essential role in collecting hard data on the importance of remote wetlands and the migration strategies of waterbirds; see their website for more details on publications and activities: www.wiwo.org



31. For instance the 2006, 2007 and 2008 Annual reports of the team of researchers active within the 'Global Flyway Network' with Prof. Piersma, Groningen University, the Netherlands and Prof. Baker, University of Toronto, Canada, as coordinators. See also the excellent overview by Ian Newton (2008) in his almost 1000- page book: 'The Migration Ecology of Birds', Academic Press. Many papers in Boere, G.C., Galbraith, C.A. & Stroud, D.A. (eds). 2006. Waterbirds around the World. The Stationery Office, Edinburgh, UK. 960 pp.



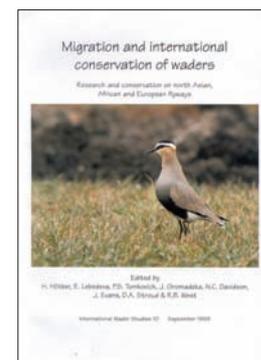
32. The International Wader Study Group is an organization of both professional and amateur wader researchers; legally based in the Netherlands. It has about 600 members and organizes annual scientific meetings. It published a high quality Bulletin and Special publications regularly. The IWSG acts as the Specialist Group for waders within the Specialist Group support system of Wetlands International and IUCN. Similar groups, focusing their research and conservation on waders/shorebirds, are active in North America and the Asia-Australasia/Pacific region.



33. INTERWADER was originally set up in about 1983 by a few enthusiastic wader specialists such as Wim Verheugt, Marcel Silvius and Duncan Parish working in the Far East. The group started collecting systematic data on wetlands and waterbirds in the Asian-Australasian-Pacific region. The name later changed to the Asian Wetlands Bureau to reflect its broader perspectives. The AWB in 1995 became Wetlands International when it joined IWRB and Wetlands America in one organization.

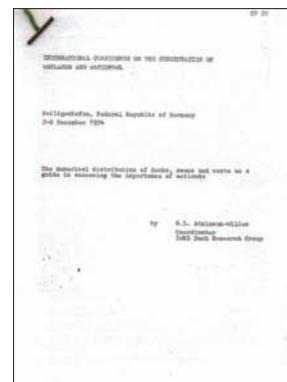
34. Hotker, H, c.s. (eds) 1998. Migration and international conservation of waders. Research and conservation in north Asian, African and European flyways. International Wader Studies 10. Proceedings of the first conference of wader and flyway researchers of 'Western and Eastern Europe'; 13-17 April 1992, Odessa, Ukraine. The publication took a long time

as all the work had to be done in people's own time. The proceedings were launched in September 1998 at an international symposium in Kiev. It contains a wealth of new data, most of them never published before. Copies are still available from the IWSG.

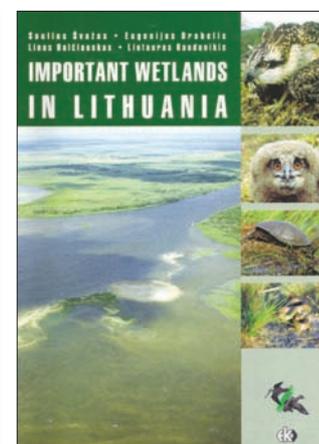
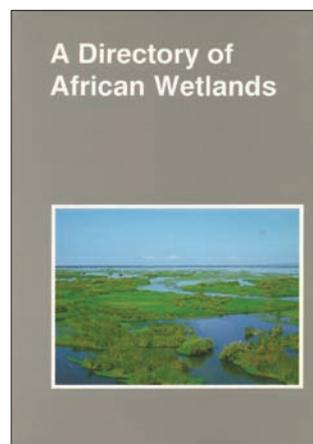
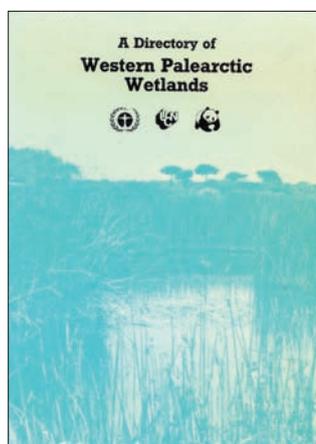
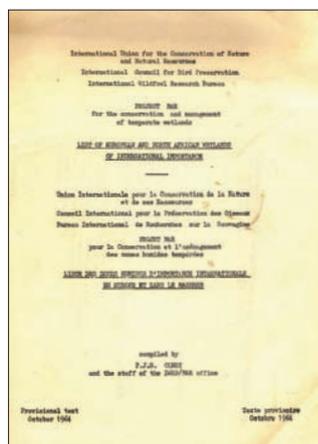
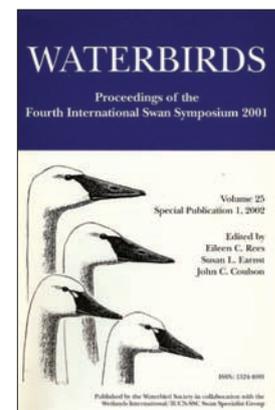


35. Boere, G.C., Galbraith, C.A., and Stroud, D.A (eds.) 2005. Conclusions and recommendation from the Waterbirds around the World global flyways conference, April 2004, Edinburgh, Scotland. Wetlands International, the Netherlands; Joint Nature Conservation Committee, UK and Ministry of Agriculture, Nature and Food Quality, the Netherlands. This booklet of about 40 pages was published separately from the proceedings in order to have the main results available for participants as early as possible.

36. Boere, G.C. and Stroud D.A, 2006. The flyway concept: what it is and what it isn't. In: Boere, G.C., Galbraith C.A. and Stroud D.A. eds, 2006. "Waterbirds around the World", the Stationery Office, Edinburgh. With the map also a new and now often used definition of a flyway was formulated by Boere and Stroud (2006): "A flyway is the entire range of a migratory bird species (or groups of related species or distinct populations of a single species) through which it moves on an annual basis from the breeding grounds to non-breeding areas, including intermediate resting and feeding places as well as the area within which the birds migrate."
37. The International Waterbird Census (IWC), which started in 1967, takes place during mid-January when most waterbirds are concentrated in their wintering areas, at least in the Northern Hemisphere, and are easier to count than during the breeding season when they are much more dispersed. Later the IWC has been expanded to other periods, also to take other circumstances into account. With over 15,000 volunteers active in the field, it is on a global scale the largest and longest lasting monitoring project.
38. Atkinson-Willes, G.L. 1976. The numerical distribution of ducks, swans and coots as a guide in assessing the importance of wetlands. In: M. Smart (ed.) Proceedings of the International Conference on the Conservation of Wetlands and Waterfowl 199 – 255; 2-6 December 1974, Heiligenhafen, Federal Republic of Germany. This publication was based on a report with the same title and presented during the 1974 Heiligenhafen conference on wetlands. The report is also known as "the waterbird census report with the rope" as the loose pages of the original conference document were held together with a small piece of rope! A French translation of the report was earlier published in 1975 in Bulletin AVES, 12 (1975): 177 – 253.
39. Dr. Eugeniusz Nowak: personal communication and publications by Isakov as mentioned earlier.
40. To mention a few reports: Dodman, T and Diagona, C.H. (eds.) 2003. African Waterbird Census. Wetlands International Global Series no. 16, Wageningen, the Netherlands; Li, Z.W.D and Mundkur, T. (eds.) 2004. Numbers and distribution of waterbirds in the Asia-Pacific region. Results of the Asian Waterbird Census: 1997-2001. Wetlands International, Kuala Lumpur, Malaysia. Blanco, D.E and Carbonell, M. (eds.) 2001. The Neo-tropical Waterbird Census. The first 10 years: 1990-1999. Wetlands International, Buenos Aires, Argentina and Ducks Unlimited, Inc., Memphis, USA. Gilissen, Niels c.s. (eds.) 2002. Numbers and distribution of wintering waterbirds in the Western Palearctic and Southwest Asia in 1997, 1998 and 1999. Results from the International Waterbird Census. Wetlands International Global series No.11, Wageningen, the Netherlands.
41. Rose, P.M. and Scott, D.A. 1994 Waterfowl Population Estimates. IWRB Publication 29. Slimbridge, UK; Rose, P.M. and Scott, D.A. 1997. Waterfowl Population Estimates – Second Edition. Wetlands International Publication 44, Wageningen, the Netherlands; Wetlands International 2002. Waterbird Population Estimates - Third Edition. Wetlands International Global Series no.12, Wageningen, the Netherlands (edited by Simon Delany and Derek Scott). Wetlands International 2006. Waterbird Population Estimates-Fourth Edition. Wetlands International, Wageningen. With these publications Parties can identify internationally important wetlands by the so-called 1% level of a flyway population or if an area regularly supports a total of 20,000 waterbirds (all species included).



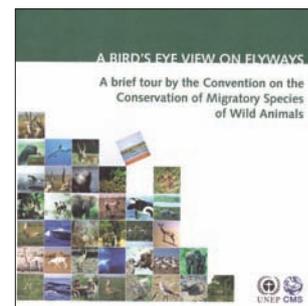
42. See for instance more recent publications such as: Eileen C. Rees, Susan L. Earnst and John C. Coulson 2002. Proceedings of the Fourth International Swan Symposium 2001. Waterbirds 25 (2002), Special publication 1.
43. With regards to the AEWA region, the first inventory was probably the MAR project from 1963 and the 1966 IWRB inventory. Other publications are: Carp, E; (compiler). 1980. Directory of Wetlands of International Importance in the Western Palearctic. UNEP/IUCN, IUCN, Gland, Switzerland; another overview was one of the first lists with all designated Ramsar sites: IUCN/WCMC 1987. Directory of Wetlands of International Importance. Other overviews for the AEWA region are: Hughes, R.H. and Hughes, J.S. 1992. A Directory of African Wetlands. IUCN, Gland, Switzerland and Cambridge/UNEP, Nairobi, Kenya/WCMC, Cambridge, UK. Scott, D.A. (ed.) 1995. A Directory of Wetlands in the Middle East. IUCN, Gland, Switzerland and IWRB, Slimbridge, UK. In the period from 1990 onwards many countries published national overviews of important wetlands.



44. Convention between the USA and the United Kingdom on the conservation of migratory birds, August 1916; Convention between the USA and Mexico on the conservation of migratory birds and game mammals, February 1936; Convention between the USA and Japan on the conservation of migratory birds and endangered species of birds and their habitats, March 1972; Convention between the USA and USSR on the conservation of migratory birds and their habitats, November 1976. Bilateral convention on migratory birds, specifically endangered ones between USSR and Japan, 1973
45. Dr. Gerhard Emonds worked for the Nature Conservation Directorate of the German Government and played an important role in the formal negotiation meeting in 1979 in Bonn. As Head of the German delegation to the

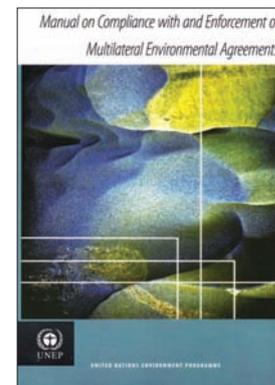
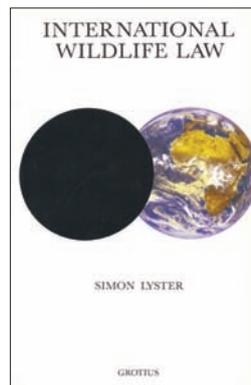
Bonn Convention, he was also instrumental in the formal process, together with his colleague Dr. Gerhard Adams of concluding AWEA and in achieving results at the first AWEA MOP in 1999 in Cape Town, South Africa.

46. Emonds, Gerhard. 1979. Bemühungen zum Schutz wandernder Tierarten in bisherigen internationalen Vereinbarungen. In: *Natur und Landschaft* 54: 179-180. This issue of "Natur und Landschaft" contains further interesting papers about the early days of the development of the Bonn Convention. It also contains Nowak's paper on: 'Verbesserungsmöglichkeiten des Schutzes von Zugvögeln durch die EG-Richtlinie über die Erhaltung der wildlebenden Vogelarten'; *Natur und Landschaft* 54: 186 -191.
47. Boere, Gerard C. and Rubec, Clayton D.A. 2002. Conservation policies and programmes affecting birds. In: Norris and Pain (eds.): *Conserving Bird Biodiversity, general principles and their application*; pp 246-270. Cambridge University Press. Boere, G.C. 2003. Global activities on the conservation, management and sustainable use of migratory waterbirds: an integrated flyway/ecosystem approach. *Wader Study Group Bulletin* 100: 96 – 101. UNEP/CMS 2009. 'A Bird's Eye View on Flyways', Bonn, Germany, 68 pages.
48. Directive and Resolution of the Council of the European Community on the Conservation of Wild Birds 79/409 EEC 1979 (Brussels, 1979).
49. Jean-Pierre Biber and Tobias Salathe 1989. Analyse du phénomène des Oiseaux Migrateurs dans la Communauté Européenne. International Council of Bird Preservation (ICBP). This is an ICBP report prepared under contract (No B6610-62-88) with the European Commission/Directorate-General for the Environment, Nuclear Safety and Civil Protection. The aim was to describe which birds occurring within the EU are migratory and to what extent. It also analysed a number of threats, bottleneck areas during migration etc. and provided general recommendations for EU Member States on the protection of migratory species. (Note: the report was eventually published in March 1990)
50. Jarry, Guy, Roux, F. & Czajkowski, A.M. (1987). L'importance des Zones humides du Sahel Occidental pour les Oiseaux Migrateurs du Palearctique. Centre de Recherches sur la Biologie des Populations d'Oiseaux, Museum National d'Histoire Naturelle, Paris, France. This report concentrated on the wetlands in and just south of the Sahel region in Africa. Much of this work was done within the framework of the IWRB mid-winter census.
51. Ledant, J.P. e.a. 1987. Aperçu des zones de grand intérêt pour la conservation des espèces d'oiseaux migrateurs de la Communauté en Afrique. Rapport no : 10878; Luxembourg, Office des publications officielles des Communautés européennes. The report was prepared at the request of the European Commission in the framework of its future implementation of the EC Birds Directive (79/409/EEC).
52. Meant is an AGREEMENT, in accordance with Article IV, paragraph 3 of the Bonn Convention.



53. Elements of an Agreement on the Conservation of Western Palearctic Migratory Species of Wild Animals, 1983. IUCN Environmental Policy and Law Paper no. 21. IUCN, Gland, Switzerland. The Working Group which prepared the document included representatives of the Conseil International de la Chasse et de la Conservation du Gibier (CIC); Federation of Hunting Associations of the European Economic Community (EEC; now EU); International Council for Bird Preservation (ICBP; now BirdLife International), International Wildfowl Research Bureau (IWRB; now Wetlands International) and the World Conservation Union (IUCN). The late Cyrille de Klemm, who in later years was involved in the formulation of the final AEWA text, was a member of this Working Group as well. Cyrille de Klemm was, in those days, also one of the main authors of the first drafts of the Convention on Biological Diversity.

54. Migratory Species in International Instruments; An Overview. 1986. IUCN Environmental Policy and Law Occasional Paper no.2. IUCN, Gland, Switzerland. Simon Lyster (1985): International Wildlife Law; Grotius Publications, UK, 470 pp. Since then updated overviews have been published by UNEP; see their website and a number of handbooks: UNEP 2006. Manual on Compliance with and Enforcement of Multilateral Agreements, 792 pp.; UNEP 2007: Compliance Mechanisms under selected Multilateral Environmental Agreements 142 pp.; UNEP 2007: Guide for Negotiators of Multilateral Environmental Agreements, 62 pp. UNEP 2007: Glossary of Terms for Negotiators of Multilateral Environmental Agreements, 106 pp.



55. The Western Palearctic region was defined by drawing a line between a number of exact co-ordinates, as mentioned in the proposed Agreement, Article IIe, for longitude and latitude

56. See Article I paragraph 4 of the AEWA text (The Hague, 1995).

57. Document: CMS/res. 1.6 on AGREEMENTS; Annex I to CMS/Conf. 1.9. document (Proceedings of CMS COP1).

58. Document CMS/COM.I/6: Recommendations for an Agreement on Ducks and Geese (Anatidae) in the Western Palearctic.

59. Drs. C.J. Kalden, working for the Dutch Ministry of Agriculture, Nature Management and Fisheries, was head of the Dutch Delegation at CMS COP1; after holding various positions within the Dutch Ministry for Agriculture, Nature and Food Quality, including acting as Secretary-General of the Ministry, he now is Director-General of the National Forest Service (Staatsbosbeheer).

60. It is important to take into consideration that in the Netherlands the general public is strongly opposed to

hunting and certainly for larger species like ducks and geese. This has today resulted in probably the most strict hunting legislation within Europe or even worldwide. In the seventies and early eighties international hunting pressure on geese and ducks even created serious problems for the International Waterbird Census (IWC). For instance in the Netherlands, an important wintering and staging area for waterbirds, in those days there was strong opposition from amateur and volunteer ornithologists undertaking the mid-winter census to submitting the data to IWRB. They did not want the data to be used to determine threshold levels for species to be hunted. Presently these problems do not exist anymore and the IWC has strongly expanded in the Netherlands with support from various Dutch Governmental organizations.

61. The Working Group did not, in their recommendations, define the exact geographical scope of the Western Palearctic flyway nor did it do this for other flyways mentioned in the Recommendations. The Central Palearctic Flyway, as seen in the early days of the discussions, would to a large extent be part of the present AEWA region. The Central Eastern Flyway mentioned in the Recommendations would probably cover what is now generally accepted as the geographical region included in the Central Asian Flyway (CAF). For this region discussions on a flyway instrument are under way, e.g. 2005 New Delhi meeting, but are hampered by the instability of the region.
62. The CMS Secretariat at the start had a very limited staff (only two people). After a short interim period with various people e.g. Wim Verheugt (worked later also for ICBP), the Australian Judith Johnson became the Coordinator of the CMS Secretariat. The CMS Secretariat was at the start located in a few rooms of the building of the German Organization for Science in the Kennedy Allee in Bonn. It later moved to one of the buildings of the German Agency for Nature Conservation and Landscape (Bundesforschungsanstalt für Naturschutz und Landschaftsökologie) in Bad Godesberg near Bonn, finally to be co-located with other UN organizations such as the UN Secretariat for the Climate Change Convention (UNFCCC) at the UN premises in Bonn. This was first at the Haus Carstanjen located in the Martin-Luther-King-Strasse and presently at the UN premises in the former buildings of the German Parliament in the Hermann-Ehlers-Strasse. At the same time a number of CMS Agreement secretariats were and are now co-located with the CMS Secretariat such as the European Bats Agreement, ASCOBANS and the AEWA Secretariat.
63. This lack of sufficient staff in the earlier days of the Bonn Convention very much slowed down the start of its work, limiting its growth in Parties and above all its implementation. In those days, the late eighties and early nineties, in “the corridors” of international meetings, the importance of the Bonn Convention and its continuation was often challenged. This was the main reason why a few countries like Germany, the Netherlands and the Nordic countries assisted in developing Agreements (e.g. Sweden in the case of cetaceans of the Baltic & North Sea). All had a great interest in the Convention, and so invested much staff time and resources to get it better known and to assist with the development of Agreements.
64. Dr. Nowak, Polish originally, worked for the Bundesforschungsanstalt für Naturschutz und Landschaftsökologie in Bonn, Germany; the agency of the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety; he is now retired.
65. Letter no. Na952–146/87 of 10 April 1987 from the Bundesforschungsanstalt für Naturschutz und Landschaftsökologie in Bonn, Germany. Both the letter and Annex were in German. There was no staff available for formal translations

and anyway Dr. Nowak was well aware of the fact that many Dutch people, including Drs. Kalden, understood the German language quite well.

66. In English translation: “Plan for the Preparation of an Agreement for the Conservation of Migratory Species of Waterfowl of the Western Palearctic and Ethiopian Zoogeographical Regions”
67. The formal title of the head of the Secretariat, was Co-ordinator UNEP/CMS Secretariat. In those days it was Mrs. Judith Johnson.
68. Co-ordination with the EU was very much necessary, as activities by a Member State of the European Union within the framework of the EC Birds Directive (Council Directive 79/409/EEC and later amendments) and having possible consequences for EU Member States, are within the competence of the European Union. This is still the case and a continuous source of interesting discussions between EU Member States and the European Commission.
69. The formal name changed a few years ago to the Ministry for Agriculture, Nature and Food Quality (Ministerie van Landbouw, Natuur en Voedselkwaliteit); which in the Dutch language has the same initials LNV as before).
70. Dr. Gerard C. Boere was Head of the Section for Flora and Fauna Conservation and Research of the National Forest Service (in Dutch: Staatsbosbeheer); the organization in the Netherlands which is also responsible for the management of state-owned nature reserves and e.g. National Parks. Dr. Boere had much expertise on international wader migration and waterbirds in general. He left this function at the end of 1987 to be fully available for the general work of UNEP/CMS, including supporting the organization of the second CMS COP in 1988 in Geneva and the development of the Waterbird Agreement. This was first done in a formal full-time secondment to the UNEP/CMS Secretariat for the time of one year and thereafter as a senior staff member of the International Nature Conservation Division of the Dutch Ministry of Agriculture, Nature and Food Quality, working in close co-operation with the EU, the Commission and UNEP/CMS. He is now retired but still involved in global migratory bird conservation in various ways; e.g. as Chair of the Steering Committee of the UNEP/GEF programme ‘Wings Over Wetlands’ supporting AEWA.
71. The Dutch Support Group included members representing the Ministry of Agriculture, Nature and Fisheries (Jos den Hollander and Andri Binsbergen), the Royal National Hunting Organization (KNJV: Coen van Hasselt), Bird Protection Society/ICBP/Dutch Section (Jan Wattel), Dutch Research Institute for Nature Management (RIN: Albert Beintema) and an independent international environmental law expert from the University of Amsterdam (Pieter van Heynsbergen). Furthermore, the late Prof. Dr. Karel H. Voous, the internationally famous Dutch ornithologist and conservationist, provided much advice and often acted as ‘a sparring partner’ for the author if ideas and arrangements were considered to be too theoretical or impractical. His pragmatic approach to the international conservation bureaucracy was helpful in defining some arrangements in the Agreement text.
72. Document of the end of 1988 in files of author. This was a very simple text prepared by Dr. Boere as an internal document for the Dutch Ministry of Agriculture, Nature Management and Fisheries during 1988 but not formally published. It was circulated for comments among some external experts and the CMS Secretariat. This was

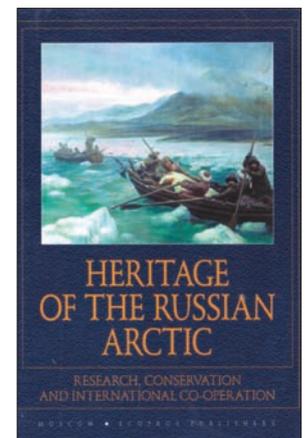
followed by an internal LNV Memo, N89-260 of 19 July 1989, with a first overview of management issues to be addressed in the proposed Management Plan and discussed with the Dutch Support Group.

73. The original name as in Res. CMS/1.6: Western Palearctic Anatidae Agreement (WPAA) had already been changed in 1988 into Western Palearctic Waterfowl Agreement following proposals by Dr. Nowak (and many others) to include all waterbirds and in accordance with the wishes of CMS COP2; as stated in the Report of Committee 1 (Scientific Committee) of COP2. See for more details also document UNEP/CMS. Conf.2.16: Proceedings of the Second Meeting of the Conference of the Parties, 11-14 October 1988, Geneva, Switzerland.
74. Graham Bennett (ed.) 1994. *Conserving Europe's Natural Heritage; towards a European Ecological Network*. Proceedings of the international conference held in Maastricht, 9-12 November 1993. Graham & Trotman/Martinus Nijhoff. 334 pp. Bennett, Graham (2004). *Integrating biodiversity conservation and sustainable use: lessons learned from ecological networks*. The concept of ecological networks was in the seventies of last century already applied by the former Republic of Czechoslovakia. It appeared on the international conservation agenda through activities by the Dutch Government, e.g. with the Maastricht Conference. IUCN, CBD and other NGOs and GOs developed the concept further in documents and resolutions and it is now a common policy both in national and international conservation policy; notably also the Convention on Biological Diversity. Concerning a definition of the 'flyway approach' see e.g. Boere, G.C. & Stroud, D.A. 2006. *The flyway concept: what it is and what it isn't*. In: *Waterbirds around the World*. Eds. G.C. Boere, C.A. Galbraith & D.A. Stroud, the Stationery Office, Edinburgh, UK. pp. 40-47.
75. Document by UNEP/CMS Secretariat, dated August 1989, to the meeting of the Ramsar Convention Standing Committee held in October 1989, Gland, Switzerland.
76. Recommendation C. 4.12 adopted at Ramsar COP4 in Montreux in 1990. That same recommendation also asked for the development of regularly publishing World Waterbird Population Estimates to support the 1% criterion on waterbird populations as one of the criteria to determine and select wetlands to be designated under the Ramsar Convention.
77. An example is the Greenland White-fronted Goose of which the majority only visits Greenland, Iceland and Ireland with some flocks in the UK; and exceptionally small numbers reach the valleys of river systems like the Rhine in Europe.
78. Dr. Eugeniusz Nowak: personal communication.
79. Personal notes from the office diaries and notebooks of the author. Several discussions on this separation took place between ICBP and those involved in the WP Anatidae Agreement development. However by the end everybody agreed that this was not a very good solution, creating many practical and legal problems, for instance within the EU Member States, when species had to be moved from one category to the other.
80. Boere, G.C. 1990. *Towards an Agreement and Management Plan for Western Palearctic Waterfowl under the Bonn Convention*. In: G.V.T. Matthews ed. *Managing Waterfowl Populations*: 215 - 224. IWRB Special Publication no.12,

Slimbridge, U.K.

81. Boere, Gerard. C. 1991. The Bonn Convention and the conservation of migratory birds. In: Salathe, Tobias, ed. *Conserving Migratory Birds*: 345-360. ICBP Technical Publication no 12, Cambridge, UK. This publication was part of the ICBP campaign on the protection of migratory birds between Eurasia and Africa; another well known product was the flyway poster with maps and species. That campaign was something similar as the present BirdLife campaign "Born to travel" which started in 2009.
82. An Agreement for Albatrosses and Petrels (ACAP) was concluded in 2001 and a Secretariat was established in Hobart with support from the Australian Government. In 2005 the UK Government initiated discussions on the development of an Agreement for birds of prey and circulated a report with a draft Agreement text in 2006. The UK Government also proposed an intergovernmental meeting in 2007 to discuss a possible Agreement. That first meeting took place in Scotland in October 2007. In October 2008 the final diplomatic meeting was held in Abu Dhabi and Range States concluded the MOU on the Conservation of Migratory Species of Birds of Prey in Eurasia and Africa. For various practical reasons it became an MOU and not a formal Art. 4, IV Agreement of the Bonn Convention. The Secretariat for this MOU is part of a UNEP/CMS Unit located in Abu Dhabi and also administers some other CMS instruments for the region such as one on marine turtles.
83. Early personal communications expressing these different views came for instance from people like Dr. Herby Kalchreuter (Chairman of Migratory Birds Committee of CIC); Dr Yves Lecocq (Director FACE) and Mr. Raymond Pouget (Chair of the Working Group on Western Palearctic Waterfowl within the Migratory Birds Committee of CIC; this working group is now better known as the more independent organization OMPO on the basis of its French acronym; see note 87). Mr. Pouget was also the Chair of ANCGE, the French Association of Waterfowl Hunters. These three people, and the organizations they represented, all played an active role in the development of the Agreement, with a positive as well as a critical approach.
84. See papers in G.V.T. Matthews ed. *Managing Waterfowl Populations*. IWRB Special Publication no.12, Slimbridge, U.K. Proceedings of the IWRB 1989 Astrakhan meeting. In addition to this at the recent AEWA Workshop held in Moscow, March 2010, several Russian papers again mentioned this problem and put forward as a position that AEWA should first arrange for a reduction of hunting in Western Europe before Russia could accede to AEWA. Many representatives of the Russian hunting organizations still believe that hunting seasons in Western Europe are too long and that hunting pressure on waterbirds may be too high.
85. Dr. Helena Rogacheva 1991. L'étude des oiseaux migrateurs dans le nord sibérien et la coopération internationale. *Bulletin Groupe de Travail sur les oiseaux migrateurs du Paléarctique occidental*; avril 1991, no 8. This short paper also contained information about the first joint expeditions from the USSR (Russian Federation) with West European ornithologists to Taimyr leading to long term cooperation between these groups at various places in the Russian Arctic: Taimyr, Lena Delta, Petsjora Delta and the White Sea coast. See for more details for instance: Ebbinge, B.S. et al. (Eds.) 2000 *Heritage of the Russian Arctic: Research, Conservation and International Cooperation*. Moscow Ecopros Publishers; 640 pp. This book contains the results of a symposium held in Moscow to present 10 years of international cooperation on migratory Arctic breeding waterbirds, waders and geese specifically.

86. Conseil International de la Chasse (CIC); later renamed as: International Council for Game and Wildlife Conservation. In particular, the Migratory Birds Commission of CIC with its long-time chair Dr. Heribert Kalchreuter from Germany was involved in the discussions in a positive and supportive way. Also his successor, the Danish waterbird scientist Dr. Niels Kanstrup, has been and is a constructive supporter of the AEWA implementation.



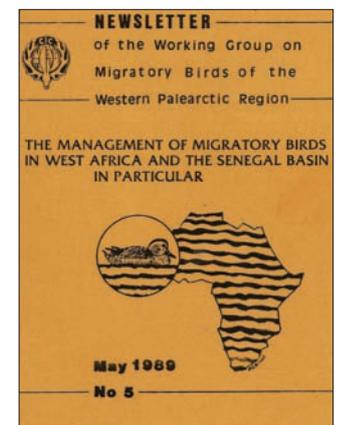
87. Oiseaux Migrateurs du Paléarctique Occidental (OMPO); a largely French-based organization which has been and is very active at an international level in West Africa and later, after the political changes, also in many Central and Eastern European countries including the Russian Federation. Its original critical following of the development of AEWA, later turned into a much more supportive approach leading to receiving, in 2008, the AEWA Waterbird Conservation Award.

88. In particular, the late Prof. Dr. Academician Eugene Syroechkovski Sr. and his wife Dr. Helena Rogacheva in the nineties, played an important role in these discussions. They also played an important role in opening up the USSR's territory to cooperative research with ornithologists from West European countries on Arctic breeding waterbirds; starting in the summer of 1989.

89. Gabuzov, O.G., 1990. Prospects for the introduction of *B. canadensis* in the USSR. In: G.V.T. Matthews ed. Managing Waterfowl Populations. IWRB Special Publication no.12, Slimbridge, UK. Proceedings of the IWRB 1989 Astrakhan meeting.

90. Conference on "The management of migratory birds in West Africa and the Senegal Basin in particular". See Proceedings of that conference in Newsletter No 5; May 1989 of the Working Group on Migratory Birds of the Western Palearctic Region of CIC (OMPO). Dr. Boere's presentation was formally in his capacity as Chair of the Dutch WIWO Foundation; however, all aspects of the proposed Agreement were also presented and discussed.

91. It had officially to be called an 'Ad Hoc Working Group', as strictly speaking there was still the formally established Working Group for the WPAA/WPWA under the auspices of the Scientific Council of the Bonn Convention coordinated by Dr. Eugeniusz Nowak and with the formal task of developing the WPAA as outlined in Res.1.6 of CMS COP1.

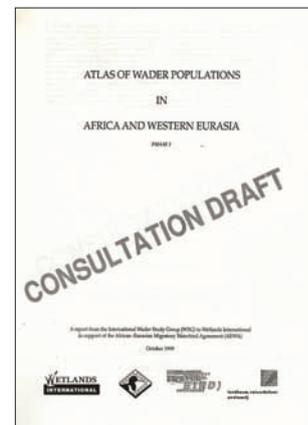
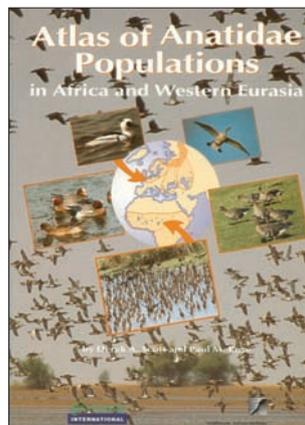


92. Document: Invitation letter from the Ministry of Agriculture, Nature Management and

Fisheries, NMF 8910621 dd. 27 September 1989. Participants were invited on the basis of their interests in the WPWA and their involvement in its development. Experts, besides representatives from LNV (Boere, Kalden, de Wee, Pieters, von der Assen) from the following countries were present: Belgium (Roseline Beudels), Sweden (Carl Edelstam), Germany (Eugeniusz Nowak), Ireland (John Wilson), Senegal (Issa Sylla), USSR (Alexander Vinokurov), Czechoslovakia (Karl Hudec), France (Luc Hoffmann; Tour du Valat), Egypt (Dr. Khadam) and the Netherlands (Fer von der Assen) as well as experts from IWRB (Mike Moser), CIC (Heribert Kalchreuter) and LNV (Marc van Roomen). Observers were present from the European Union and Commission (Pierre Devillers and François Boillot), Ramsar Bureau (Tim Jones), Secretariat Bonn Convention (Judith Johnson and the representative of the Bonn Convention's Standing Committee, Chair Annette Schmidt-Räntsch); Chair Scientific Council Bonn Convention (Michael Ford) and the Dutch Research Institute for Nature Management (Wim Wolff). The European Commission, during the meeting, confirmed that the Netherlands was undertaking the work on its behalf; an important political fact.

93. The one-year formal secondment of Dr. Boere to UNEP/CMS had ended on 1 May 1989 and he continued his work for the development of AEWA in combination with his work for the International Nature Conservation Division of the Dutch Ministry of Agriculture, Nature Management and Fisheries.
94. The IUCN Environmental Law Centre (IUCN/ELC) is located in Bonn, Germany. Contacts were established with the Director Dr. Françoise Burhenne-Guilmin, who assisted in furthering the work. She is now a Senior Counsel with the ELC.
95. Dr. Cyrille de Klemm was a well known legal advisor on international conservation treaties working at the Sorbonne University in Paris. He, for instance, also drafted the first ideas for the Convention on Biological Diversity. Through his language skills and specific knowledge on both the substance and legal aspects of conservation treaties, he also often acted as an interpreter during international meetings.
96. Working Document for the Ad Hoc Working Group meeting (February 1990): Towards a Western Palearctic Waterfowl Agreement under the Bonn Convention: second draft of a Western Palearctic Waterfowl Agreement (with explanatory notes); Paris/Bonn, December 1989/January 1990.
97. Document: Discussions on the Western Palearctic Waterfowl Agreement. Published by the Bundesforschungsanstalt für Naturschutz and Landschaftsökologie, 14 December 1989.
98. Roomen, Marc.W.J. van and Boere, G.C. 1989. The Conservation Status of Sites of International Importance for Western Palearctic Waterfowl (Anatidae and Coot, *Fulica atra*); 102 pp. Internal working document Ministry of Agriculture, Nature Management and Fisheries.
99. Classification as a Ramsar Site is based on a series of criteria. The number of waterbirds is just one of these criteria but the one best known and most frequently applied. Waterbird criteria applied are: a site is of international importance if 1% of the flyway population make use of that site; or: if in total 20,000 or more waterbirds are present on the site. The 1% level is based on the regular published overviews of 'Waterbird Population Estimates' by Wetlands International.

100. Scott, D.A. and Rose, P.M. 1996. Atlas of Anatidae populations in Africa and Western Europe. Wetlands International Publication No.41, Wageningen, the Netherlands. This was a groundbreaking publication with good flyway maps with all important areas per species also illustrated. The atlas was launched in November 1996 during a reception hosted by Minister Jozias van Aartsen on the occasion of the establishment of the Wetlands International HQ in Wageningen.



101. Miyabayashi, Y and Mundkur, T., 1999. Atlas of Key Sites for Anatidae in the East Asian Flyway. Wetlands International-Japan, Tokyo, and Wetlands International-Asia Pacific, Kuala Lumpur, Malaysia.

102. Kirby, J, c.s. (eds.) 1999. Atlas of Wader Populations in Africa and Western Eurasia. This was a consultation draft (not to be cited) produced for the AEWa MOP1 in Cape Town, with the aim of receiving expert input on design and substance to produce a new, updated version within a few years. Mainly due to the lack of funds this work could only be started in 2003 and again through the lack of funds was only finalized in 2009 with the publication of: Delany, S., Scott, D., Dodman, T. & Stroud, D. eds. 2009. An Atlas of Wader Populations in Africa and Western Eurasia. Wetlands International, Wageningen, the Netherlands. 524 pp. A compliment should be paid to the Flemish Ministry of Community/Agency for Nature and Forests (through Els Martens) who provided the first substantial funding and had to wait for years before the product could be published.

103. The map was really primitive and shows a world map with a rectangular type of geographical region cut out of it. It was meant to be as simple as possible.

104. Document: Minutes of the first meeting of the Ad Hoc Working Group for the Western Palearctic Waterfowl Agreement (WPWA), held on 5th and 6th February 1990, The Hague, the Netherlands. The minutes in their draft version were circulated by the Ministry of Agriculture, Nature Management and Fisheries to the participants of the meeting by letter N90-117, dated 9 March 1990 (the letter mentioned 'maat' in Dutch) together with the third revised version of the Agreement text. The final minutes were circulated by letter N90-292, dd 28 May 1990.

105. Bern Convention: The Convention on the Conservation of European Wildlife and Natural Habitats (Bern 1979); the Bern Convention is administered by the Council of Europe in Strasbourg, France. The Meeting of the Parties is held every year around the end of November and is called the Standing Committee. A confusing term because with other Conventions the Standing Committee is the governing body of a convention in between the Meeting of the Parties, which takes place every two-four years.

106. Boere, G.C. 1990. Towards an Agreement and Management Plan for Western Palearctic Waterfowl under the Bonn Convention. In: G.V.T. Matthews ed. Managing Waterfowl Populations: 215 - 224. IWRB Special Publication no. 12, Slimbridge, U.K.

107. This seems a little unusual but note that IWRB and its successor Wetlands International were not and are still not a strict NGO like WWF or Greenpeace etc. Governments of about 50 countries are, through the relevant policy Ministries, official members of IWRB and determine, through the Board of Members, the general policy of the organization. IWRB has always acted as a policy-supporting and expert organization, not as an action-oriented group. In this respect it resembles to a large extent the structure of IUCN. In the meantime IWRB is now Wetlands International and has changed its structures in a rather fundamental way; see their website for more details (<http://www.wetlands.org>)

108. GB£ 56,000 was about €69,000 or US\$108,000 at the exchange rates of August 2009.

109. Document: Final Draft of the Western Palearctic Waterfowl Agreement and Action Plan with explanatory notes and Management Plan; May 1991. Prepared by the Dutch Government in co-operation with the Secretariat and Scientific Council of the Bonn Convention. This was the draft submitted by the Netherlands to the European Commission for negotiations with the Range States. It was also the 7th draft of the Agreement text (if counted correctly while going through the archives) as prepared by the Dutch Ministry after the whole consultation process. The document (with a dark green cover) contains the Agreement text, an Action Plan, a Management Plan and three attachments with species excluded, species to be included (with their present status) and a list of threatened species based on the IUCN 1990 listings of threatened animals. In this version, the Action Plan was initially restricted to species of Anatidae. The draft Management Plan included all waterfowl species which were included in the Agreement. The WPWA region map was part of the Management Plan and not part of the Agreement text.



110. This was undertaken by a number of German experts, including Dr. Nowak, following the decision of CMS COP1.

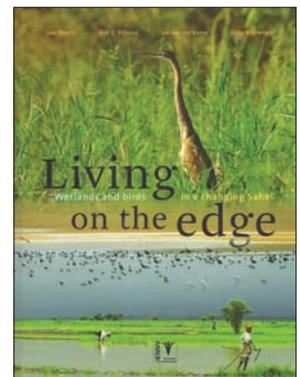
111. Raymond Pouget 1992: Non à la désinformation. Bulletin OMPO No.9, février 1992 : 5-8.

112. Gernant Magnin 1991: Hunting and persecution of migratory birds in the Mediterranean Region. In Salathe, T ed. 1991. Conserving Migratory Birds. ICBP Technical Publication No.12, Cambridge, UK.

113. Symposium: "Our Migratory Waterfowl Tomorrow" 23-24 September 1992, Amsterdam, the Netherlands. Proceedings, 120 pages, were published soon after the symposium by the Royal Netherlands Hunters Association (KNJV), Amersfoort, the Netherlands.

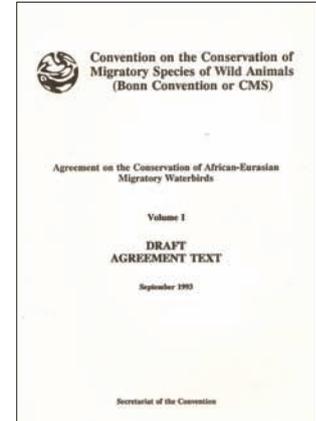
114. Dr. S. Biber-Klemm 1992. Implementation of the wise use concept by the Convention on Conservation of Migratory Species of Wild Animals. In Symposium Proceedings of "Our Migratory Waterfowl Tomorrow" , 86-93, KNJV, Amersfoort, the Netherlands,

115. By that time, from August 1992 onwards, the Coordinator of the UNEP/CMS Secretariat was Mr. Arnulf Müller-Helmbrecht replacing Mrs. Judith Johnson who returned to the Australian Government. Mr. Arnulf Müller-Helmbrecht, a German lawyer, came from the German Ministry of Environment, Nature Conservation and Nuclear Safety and had much experience in international conservation legislation. A real asset was his fluency in French, which helped considerably in discussions with the French hunting organizations about the final draft of the waterbird Agreement.
116. Document: letter from UNEP/CMS Chair of the Standing Committee, Mr. Robert Hepworth, to the European Commission of 11 January 1993. Rob Hepworth later became the Executive Secretary of the Bonn Convention.
117. Document: letter of the European Commission of 24 February 1993, D (93)-179 – A/93/148, signed by Yannis Paleokrassas, Member of the European Commission.
118. The meeting on 15 February 1993 at the RSPB HQ in Sandy, UK was attended by: Arnulf Müller-Helmbrecht (CMS Secretariat), Derek Scott (Consultant via IWRB), Paul Rose (IWRB), Alistair Gammel and Philip Rothwell (RSPB), Borja Heredia (ICBP) and Gerard Boere (Dutch Ministry of LNV).
119. An interesting, and not widely known, element of the contract for Derek Scott was also to develop similar documents for the Asia-Oceania region as the basis for a CMS Flyway Agreement for that region. However it did not work out that way, for various reasons. The information collected to start the development of a formal flyway Agreement under the Bonn Convention, was later used to develop, with other people and more background information, the Asia-Pacific Waterbird Action Plan, which developed into the Asia-Pacific Migratory Waterbird Conservation Strategy 1996–2000 and into revised versions of that strategy thereafter.
120. This support included financing work by UNEP/CMS Secretariat and/or work contracted out to Wetlands International and BirdLife International to prepare documents. It also included much of the time of Dr. Boere in coordinating this financial support, promoting the Agreement internationally, working with the CMS Secretariat, etc.
121. Beintema, A. J. and Diemont W.H. 1994. Wetlands and Migratory Waterbirds in West Africa. IBN research report 94/5; Institute for Forestry and Nature Research, Wageningen, the Netherlands. ISSN: 0928-6896. The report was produced at the request of the Dutch Ministry of Agriculture, Nature Management and Fisheries to assist in determining priority conservation actions to be funded in West Africa and in line with policy priorities on international conservation as formulated in the Dutch National Nature Policy Plan (“Natuurbeleidsplan”) published in 1990. It also includes a chapter on threats to migratory birds. The report was meant to support the future implementation of AEWA. Please note that RIN/IBN no longer exist; their tasks and research, after a number of reorganizations, are part of the new large research institute ‘Alterra’ of Wageningen University Research (WUR). A wealth of information and data (tables, graphs, maps etc.) on similar issues and much more have recently been published in a new book on migratory birds in the sub-Saharan region: Zwarts L., Bijlsma R.G., van der Kamp J & Wymenga E. 2009. Living on the Edge:

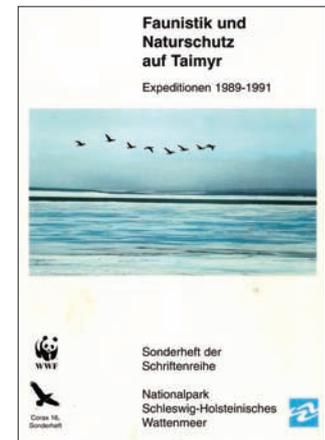
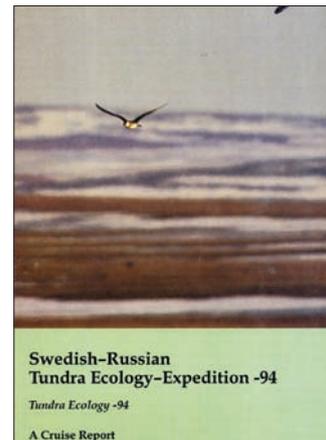


wetlands and birds in a changing Sahel. KNNV Publishing, Zeist, the Netherlands. 564 pp.

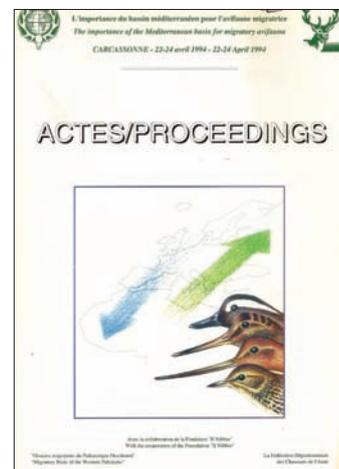
122. Document: Agreement on the Conservation of African-Eurasian Migratory Waterbirds. Volume 1: Draft Agreement Text, September 1993. Secretariat of Convention (UNEP/CMS). Volume 2 is the new Management Plan with full species lists etc.
123. See Res. UNEP/CMS 1.6.
124. The first Russian-German-Polish expedition took place during the breeding season of 1989; formally within the framework of the UNESCO Man and Biosphere programme.
125. A first formal Memorandum of Understanding between the Dutch Ministry of Agriculture, Nature Management and Fisheries and the Russian Academy of Science was signed in early 1990, after informal discussions in October 1989 in Moscow following the IWRB Astrakhan Conference. These discussions involved from the Russian side Prof. Ac. Syroechkovski Sr and Dr. Helena Rogacheva; the same people as involved in the discussions on the hunting of waterbirds. The first joint Russian-German-Dutch expedition to the Taimyr Peninsula took place in the breeding season of 1990 at the Pyasina Delta and Cape Sterlagova. These expeditions have since been continued every year at least until 2006. They collected a wealth of information on population dynamics of Arctic breeding waterbirds important for the implementation of AEWA. With Dutch funding, permanent research station facilities were built at two places on Taimyr; Scandinavian countries and WWF funded similar facilities in the Lena Delta.



126. See for instance: Gronland, Eva & Melander, Olle. (eds) 1995. Swedish-Russian Tundra Ecology-Expedition, 1994. Swedish Polar Research Secretariat, Stockholm. 462 pp. or T. Anker-Nilssen et al (eds). 2000: The status of marine birds breeding in the Barents Sea region. Norsk Polarinstitut, Tromsø, rapport 113. 213 pp.
127. Prokosch, Peter and Hotker, Hermann (eds.). 1995: Faunistik und Naturschutz auf Taimyr-Expeditionen 1989-1991. Corax 16, Sonderheft.
128. Ebbinge, B.S. et al (Eds.) 2000. Heritage of the Russian Arctic: Research, Conservation and International Cooperation. Russian Heritage Institute, Ecopros Publishers, Moscow; 640 pp.

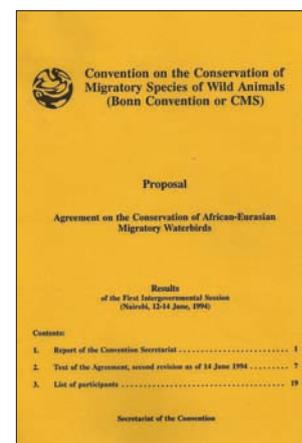
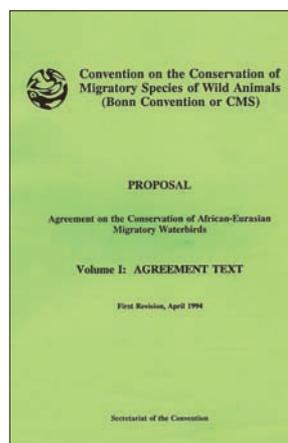


129. Dutch Ministry of Agriculture, Nature and Food Quality. 2007. Russian-Dutch cooperation in the field of nature conservation over the period 1991-2006. 217 pp. (Report prepared by Boere Conservation Consultancy). The report also includes some aspects of the broader cooperation with other countries.
130. Document: "The Odessa Protocol on International Co-operation on Migratory Flyway Research and Conservation" WSG 1992. Later the Odessa Protocol was also used to evaluate progress and formulate the WSG Action Plan 1998 – 2001 as published in the Wetlands International Specialist Group Report 1996-1998, Wageningen, the Netherlands and to further the adoption of AEWA aims and goals.
131. Hotker, H., Lebedeva, E., Tomkovich, P.S., Gromadzka, J., Davidson, N.C., Evans, J., Stroud, D.A., & West, R.B. (eds) 1998. Migration and international conservation of waders. Research and conservation on north Asian, African and European flyways. International Wader Studies 10 (the so-called 'Odessa Proceedings', containing the papers presented at the IWSG Conference in April 1992 in Odessa).
132. See for instance OMPO Newsletter No 15, November 1996, 67-69.
133. Davidson, N.C. and Stroud, D. A. Conserving waterfowl flyways: recent JNCC work. 1993. JNCC Report no. 175. Joint Nature Conservation Committee, Peterborough, UK. First overview of what the UK is undertaking in relation to the flyway discussions on developing AEWA. The UK, from the very beginning, has been very supportive in the whole process towards the development of AEWA and in its implementation once it came into force.
134. The Importance of the Mediterranean basin for migratory avifauna. 1994. Proceedings of the CIC-Migratory Birds Commission Conference in Carcassonne, France, 22-24 April 1994. Published jointly by CIC, OMPO, the "Il Nibbio" Foundation (based in Italy) and the Hunters Association of the Département of Aude, France.
135. Dr. Heribert Kalchreuter, personal communication.
136. Document: invitation letter from UNEP/CMS dd 25 October 1993 to all AEWA Range States, IGOs, NGOs, CMS bodies, Scientific Councillors and Focal Points. The Draft Agenda, an Annex to this letter, mentions as tentative: Negotiation Session on the Draft African-Eurasian Waterbird Agreement: 1-3 June 1994.
137. Document: invitation letter from UNEP/CMS Secretariat Ref: CMS/NCB/GOV of 19 April 1994 and 10 May 1994 including the mailing of conference documents.
138. Document: formal letter no: NBLF 94 – 11291, dd 14 March 1994, from the Deputy Director Nature, Forests, Landscape and Wildlife of the Dutch Ministry, Dr. A.N. van der Zande to Co-ordinator UNEP/CMS Secretariat. Dr. van der Zande later became Secretary-General of the Ministry.
139. Royal Society for the Protection of Birds (RSPB); the bird conservation organization of the United Kingdom and



one of the leading organizations within the BirdLife Partnership.

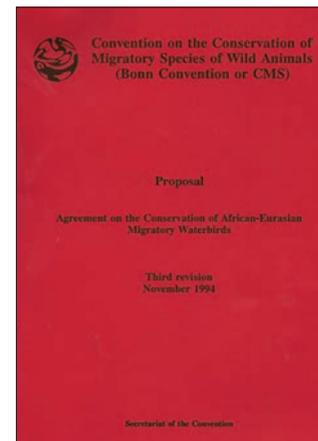
140. The amount of work involved in acting as a Depositary for an international treaty should not be underestimated certainly not if the treaty potentially includes 118 or more parties. It means an almost continuous circulation of formal documents to the Governments involved via the Dutch Diplomatic Representations in the countries concerned (Embassies, Consulates etc.) and coordinated by a special department within the Ministry of Foreign Affairs. With a growing number of Parties the work multiplies as each existing Party (and Range State) has to be informed about e.g. a new accession or other formal arrangements.
141. This involvement is based on the fact that the Netherlands, as the former delta of three major rivers - Rhine, Meuse and Schelde - has a large number of internationally important wetlands. With the Dutch tidal area of the Wadden Sea these are the most important natural elements in the country and there is an active policy to increase the number of sites through the main ecological structure of the Netherlands (in Dutch: 'Ecologische Hoofdstructuur or EHS). In total over 70 Ramsar sites have been recognized and largely formally designated. These areas together can host close to 10 million waterbirds during migration and the non-breeding season; mainly waders, geese, ducks and swans. They are also very important as breeding areas for many waterbird species including rare and vulnerable ones.
142. The important integration of aspects of sustainable development and wise use of wetlands and species into the work of AEWA was later done via the development of the AEWA/UNEP/GEF project which started in 2006 and is being implemented until the end of 2010 (see also later on in this publication).
143. Dr. Claus Stuffmann had already retired at the time of the meeting, after long service as Head of the Nature Division within the European Commission and was of course well informed on the difficult political issues in relation to AEWA, hunting problems in the first place, among some of the EU member states.
144. In 1994, Dr. Jean Ngog Nje was Director of the famous Garua Wildlife Institute in Cameroon and Vice-Chairman of the Scientific Council of the Bonn Convention.
145. Document: UNEP/CMS/AEWA.1.2. Guidelines and basic questions for the discussions on the draft African/Eurasian Migratory Waterbird Agreement, 12-14 June 1994, Nairobi prepared with support of IUCN-ELC and UNEP/CMS Secretariat and put together and coordinated by Dr. Gerard C. Boere.
146. This was a slightly updated version of the draft of September 1993 as originally published by UNEP/CMS.
147. Document: Proposed Agreement on the Conservation of African-Eurasian Migratory Waterbirds. Results of the First Intergovernmental Session (Nairobi, 12-14 June,



- 1994); Secretariat UNEP/CMS, Bonn, Germany. It was indeed the First Intergovernmental Session and the second was at the same time the last one; the formal Diplomatic Negotiation Meeting in June 1995 in the Netherlands.
148. The inclusion of the precautionary principle was accepted on the basis of a proposal formulated by the BirdLife International delegation at the Consultative Meeting in June 1994 in Nairobi (Dave Pritchard; pers.com.).
149. UNEP/CMS, Proceedings of the Fourth Meeting of the Conference of the Parties, 7- 11 June 1994, Nairobi, Kenya. Secretariat of the Convention, Bonn, Germany.
150. As mentioned before there were differences in views between and within the hunting organizations involved in the discussions. Very generally speaking FACE had fewer problems with the development of AEWA than for instance certain groups within CIC or OMPO. Furthermore within CIC, the Migratory Birds Working Group was in favour on condition that sustainable ways of hunting would not be restricted.
151. At the end of the meeting, the representative of FACE, Dr Yves Lecocq, asked for the floor and expressed the great concern of the hunting community that the Netherlands was playing such an important role in the development of the Agreement. As the Netherlands had one of the most restrictive national hunting legislative frameworks, he stated that the Netherlands could not in fact develop the Agreement in an objective way, as far as the interests of the national and international hunting community were concerned. This attack on the Netherlands after all it had done and promised to do for the development of the Agreement was simply seen as not very fair, as shown by the reaction of Dr. Stuffmann, the Chairman of the meeting.
152. Letter from the Dutch Minister for Agriculture, Nature Management and Fisheries, Jozas van Aartsen to FACE President Pierre Daillant; letter no N96-2398 of 15 May 1996.
153. These three Agreements were: the European Bats Agreement, the Agreement on the Conservation of Small Cetaceans of the North and Baltic Sea (ASCOBANS) and the Agreement on Common Seal in the Dutch, German and Danish Wadden Sea.
154. Further details in UNEP/CMS, Proceedings of the Fourth Meeting of the Conference of the Parties, 7- 11 June 1994, Nairobi, Kenya. Secretariat of the Convention, Bonn, Germany.
155. Document: Summary of the meeting to state the results of the AEWA Nairobi meeting in June 1994 and to discuss the further steps (Bonn, 9-10 August 1994); UNEP/CMS/Secretariat, 22 August 1994. Besides staff of UNEP/CMS, representatives were present of IUCN/ELC, IWRB, Dutch Government and a consultant of the Nature Conservation Bureau in the UK.
156. Such a treaty is standard procedure for formal intergovernmental meetings with a diplomatic status. It arranges for instance for free entrance (visas!), liability aspects, costs etc. Mrs. Ineke van Bladel from the Ministry of Foreign Affairs was a great help in arranging all the formalities also in relation to the Netherlands acting as the depositary for AEWA.

157. Document: letter from UNEP/CMS Secretariat of 30 November 1994 (INV-OTH.ENG) mentioning that the meeting would be a formal negotiation meeting under the rules set down by the Vienna Convention on the Law of the Treaties (Vienna 1969) and in accordance with which country delegations should have full power (credentials) to negotiate and sign the Final Act on behalf of their governments. The Dutch Conference Bureau (van Namen and Westerlaken) was responsible for the logistics of the conference.

158. Proposal for Agreement on the Conservation of African-Eurasian Migratory Waterbirds, third revision, November 1994. Prepared by the Ministry of Agriculture, Nature Management and Fisheries of the Netherlands in collaboration with the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention). Legal guidance provided by the Environmental Law Centre of IUCN, the World Conservation Union and scientific assistance provided by IWRB. This was the final proposal for the Agreement based on the consultations and results of the First Intergovernmental Session to discuss AEWA (Nairobi, 12-14 June 1994). This was the document which served as the basis for the formal Negotiation Meeting in June 1995 in The Hague, the Netherlands although at the very last moment yet another version was circulated before the conference.



159. Document: letter from UNEP/CMS Secretariat of 24 March 1995 (INV-MIN2. LET) inviting Range States again and with further technical information and an Explanatory Note from the Secretariat explaining some procedural matters and small amendments to the draft Agreement as circulated on 30 November 1994.

160. Document: Negotiation Meeting CMS/AEWA/Doc. 6: Amended Agreement text (including the Action Plan, but excluding Table 1, incorporating new non-substantive amendments of a linguistic, legal or technical nature. 11 June 1995.

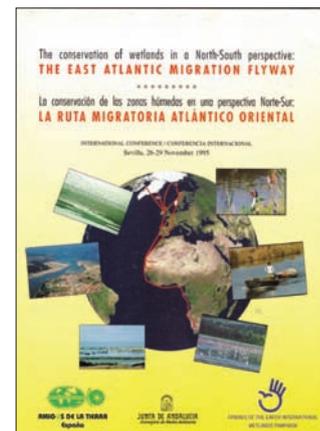
161. Document: DRAFT CONSIDERATION [PROPOSAL] Agreement on the Conservation of African Eurasian Migratory Waterbirds [(AEWA)]; DG XI – version of 09.06.1995.

162. Probably that is my personal impression of the whole conference not directly being involved in the internal discussions. Indeed others had different opinions. For instance the General Secretary of OMPO used the word “bitter” for the discussions on various issues when he reported on the conference (see Guy-Noel Olivier 1995). A new Agreement on the conservation of the Eurasian-African migratory waterbirds. OMPO Newsletter No 13: 74-75, September 1995. In general OMPO, in a critical but constructive way, supported the implementation of AEWA and certainly did in later years.

163. This was the more a problem as France (see also their letter of 4 April 1995 with 18 pages of comments) was already involved in a discussion with the European Commission on this issue, which now had to be solved under the pressure of trying to achieve a consensus position within the EU Member States and with all other States present. There had been a risk that this internal EU problem could have derailed the whole process

and thus negatively affected the positive approach of so many other States present to conclude the Agreement during this conference.

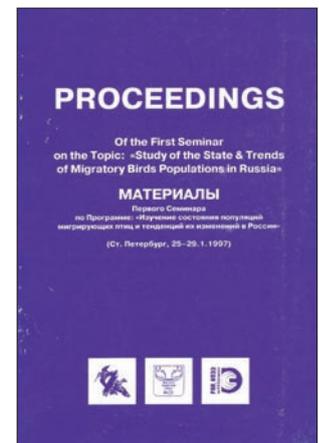
164. Jean Renault is a Belgian civil servant and a very experienced conference chair for instance with CMS COPs and the Bern Convention
165. Document: Final Act of the Negotiation Meeting to adopt the Agreement on the Conservation of African-Eurasian Migratory Waterbirds, 16 June 1995, The Hague, the Netherlands. The original document with the original signatures is with the Depository, which is the Dutch Ministry of Foreign Affairs in The Hague.
166. The Conservation of Wetlands in a North-South Perspective: the East Atlantic Migration Flyway. 1997. Proceedings of an international conference, 26-29 November 1995, Seville, Spain. Friends of the Earth, Madrid. 312 pp.
167. See for instance: Pienkowski, M.W. & Davidson, N.C. 1997. The need for a flyway approach for migratory waterfowl conservation in the context of sustainable development and various other flyway papers in: van Vessem (ed.) 1997. Determining priorities for waterbird and wetland conservation. Proceedings of Workshop 4 of the International Conference on Wetlands and Development, Kuala Lumpur, Malaysia, 9-13 October 1995. Wetlands International, Kuala Lumpur, Malaysia.
168. Conclusions in the Proceedings of the International Seminar 15-17 March 1996 in Bologna, Italy: "From Research to Action Plans; conservation and management of migratory birds in the Western Palearctic up to the year 2000" OMPO/UNAVI c.s. 307 pp. It is stated that the participants of the seminar were "anxious to bring their support to the implementation of the provisions of the African-Eurasian Waterfowl Agreement....."
169. The small ceremony took place at the Ministry of Agriculture, Nature Management and Fisheries in The Hague and the Agreement was signed by Minister van Aartsen in the presence of representatives of the Ministry of Foreign Affairs; the Depository for the Agreement.
170. The staff member was Bert Lenten. He came from a regional directorate of the Ministry and had a background in forestry and landscape management. He is currently still leading the Secretariat of AEWA in Bonn, Germany.
171. The Final Act stated that AEWA would come into force after the ratification of seven African countries and seven European countries. This process developed at a slower rate than expected and the year 1998 could not be used to organize AEWA/MOP1. In many consultations it became clear that quite a number of countries thought that their signature on the Final Act automatically had made them Parties to AEWA. The Interim Secretariat, together with the Depository, therefore prepared a detailed instruction on how to accede to AEWA through the standard procedures of Accession and Ratification and deposition of the related diplomatic instruments/papers. Once the decision was taken to organize the meeting back to back with the next UNEP/CMS/COP6 to be held at the end of



1999, logistical arrangements had to be put in place. Early in 1999 the organizers became quite nervous as the 14 ratifications had still not been reached. This happened only in August 1999. As a result the AEWA came into force just a few days before the opening of MOP1! The meeting would have taken place anyway if it had not come into force. In such a situation decisions, e.g. on financial contributions and the budget could have been taken but without any formal status and no resources for the Secretariat to continue to work; this would have hampered the implementation considerably. Even so the documents were strictly speaking too late (three months before, but at that time AEWA was not yet in force!) for the decision making process. However, the Meeting in its very first session, decided that the papers should be accorded formal status.

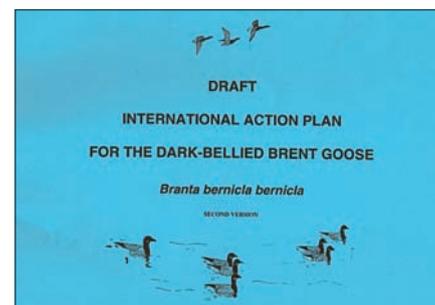
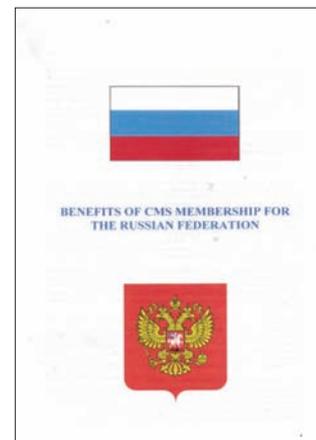
172. The present number is 63 (May 2010) but see the website of the Dutch Ministry of Foreign Affairs for details: www.minbuza.nl/verdragen.
173. This was an interesting aspect in some discussions. The former USSR and India had already for many years (and still have), a bilateral MOU on the conservation of migratory birds in the region which now generally is seen as the Central Asian Flyway. In the days of the development of AEWA, Russian and Indian ornithological experts had annual meetings to discuss problems and exchange information. To provide an example: in the summer of 1995 expeditions from the Netherlands and Germany, with some formal delegates and WWF came together with their Russian colleagues in the town of Dydinka on the Yenessei river south of Taimyr. One afternoon, in front of a large map of the USSR, there was for quite some time a lively discussion on the relations between the AEWA region and the region as seen to be CAF. The Russian representatives, among them Prof. Syroechkovski and Dr. Rogacheva and the regional zapovednik (strict nature reserves) managers, made a strong plea to develop such a flyway Agreement for CAF also. They indicated that a CAF Agreement might even be of greater interest for the Russian Federation than AEWA.
174. It must be mentioned, unfortunately, that the representative of the Russian Federation was only present during a few days of the UNEP/CMS COP4 and did not attend the AEWA Consultation Meeting, nor did he provide any input into the discussions during the conference or in the months before.
175. See publications such as: Peter Prokosch and Hermann Hotker, (eds.). 1995. Faunistik und Naturschutz auf Taimyr-Expeditionen 1989-1991. Corax 16, Sonderheft. Ebbinge, B.S., Mazourov, Yu. L. and Tomkovitch, P.S. (eds.). Heritage of the Russian Arctic: Research, Conservation and International Co-operation. Ecopros Publishers, Moscow. These are the Proceedings of the International Willem Barents Memorial Arctic Conservation Symposium, 10-14 March 1998, Moscow, Russia. Anker-Nilssen, T c.s. (eds.) 2000. The Status of Marine Birds Breeding in the Barents Sea Region. Norsk Polarinstitut Rapport nr. 113, Tromso, Norway.
176. This was quite remarkable as from many sides the Russian Government and experts from the Russian Academy of Sciences were approached and invited to participate, given the important position of the Russian Federation from a geographical and substantive point of view. Even a last minute special personal intervention by the Ambassador of the Netherlands in Moscow to the highest level in the responsible Ministry did not lead to a delegation being sent, not even as observers. The reasons why this did not happen remains, until the present day, officially unclear.

177. For AEWA this is according to the rules and criteria of the UN scale of assessment, mainly based on a country's national product figures. This was quite high for the former USSR but has later been reduced; it now should not be a real problem for accession
178. Orlov, V., 1999. Analyses of the position of Russia on the possibility of joining the African-Eurasian Migratory Waterbird Agreement (AEWA). In: Beintema, A., and van Vessem, J. 1999. Strategies for Conserving Migratory Waterbirds 23-26. Proceedings of Workshop 2 of the 2nd Conference on Wetlands and Development, Dakar, Senegal, 8-14 November 1998. Wetlands International Publication No. 55, Wageningen, the Netherlands. 71 pp.
179. This is the "Goose, Swan and Duck Study Group for Northern Eurasia". They publish at regular intervals the journal CASARCA (Russian and English languages used) with a wealth of information from this region. Dr. Zhenya Syroechkovski (Jr.), son of Ac. Syroechkovski Sr, mentioned before, plays an active and coordinating role with the group. Contact: email: casarca@gol.ru.
180. See for instance: Zykov et al. (eds.) 1997. Proceedings of the First Seminar on Study and Trends of Migratory Birds in Russia, St. Petersburg 25-29 January 1997. OMPO, Russian Academy of Sciences, Russian Association of Hunters and Fishermen. 112 pp.
181. Conclusions of First Conference of the study group, 25-27 January 2001 in Moscow. In OMPO Newsletter No 23, December 2001: 65-66.
182. Being a Party to the Bonn Convention is NOT a precondition to becoming a Party/ Signatory to one of the Bonn Convention Agreements or MOUs. Therefore this should not prevent the Russian Federation becoming a Party to AEWA. In fact the Russian Federation is actively working with the Bonn Convention in the framework of the Bonn Convention MOUs on the Siberian Crane and Slender-billed Curlew.
183. This work includes the organization of meetings and much fieldwork and expeditions for both species in cooperation with other countries. See for instance the many informative notes in the CMS Newsletters. For the Siberian Crane there is much support via a large GEF funded project implemented by the International Crane Foundation with active Russian participation.
184. In March 2009, the CMS Secretariat, through work by its volunteer Ambassador, Arnulf Müller-Helmbrecht, prepared the following well illustrated document: 'Benefits of CMS Membership for the Russian Federation'. It outlines in 16 pages in detail why the Russian Federation could become a Party to CMS. Almost all existing Agreements and MOUs have a relation with many species occurring in the Russian Federation. Many of them are key species for both sides. There are financial benefits through larger projects with external funding etc.; an interesting and stimulating paper. There have been recent working meetings between Russian officials and CMS staff to see if now some progress can be made towards possible accession of the Russian Federation to CMS and its relevant Agreements and MOUs. As a further step, the AEWA Secretariat and the Russian Ministry for Natural Resources together on 30 and 31 March 2010 organized a workshop in Moscow to discuss in detail the possibility



for accession to AEWA and what steps should be taken to achieve this; e.g. type of reservation, need to change legislation etc. Although not much progress was made, the Russian Research Institute for Nature Conservation has now been given the lead from the Russian side in this process and should prepare concrete proposals for a possible accession.

185. So far 11 printed issues have been published (the last one in 2008); further news distribution is mainly via the website and the digital newsletter via email.
186. The World Conservation Monitoring Centre in Cambridge is the biodiversity monitoring and knowledge centre of UNEP, IUCN and WWF together.
187. Document: International Implementation Plan for AEWA 1997-1999. This plan was published in April 1997 by the Interim Secretariat of AEWA as established by the Dutch Government in January 1996, after the Negotiation Meeting in June 1995. The plan described in detail what priority actions should be taken and the budgets needed. It acted therefore also as project portfolio for funding requests towards governments and organizations.
188. Delany, S., Scott, D., Dodman, T. & Stroud, D. (eds.) 2009. An Atlas of Wader Populations in Africa and Western Eurasia. Wetlands International, Wageningen, the Netherlands. See also note 68 about the Consultation Atlas on waders which was distributed at AEWA MOP1 in November 1999. The production of this atlas took more than 10 years due to a constant lack of funded time for the coordinator and a continuous stream of new information. The Agency for Forests and Nature of the Flemish Government, Belgium, has been a major donor for the project together with JNCC (UK) and the Government of the Netherlands.
189. The Dark-bellied Brent Goose population increased from about 16,500 birds in the period 1955-1957 to a population of 250,000 in the 1994-1995 season. This caused increasing conflicts with agriculture and pressure from the hunting community to reinstate an open season for the species. To be mentioned as well is a workshop held 5-7 November 1998 in Vannes, France and organized by FACE, OMPO and ONC (Office national de la Chasse et Faune sauvage, France) with the title: "Towards a European management plan for the Dark-bellied Goose" with emphasis on its management as a game species.
190. Nugteren, J van; 1997. Flyway Management Plan, Dark-bellied Brent Goose, *Branta bernicla bernicla*. Joint publication of the Dutch Society for the Preservation of the Wadden Sea and the Dutch National Reference Centre for Nature Management (In Dutch: IKC-Natuurbeheer) report nr. IKC-17.
191. CMS COP5 agreed on Recommendation 5.3 on the development of an Action Plan for the Great Cormorant. Denmark and the Netherlands jointly organized an experts meeting in September 1997, Copenhagen, Denmark in order to finalize the plan. The plan was ready in October



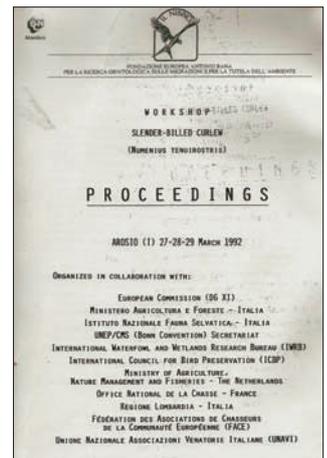
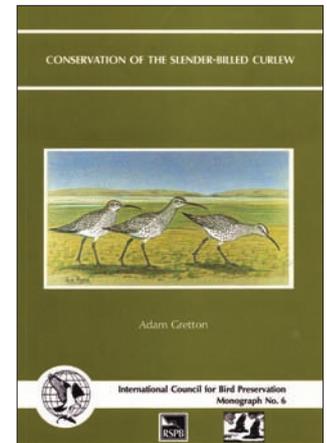
1998 and distributed to all Range States.

192. Svalbard is a different name for the Arctic islands group of Spitsbergen, in practice governed by Norway; but further legal arrangements are laid down in the Spitsbergen Treaty (1920). The Netherlands, strangely enough, is a Party to the Spitsbergen Treaty because of past economic activities on Svalbard. It does not mean that the Netherlands is an 'Arctic' country!
193. Borja Heredia, Laurence Rose and Mary Painter (eds.). 1996. Globally threatened birds in Europe; a series of Action Plans. Council of Europe; BirdLife International; EU Life Programme. Council of Europe Publishing, Strasbourg, France.

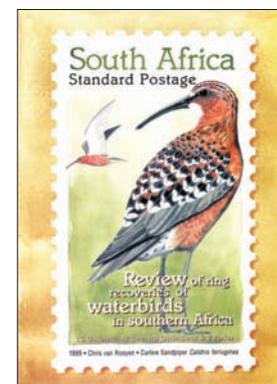
194. In particular the IWSG was involved in organizing meetings on this species as well as the Slender-billed Curlew Working Group (SbC WG) of the Scientific Council of UNEP/CMS established in early 1998. Earlier the international hunting organizations were very active to support its conservation, for instance through the Arosio meeting (March 1992) and others as in Alexandroupolis (November 1998). Expedition work in the former/supposed breeding areas in Central/West Siberia was greatly stimulated by the ICBP Publication: Gretton, Adam. 1991 Conservation of the Slender-billed Curlew. ICBP Monograph No.6. ICBP, Cambridge, UK. See also: Boere, Gerard C. and Yurlov, Alexander K. 1998. In search for the Slender-billed Curlew (*Numenius tenuirostris*). Preliminary results of an expedition to wetlands and waterbirds of the Baraba and Karasuk steppe in the south of West Siberia, Russian Federation, 17 May - 22 June 1997. Wader Study Group Bulletin 85: 35-38; Gallo-Orsi, Umberto and Boere, Gerard C. 2001. The Slender-billed Curlew, *Numenius tenuirostris*: threats and conservation. Acta Ornithologica 36 (1): 73-77 and Adam Gretton, Alexander K. Yurlov and Gerard C. Boere. 2002. Where does the Slender-billed Curlew nest, and what future does it have? British Birds 95: 334-344. The SbC WG has, after a period of reduced activities, been reactivated at the CMS COP9, December 2008 in Rome. The new SbC WG had its first meeting in February 2009 in Bonn. Besides many other activities there is a strong focus on intense field surveys to search for the birds during the winter period 2009/2010 in its whole former winter range (Mediterranean and Middle East region in particular).

195. CAFF is the Working Group on the Conservation of Arctic Flora and Fauna. CAFF holds regular meetings at about two-year intervals and migratory waterbird conservation is an important part of its work programme together with seabirds and protected areas.

196. Scott, Derek, A. 1998. Global Overview of the Conservation of Migratory Arctic Breeding Birds outside the Arctic. CAFF Technical Report No.4; Wetlands International Publication No. 45; CAFF, Iceland.

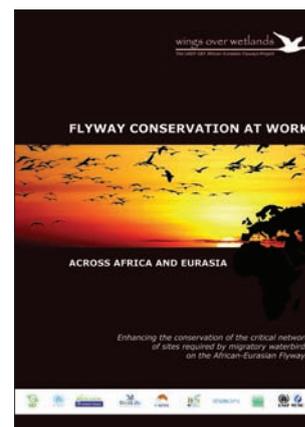


197. Wohl, Kent. 2003. Arctic birds need global conservation approach. Arctic Bulletin no. 2.03: 20 (published by the WWF Arctic Programme Office in Norway). Kent Wohl, by that time CAFF Chair, mentioned the Bonn Convention agreements as examples of how this can be achieved. See also Wohl, K.D. 2006. The Arctic – origin of flyways. Waterbirds around the World. Eds. G.C. Boere, C.A. Galbraith & D.A. Stroud, the Stationery Office, Edinburgh, UK. pp. 120-123.
198. Document: Resolution 5.8 (original draft was 5.10) on 'Date, venue and funding of the Sixth Meeting of the Conference of the Parties.' In Proceedings of the Fifth Meeting of the Conference of the Parties of UNEP/CMS, 10-16 April 1997, Geneva, Switzerland. Secretariat UNEP/CMS, Bonn, Germany.
199. Letter UNEP/CMS Secretariat of 14 October 1998 announcing both meetings with the remark that AEWA MOP1 would be held "subject to the Agreement having entered into force"! That was a telling remark as only shortly before the meeting the required number of ratifications was reached. Furthermore, the chosen location, after a thorough selection process, was the Lord Charles Hotel in Somerset-West, although the meeting room was too small when we visited the hotel and the room did not meet the standards needed; it did for instance not pass for the so-called 'slamming the door' test; checking the amount of noise at the front of the room when doors make a noise at the back. However, the building was completely renewed and provided an excellent facility for both the meetings. One should realize that in those days CMS COPs had no more than about 150 participants; AEWA MOP1 even fewer....Now CMS COPs have 400 or more participants and AEWA MOPs 150-200 participants.
200. The copy of the Depository's report held in the Secretariat's archives indicates that the requirement for seven African and seven European Range States to have ratified was met on 31 August 1999 (with the ratifications of Niger, Congo and the United Republic of Tanzania). The result was that the Agreement entered into force on 1 November 1999, five days before the MOP started. Five further countries (Benin, Denmark, Finland, Mali and the former Yugoslav Republic of Macedonia) ratified in October and November. The 'three month rule' was waived allowing these five countries to participate fully in the MOP. In addition, there was a more serious dispute on the position of France as one of the Eurasian Parties. France had formally signed the Agreement and the Depository considered France to be a Party as with the signature there was no reservation made in respect of ratification by France before it would enter into force for France.
201. Fleur Ng'weno, Paul Matiku and Solomon Mwangi (eds.) 1999. Kenya and the African-Eurasian Migratory Waterbird Agreement 1999. Proceedings of the Seminar and Workshop on AEWA, National Museums, Nairobi, Kenya, 29 July 1999. Contains conclusions and arguments for African countries to join AEWA.
202. Underhill, L.G, c.s. 1999. Review of Ring Recoveries of Waterbirds in Southern Africa. Cape Town, Avian Demography Unit, University of Cape Town. An important publication also to show intra-African migration of waterbirds. The report was distributed at the AEWA MOP1, November 1999, Cape Town. With the support of AEWA further steps have been taken in establishing AFRING, stimulating more ringing activities in the whole of Africa.

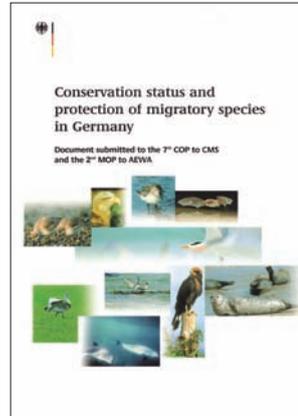


203. Document: Resolution Migratory Birds Commission/CIC no. OM/V1 adopted at the 46th General Assembly 14-18 May 1999, Milan, Italy.
204. Official date of issue: 1 February 1999 and the first set was presented to the Dutch State Secretary for Nature, Mrs. Geke Faber on 30 January 1999 in Wageningen. Similarly the South African Postal Administration issued a set of stamps picturing migratory species and launched at the formal Joint Opening Ceremony of CMS COP6 and AEWA MOP1 on 6 November 1999, also presented to Mrs. Geke Faber.
205. The 4th preamble of AEWA states: “ aware of the economic, social, cultural and recreational benefits accruing from the taking of certain species of migratory waterbirds”
206. Proceedings of the First Session of the Meeting of the Parties to the Agreement on the Conservation of African-Eurasian Migratory Waterbirds, 6-9 November 1999, Cape Town, South Africa. Published by the Secretariat of AEWA.
207. AEWA MOP1 Res. 1.1 Establishment of the Permanent Secretariat for the Agreement on the Conservation of African-Eurasian Migratory Waterbirds. This resolution arranged for the co-location of the AEWA Secretariat with the UNEP/CMS Secretariat in Bonn, Germany. Before this became a reality in July 2000, the Netherlands continued to provide the Interim Secretariat, managed by Bert Lenten, for the remaining period November 1999 – July 2000.
208. AEWA MOP1 Res. 1.2. Financial and administrative matters. The budget was established for 2000, 2001 and 2002; it grew from \$383,635 in 2000 to \$700,318 - the income to be generated through the Parties by applying the UN scale of assessment. Furthermore several Parties committed themselves to voluntary contributions to support further development of the Agreement and to finance projects on the ground as outlined in the Implementation Plan.
209. AEWA MOP1 Res. 1.4. International Implementation Priorities for 2000–2004. The original document AEWA/MOP 1.9, containing about 30 projects, was with this resolution amended by adding three new projects focusing on (1) the use of agrochemicals in Africa, (2) degradation of important wetlands by aquatic weeds and (3) exchange of know-how on waterbird and wetland management in Africa.
210. AEWA/MOP1 Res. 1.8. Establishment of the Technical Committee of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds. Members are: a representative of each of the nine geographical regions (outlined in document AEWA/MOP1.11); positions for IUCN, CIC and Wetlands International and three independent experts in the field of rural economies, game management and environmental law.
211. AEWA/MOP1 Res. 1.9. Amendments to the Action Plan. This was an important resolution as the table annexed to this resolution now contained all species listed under the Agreement and not only Anatidae as was the case in the text adopted at the Negotiation Meeting. This table has to be updated at every next MOP on the basis of the latest information on the species listed e.g. using data from the IWC, BirdLife International and the various Specialist Group's from Wetlands International.

212. AEWA/MOP1 Res. 1.10. Conservation Guidelines. This resolution adopts the substantive set of Conservation Guidelines (Doc, AEWA/MOP 1.8; draft of 15 September 1999; prepared by Wetlands International) for use by the Contracting Parties; with a view to regularly update them if new information comes available.
213. At intergovernmental meetings such as AEWA MOPs, State Delegations need to have Credentials signed by the Head of State or the Minister of Foreign Affairs. These must be an original document and not a copy or fax. Only with accepted Credentials has a State Party the right to take part in the decision making process such as voting (rare at such meetings); otherwise it only has the status of Observer State.
214. Notably: AEWA Action Plan (2000 and onwards) and Implementation Priorities AEWA 2000-2004. Both in early 2000 published by the AEWA Secretariat.
215. Document: Report on the Conservation Status of Migratory Waterbirds in the Agreement Area; March 2000. Technical Series No.1. AEWA Secretariat, Bonn, Germany. The report was prepared by Wetlands International.
216. Global Environment Facility (GEF). This is the financial instrument originally set up to implement the Convention on the Conservation of Biodiversity (CBD) and managed by the World Bank and others. There is a complex system of governance, advisers and implementing organizations.
217. The small team discussing and drafting a first outline of a GEF project included: Mike Moser (Director Wetlands International-AEME), Janine van Vessem (Senior Officer with Wetlands International), Gerard Boere (Head Dutch Delegation and Secretary General of AEWA MOP1), Bert Lenten and Sheila Aggar-Khan (UNEP).
218. The total budget for the PDF-B block was \$627,000 - of which \$350,000 came from GEF and \$277,000 from matching funds from various sources. Dr. Chris Baker from Wetlands International in Wageningen became the project co-ordinator. The project was later named Wings Over Wetlands; full title: UNEP/GEF African-Eurasian Flyways Project: "Enhancing the Conservation of the Critical Network of Sites required by Migratory Waterbirds on the African-Eurasian Flyways" Project Number: GFL-2328-2712-4907. It has a \$12 million budget, of which \$6 million comes from GEF and \$6 million matching funds with a large grant from the German Government (Speech by the German Federal Minister for the Environment, Nature Conservation and Nuclear Safety, Jürgen Trittin 2002 in the Proceedings of the Second Session of the Meeting of the Parties to the African Eurasian Migratory Waterbird Agreement, 25-27 September 2002, Bonn, Germany. Secretariat AEWA, Bonn, Germany) It is the largest funded project on a flyway level. WOW is due to last from early 2006 until the end of 2010.
219. See also the increased attention paid by Contracting Parties to reporting on activities under AEWA such as: Conservation Status and Protection of Migratory Species in Germany. 2002. National Report of the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety to the 7th COP to CMS and the



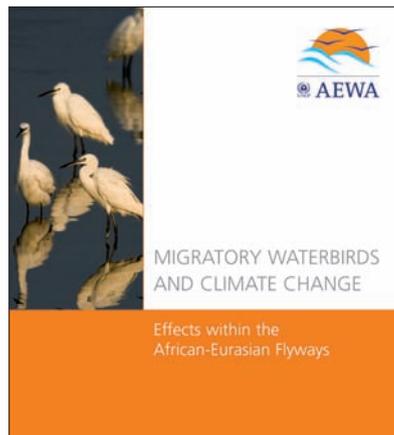
2nd MOP to AEWA; held in Bonn 18-27 September 2002 amounted to 421 pages! An extremely detailed report with a wealth on information. See also: The Agreement on the Conservation of African-Eurasian Migratory Waterbirds. 2002. The first report by the United Kingdom on the implementation of the Agreement during the period 1999-2002 has good detailed information per species etc. and is a good example of a national report.



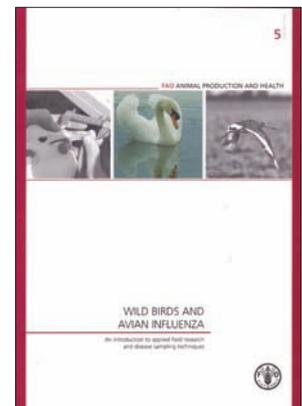
220. For instance activities by the hunting organizations notably OMPO: Proceedings of the International Symposium 15-17 March 1996: From research to Action Plans: conservation and management of Migratory Birds in the Western Palearctic up to year 2000. OMPO 2002: Changes of Wintering Sites of Waterfowl in Central and Eastern Europe. See also OMPO Newsletter with regular information; contact address: OMPO, 5. av. des Chasseurs, 75017 Paris, France.

221. AEWA Newsletter; September 2002. Special issue no1. Lead poisoning in waterbirds; through the ingestion of spent lead shot.

222. A range of publications appeared like: B.J. Ens, J.D. Goss-Custad & T.P Weber 1996. Effects of climate change on bird migration strategies along the East Atlantic Flyway. IBN Research Report 96/1; ISSN: 0928-6896. This report is part of the first stage of the Dutch National Research Programme on Global Air Pollution and Climate Change. The AEWA Secretariat published a booklet on Climate Change and Waterbirds and there were the publications of Brian Huntley c.s 2007 of "A Climatic Atlas of European Breeding Birds"; Durham University, the RSPB and Lynx Edicions, Barcelona and Boere, G.C. and Taylor, D. 2004. Global and regional governmental policies and treaties as a tool towards the mitigation of the effect of climate change on waterbirds.

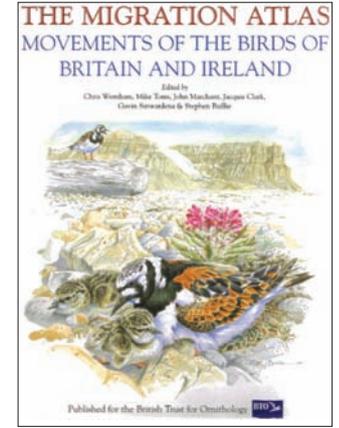
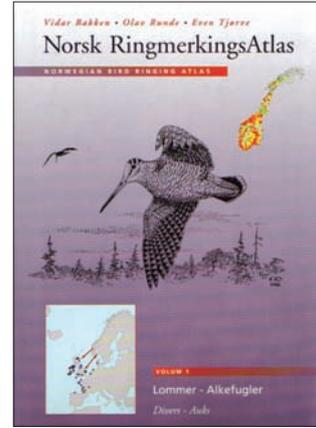
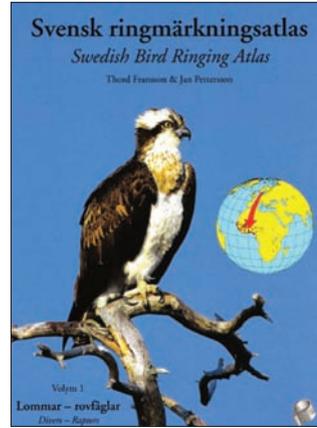


of Brian Huntley c.s 2007 of "A Climatic Atlas of European Breeding Birds"; Durham University, the RSPB and Lynx Edicions, Barcelona and Boere, G.C. and Taylor, D. 2004. Global and regional governmental policies and treaties as a tool towards the mitigation of the effect of climate change on waterbirds.



In Ibis 146 (suppl.1): 111-119. This addresses the need to be more flexible within for instance the Ramsar Convention if it comes to legally designated site boundaries.

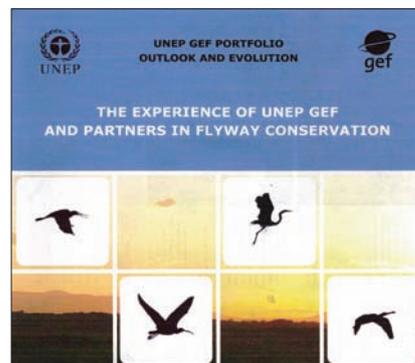
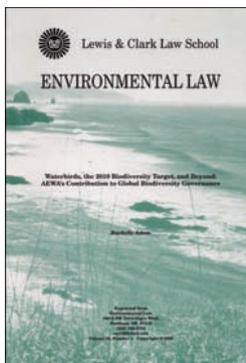
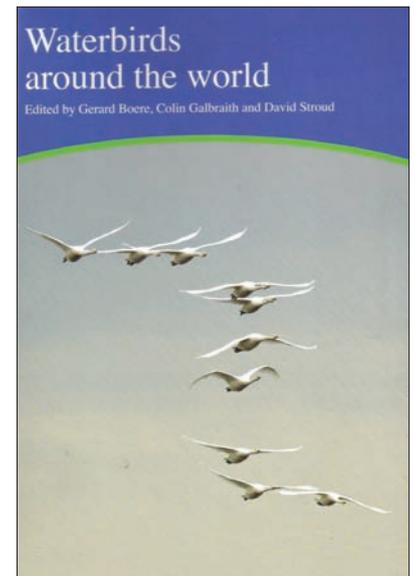
223. See for instance the FAO guidelines on wild birds and avian influenza.



224. Chris Wernham and Stephen Baillie. 2002. The future of migration studies for bird conservation science. In: Wernham, C c.s. (eds.) *The Migration Atlas; Movements of the birds of Britain and Ireland*: 730 – 759. T. & A.D. Poyser, London. Bakken, V., Runde, O. & Tjørve, E. 2003 *Norsk ringmerkingatlas*. Vol 1. Stavanger Museum, Stavanger (Vol. 2. was published in 2006). Fransson, T & Petterson, J. 2001. *Svensk ringmärkningsatlas*. Vol. 1. Stockholm. Spina F. & Volponi S., 2008. *Atlante della Migrazione degli Uccelli in Italia*. 1. non-Passeriformi. Ministero dell'Ambiente e della Tutela del Territorio e del Mare, ISPRA. Tipografia SCR-Roma. 800 pp.

225. Boere, G.C., Galbraith, C.A. & Stroud, D.A. (eds). 2006. *Waterbirds around the World*. The Stationery Office, Edinburgh, UK. 960 pp. This book contains the results of large flyway conference: 'Waterbirds around the World', April 2004, Edinburgh, Scotland, UK.

226. See for instance: Adam, Rachelle (2008). *Waterbirds, the 2010 Biodiversity Target, and Beyond: AEWAs Contribution to Global Biodiversity Governance*. *Environmental Law* 38 (1): 87-137; and the UNEP flyway policy paper published in 2010.



Annex 2. List of Acronyms

AEWA	Agreement on the Conservation of African-Eurasian Migratory Waterbirds / African-Eurasian Waterbird Agreement (an Agreement under CMS)
BASC	British Association for Shooting and Conservation
BLI	BirdLife International
CAF	Central Asian Flyway
CAFF	Working Group Conservation Arctic Flora and Fauna; a working group of the Arctic Council
CIC	International Council for Game and Wildlife Conservation
CIS	Commonwealth of Independent States (group of states which previously formed the USSR)
CMS	Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention); administered by UNEP
COP	Conference of the Parties; regular meeting of the parties of a treaty
EU	European Union (in the past also European Community (EC) and the European Economic Community (EEC) when there were fewer Member States than presently)
FACE	Federation of Associations for Hunting and Conservation of the European Union
FAO	Food and Agriculture Organization of the UN
GEF	Global Environment Facility
GEF-PDF	Global Environment Facility - Project Development Fund
GO	Governmental Organization
ICBP	International Council for Bird Preservation, which later became BirdLife International
IGO	Intergovernmental Organization
IWC	International Waterbird Census
IWSG	International Wader Study Group
IWRB	International Waterfowl Research Bureau; later renamed as International Waterfowl and Wetlands Bureau; which later became Wetlands International
IUCN	International Union for Conservation of Nature (World Conservation Union)
IUCN-ELC	IUCN's Environmental Law Centre
JNCC	Joint Nature Conservation Committee; Advisory body to the UK Government
LNV	Dutch acronym for the Dutch Ministry for Agriculture, Nature and Food Security (previous name was: Min. for Agriculture, Nature and Fisheries)
MAR	Marshes and marais
MOP	Meeting of the Parties; the decision making body of AEWA; meetings take place every 3-4 years
MOU	Memorandum of Understanding; a frequently used document to arrange for less formal international cooperation than a treaty or convention
NGO	Non Governmental Organization
OMPO	Oiseaux Migrateurs du Paléarctique Occidental; the French hunting organization for Western Palearctic Migratory Birds
ONCFS	Office National de la Chasse et Faune Sauvage; the French Hunting and Wildlife Research Institute
RIN	Dutch Research Institute for Nature Conservation, now part of the Alterra Institute of Wageningen University Research (WUR)
RSPB	Royal Society for the Protection of Birds; the UK BirdLife partner

SG	Specialists Group; Wetlands International system of working groups for specific species or a group of species; also part of the overall IUCN system of Specialist Groups.
UNEP	United Nations Environment Programme; administers AEWA and other conventions
USA	United States of America
USSR	Union of Soviet Socialist Republics
WCMC	World Conservation Monitoring Centre
WGDG	Working Group on Ducks and Geese; the working group at CMS COP1 proposing the what later became AEWA
WIWO	Dutch acronym for Werkgroep Internationaal Wad- en Watervogelonderzoek; a Dutch based NGO involved in global waterbirds and wetland research
WOW	Wings Over Wetlands: the UNEP/GEF project supporting AEWA implementation and strategic development
WPAA	Western Palearctic Anatidae Agreement; one of the former names for AEWA
WPE	Waterbird Population Estimates
WPWA	Western Palearctic Waterfowl Agreement; one of the former names for AEWA
WWF	World Wildlife Fund

Annex 3. Selected original documents

1. Complex description of the Western Palearctic and not used
2. Report of the Working Group on ducks and geese of CMS COP1 (WGDG)
3. Letter from Dr. Nowak to the Chair of the CMS COP1 WGDG, Drs. Kalden with a first outline of a possible Western Palearctic Anatidae Agreement
4. Explanatory paper on the relationship between the Ramsar and Bonn Conventions; addressing the issue of Ramsar Convention Art.5 being a good instrument for international cooperation on flyway level
5. Letter to invite a group of experts to an Ad Hoc Working Group meeting to discuss the various models for an Agreement and related Action Plans
6. Correspondence between the Standing Committee of the Bonn Convention and the European Commission providing a clear position of all involved to continue the work on the development of the Agreement. It opened the way to conclude the Agreement within almost two years
7. Invitation from the CMS Secretariat to all Range States of the proposed Waterbird Agreement to attend the first (and last!) consultative meeting on the draft Agreement
8. Letter from the Dutch Government to the Bonn Convention confirming the support from the Netherlands for the Consultative Meeting and at the same time confirming the offer to act as the Depositary, provide the Interim Secretariat and to organize the first MOP of AEWA
9. Opening Statement by Dr. Jean Ngog Nje at the AEWA Consultative Meeting in 1994 in Nairobi
10. Invitation from the CMS Secretariat to all Range States to participate in the formal Negotiation Meeting to conclude AEWA
11. Letter from the French Government with a great number of amendments and questions for the 1995 Negotiation Meeting
12. First page of the Final Act of AEWA
13. Reaction from the Dutch Minister of Agriculture, Nature Management and Fisheries, Mr. Jozias van Aartsen to the President of FACE reacting to the continuing concern from the hunting community in relation to the Dutch role within AEWA (Interim Secretariat etc.) and the very strict new Dutch hunting legislation
14. Letter from the CMS Secretariat to inform all CMS and AEWA Parties and Range States about the back-to-back COP and MOP to be held in Cape Town

Annex 3.1

Towards a Western Palearctic Waterfowl AGREEMENT under the Bonn Convention.

First meeting of the ad-hoc Working Group Western
Palearctic Waterfowl AGREEMENT

The borders of the Western Palearctic

The definition of the Western Palearctic is after Cramp S. and K.E.L. Simmons (eds) 1977. The Birds of the Western Palearctic, Vol I.

From 67.00 N 30.00 W (North-West of Iceland) to 40.00 N 30.00 W to 40.00 N 32.00 W to 38.00 N 32.00 W to 38.00 N 30.00 W (Azores) to 15.00 N 30.00 W to 15.00 N 20.00 W (Cape Verde Islands) to 19.00 N 20.00 W to coastline Mauritania, following coastline to 21.00 N (Banc d'Arquin) to 21.00 N 16.00 E to 19.00 N 16.00 E to 19.00 N 20.00 E to 20.00 N 20.00 E to 20.00 N 25.00 E to 22.00 N 25.00 E (Northern borders of the Sahel region) then following border between Egypt and Sudan to Red Sea. From there to 23.00 N 37.00 E to 28.00 N 35.00 E (Red Sea) following 28.00 N to the East (crossing Saudi Arabia) to Persian Gulf, 28.00 N 49.00 E to Western border of Iran, following Western border Iran to Caspian Sea. Following Westbank Caspian Sea until Ural river (Guryev 47.08 N 51.59 E) following Eastbank Ural river to Orsk 51.13 N 58.35 E, from there following watershed of the Ural Mountains (passing Gora Narodnaya mountain 65.02 60.01) to the Kara river, following Kara river to 69.12 N 65.00 E (Kara) to 74.00 N 65.00 E to 74.00 N 70.00 E to 81.00 N 70.00 E (Novaya zemlya) to 81.00 N 12.00 W (North East Greenland) to 67.00 N 12.00 W following 67.00 N westwards (arctic circle) to 67.00 N 30.00 W (North West of Iceland).

Co-ordinates of points indicated on the map

1	67.00 N	30.00 W	14	20.00 N	25.00 E
2	40.00 N	30.00 W	15	22.00 N	25.00 E
3	40.00 N	32.00 W	16	23.00 N	37.00 E
4	38.00 N	32.00 W	17	28.00 N	35.00 E
5	38.00 N	30.00 W	18	28.00 N	49.00 E
6	15.00 N	30.00 W	19	47.08 N	51.59 E
7	15.00 N	20.00 W	20	51.13 N	58.35 E
8	19.00 N	20.00 W	21	65.02 N	60.01 E
9	21.00 N		22	69.12 N	65.00 E
10	21.00 N	16.00 E	23	74.00 N	65.00 E
11	19.00 N	16.00 E	24	74.00 N	70.00 E
12	19.00 N	20.00 E	25	81.00 N	70.00 E
13	20.00 N	20.00 E	26	81.00 N	12.00 W

Annex 3.2

CMS/COM I/6

Working-group on ducks and geese
Reporter: C. Kalden (Netherlands)

In the view of the group, the subject is too complex to make a draft for an agreement on ducks and geese of the Palearctic flyway during the short meeting of the group. However, it is the feeling of the group that on the basis of a IWRB study (which will be completed at the end of this year) relevant parties should take action in the form of a "Bonner agreement", with regard to the Western Palearctic flyway first. Although the group is aware of the serious problems in the "Central Palearctic" flyway, the group proposes action for the Western Palearctic flyway because in 1987 there will be an IWRB Conference on the "Central Eastern" flyway and the results of that should be awaited. Furthermore, at the moment there seem to be more possibilities for an agreement in the Western part.

To get good results (that is proper protection and management on a biological basis) cooperation with hunters and hunting organizations and nature conservation organizations is necessary. It is also necessary to promote and ensure mutual confidence.

Taking this into account, the agreement should emphasize:

- continuation and completion of monitoring of the status of species (counts, ringing, etc.);
- collection of bag statistics;
- education of hunters in order to get knowledgeable and highly qualified hunters throughout the region;
- support with respect to the above-mentioned activities (for example technical assistance, training of people) of the appropriate parties;
- coordination of management plans.

Besides these elements the agreement should of course include habitat protection clauses and activities to enhance public awareness.

The agreement should be flexible ("open-ended") and, at least at the beginning, should not define its goals too strictly in the form of rules, regulations and prohibitions. It must be possible to decide on the (change of) course more in detail later on.

In view of the fact that the Ramsar Convention is of extreme importance to waterfowl, there should be a close link in the work on the agreement with the activities in that field.

Annex 3.2 (page 2)

- 2 -

The working group suggests that the committee advises the plenary to instruct the Secretariat to act upon the completion of the IWRB study and to convene a meeting of relevant Parties and organizations (i.a. CIC, FACE, ICBP, IUGB, IWRB) to study the possibility of an agreement concerning ducks and/or geese of the Western Palearctic flyway.

02600

Annex 3.3

R. 692

Dr. E. Nowak
als prov. Koordinator des Wissenschaftlichen Rates der Bonner Konvention;
in der: BUNDEFORSCHUNGSANSTALT FÜR NATURSCHUTZ UND LANDSCHAFTSÖKOLOGIE
Institut
für Naturschutz und Tierökologie

Konstantinstraße 110
5300 Bonn 2
Tel. 0228 84 910

Herrn
C. J. Kalden
Ministry of Agriculture and Fisheries
P. O. Box 20 401

Na 952 - 146/87
10. April 1987

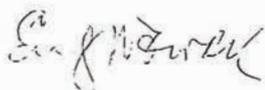
NL-2500 EK The Hague

Sehr geehrter Herr Kalden,

Sie haben sich während der 1. Vertragsstaatenkonferenz stark dafür engagiert, daß ein regionales Wasservogel-Schutzabkommen erarbeitet wird. Die von Ihnen geleitete Arbeitsgruppe hat eine gute Grundlage dazu erarbeitet, das Plenum der Konferenz hat in einer Resolution empfohlen, den Entwurf dieses Abkommens der 2. Vertragsstaatenkonferenz (also Ende 1988) vorzulegen. Frau Johnson (die neue Leiterin des UNEP/CMS-Sekretariats in Bonn) und ich sind etwas beunruhigt darüber, daß bisher nichts in diesem Bereich passiert ist. Ich habe deshalb einen Plan ausgearbeitet (siehe Anlage) und habe bereits Kontakte zu russischen Kollegen aufgenommen, mit denen ich das Papier im Mai diskutieren will. Ihnen wäre ich auch für kritisch-konstruktive Bemerkungen sehr dankbar.

Der von mir entworfene Plan wird noch vom CMS-Sekretariat angereichert und auf englisch verfaßt. Die englische Fassung soll dann schnell an zahlreiche Adressen versandt und breit diskutiert werden. Ich hoffe, Ihre Bemerkungen noch bevor der englische Text fertiggestellt ist, erhalten zu haben.

Mit freundlichen Grüßen



Annex 3.3 (page 2)

1. Grundsätzliches

Ein Regionalabkommen für Wasservögel Europas, Südwest-Asien und Afrika ist notwendig und machbar, da

- 1) Die Vogelschutzkonventionen von Paris aus dem Jahre 1902 und 1950 inzwischen veraltet und kaum wirksam sind,
- 2) die größten Bestände der wandernden Wasservögel im Norden des Gebietes brüten, auf weite Strecken wandern (oft einige tausend Kilometer) und weit im Südwesten oder Süden des Gebietes überwintern. Dabei überfliegen sie zahlreiche nationale Grenzen.
- 3) Die Wanderwege und Habitatsituation der Wasservögel dieser Region sind verhältnismäßig gut erforscht (die notwendigsten wissenschaftlichen Grundlagen sind also vorhanden).
- 4) Viele Arten dieser Vogelgruppe gehen in ihrem Bestand stark zurück, sind gefährdet, insbesondere aufgrund der Eigenschaften der Wanderung (Konzentration der Vögel auf dem Zuge oder in den Überwinterungsgebieten) und durch die rapide Verschlechterung der Habitatsituation (Trockenlegungen, verstärkte Nutzung der früheren Aufenthaltsgebiete, neue Methoden der Landwirtschaft u.a.m.).
- 5) Eine ganze Reihe von Arten dieser Gruppe hat ökonomische bzw. "sport-jagdliche" Bedeutung (sie werden mittels Bejagung oder durch Sammeln von Eiern genutzt, manchmal - zwecks Verringerung von Wirtschaftsschäden - reduziert oder sogar bekämpft).
- 6) Ein rationelles und wirksames System von Schutzzonen im gesamten Jahreslebensraum, die Brut-, Mauser-, Rast- und Überwinterungsgebiete umfassen, kann nur im Rahmen internationaler Kooperation errichtet werden.
- 7) Bisher gibt es zahlreiche Erfahrungen, wie Schutz, Management und rationelle Nutzung der Bestände von Wasservögeln zu handhaben sind. - Diese könnten mittels eines Regionalabkommens in großen Teilen der Jahreslebensräume dieser Vögel in der ganzen Region angewandt werden.

Annex 3.4



Mr. U. d. Assen

UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)
CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES
OF WILD ANIMALS (CMS)

THE RELATIONSHIP BETWEEN THE RAMSAR AND BONN CONVENTIONS

This paper has been submitted by the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals

Both Conventions are general wildlife conservation treaties, concluded in the 1970s. They came into force 1975 (the Ramsar Convention with presently 52 Parties) and 1983 (the Bonn Convention with presently 29 Parties and 13 Signatories). Parties to the Ramsar Convention are predominately from the developed world whereas half of the Parties to the Bonn Convention are developing countries; this is an important factor with respect to financial and technical support. Furthermore all of the developed country Parties to the Bonn Convention are European States and the CMS sometimes is reproached for being a "European" Convention concentrating too extensively on European interests. However, as far as conservation of wildlife is concerned, both Conventions are globally applicable and do not concentrate upon special regions or continents but require co-ordinated international action.

The Ramsar Convention

The Convention aims at the conservation of wetlands and their flora and fauna, especially, but not only, with regard to waterfowl. Parties are, under the Ramsar Convention, obliged to designate at least one suitable wetland within their territory for inclusion in a List of Wetlands of International Importance, which is maintained by the Secretariat. Measures which are taken by Parties under the Convention, in particular the designation of wetlands, in principle do not require co-operation with other states or institutions. However Article IV(4) of the Convention requires Parties to encourage the exchange of data and publications regarding wetlands and their flora and fauna. For wetlands extending over the territories of more than one contracting Party or where a water system is shared by contracting Parties, they must consult each other. Res.3.4 stresses this need by urging the Parties' Development Agencies to co-ordinate their programmes at the international level to ensure that their independent activities do not in combination adversely affect wetlands.

Annex 3.4 (page 2)

Apart from co-operation among Parties, the Convention is strongly supported by other institutions such as ICBP and IWRB, especially with regard to waterfowl. Being part of IUCN, the Secretariat also receives support from this institution.

The Bonn Convention

The Convention aims to conserve migratory species by fully protecting endangered species (on Appendix I) and facilitating concerted action by Range States for migratory species which would benefit from International AGREEMENTS (on Appendix II). Only one Anatidae species (Chloephaga rubidiceps) is listed in Appendix I, but all Anatidae species are included in Appendix II. Furthermore other marine and freshwater species such as small cetaceans, seals, dugong and turtles, are also listed on the Appendices.

The Convention is not primarily concerned with the conservation of habitats but it provides for conservation of habitats of Appendix I species; furthermore by protecting migrating species covered by AGREEMENTS, the habitat within their ranges needs to be protected as well.

Each AGREEMENT should cover the whole of the range of the migratory species concerned and should be open to accession by all Range States whether they are Parties to the Convention or not. For example, all Anatidae species are so listed. The first Conference expressed the desirability to conclude AGREEMENTS for Appendix II species, and the Secretariat was specifically asked to develop AGREEMENTS for - among others - Ciconia ciconia and western Palearctic Anatidae. No AGREEMENTS have been concluded to date, but some preliminary work has been done towards an AGREEMENT for waterfowl and a draft AGREEMENT for the white stork has been prepared; however the EEC undertook to develop a management plan for the white stork AGREEMENT but as far as the Secretariat has been advised, this has not yet been completed.

Co-operation of all Range States for conservation of a migratory species, is the fundamental principle of the Bonn Convention. This is the sole purpose of AGREEMENTS or other appropriate instruments and it is not possible for a Range State to take action independently from other States to implement the Convention. In addition, the Convention requests Parties generally to promote, co-operate in and support research relating to migratory species.

The Convention provides for the establishment of a Scientific Council with members appointed by Parties and the Conference to provide advice on scientific matters, research, species to be included on the Appendices, measures to be included in AGREEMENTS, and implementation of the Convention.

Annex 3.4 (page 3)

Interrelationships between the Ramsar and the Bonn Conventions

Both Conventions deal with the conservation of wetlands and waterfowl. Their provisions are complementary.

While the Ramsar Convention, by conserving important wetlands, protects habitats which are fundamental to the life-cycles of migratory species, the Bonn Convention provides for the protection of migratory species listed in the Appendices; such protection includes conservation over their whole geographic ranges and, if appropriate, restoration of their habitats. AGREEMENTS under the Bonn Convention, especially concerning waterfowl, may therefore serve to provide protection for wetlands, whether or not they have been designated under the Ramsar Convention. On the other hand, when designating wetlands and managing designated wetlands, Parties to the Ramsar Convention must give specific consideration to the needs of migratory stocks of waterfowl; however this in no way ensures the conservation of such waterfowl over their whole range. Therefore the benefits of two Conventions are complementary but not identical and governments are encouraged to be Parties to both Conventions in order to conserve wetlands and their associated migratory species effectively.

Co-operation between the Ramsar and Bonn Conventions

Co-operation between the Conventions is desirable at two levels.

Firstly, Parties to the Conventions and their Secretariats/Bureaus should co-ordinate conservation measures taken under the Conventions to maximize the benefits to the wetlands and their migratory species. For example, in designating wetlands or applying the wise use provisions under the Ramsar Conventions, particular regard should be given to the requirements of migratory species by ensuring the continued availability of wetland areas essential at key life stages or on migratory routes of such species; in effect, an international network of wetlands of importance to migratory wetland species should be consciously developed.

On the other hand, in concluding AGREEMENTS or other instruments under the Bonn Convention, account should be taken of designations and other measures taken under the Ramsar Convention; in this context IWRB, the Ramsar Convention Bureau and in due course the Standing Committee should all be consulted during the development of an AGREEMENT for western Palearctic waterfowl, which is currently being undertaken within the Dutch Government.

Annex 3.4 (page 4)

Secondly, co-operation and co-ordination on some more administrative matters is also desirable. For example, some rationalization is possible in scheduling of meetings to minimize travel costs for participants with interests in activities under the two Conventions, with standardization of reports and reporting procedures under the two Conventions (to the extent legally and practically possible) and by enhanced exchange of information (such as activities, relevant research, data bases). Consultations between the Secretariat of the Bonn Convention and the Bureau of the Ramsar Convention have already occurred on a number of these aspects. However there is also considerable scope for similar co-ordination and rationalization at the national level; this is also likely to reduce perceived conflict or competition between activities under the two Conventions as has been expressed not infrequently by a number of representatives of governments not yet party to the Bonn Convention.

In summary, the Bonn and Ramsar Conventions are complementary globally applicable legal instruments; their Parties and administrators should endeavour to co-operate wherever practicable to co-ordinate activities under the two Conventions in the interests of more effective and efficient conservation of wetlands and their dependent migratory species.

Annex 3.5

Ministerie van Landbouw en Visserij

Directoraat-Generaal Landelijke Gebieden en Kwaliteitszorg
Directie Natuur, Milieu en Faunabeheer

cc Boere

To the participants of the ad-hoc
Working Group Western Palearctic
Waterfowl AGREEMENT



landbouw en visserij

ck/ib

uw brief van

uw kenmerk

ons kenmerk

datum

NMF 8910621

27 september 1989

onderwerp

doorkiesnummer
0(30)-852539

bijlagen

1

First Meeting ad-hoc Working
Group Western Palearctic
Waterfowl AGREEMENT

Dear Sir/Madam,

It is a great pleasure for me to invite you, on behalf of the Dutch Government, to participate in the first meeting of the ad-hoc Working Group for the Western Palearctic Waterfowl AGREEMENT and its Conservation and Management Plan. A list of participants of the ad-hoc Working Group and invited observers is attached.

The meeting will take place on 5 and 6 February 1990 in the Ministry of Agriculture and Fisheries in The Hague, Netherlands. The meeting will start on 5 February at 10.00 hrs.

The city of The Hague has a good and regular train connection with Amsterdam-Airport (Schiphol); traveltime about 30 minutes.

Depending on the amount of business for the agenda, a half day excursion (free of charge) can be organised to waterfowl wintering areas in the South-west part of the country.

The meeting will be organised by Dr. G.C. Boere, project officer of the Dutch Government for the Western Palearctic Waterfowl AGREEMENT. His one year attachment to the Secretariat of the Bonn Convention came to an end 1 May 1989 and has not been renewed for practical and political reasons. However his work for the Western Palearctic Waterfowl AGREEMENT and Conservation and Management Plan continues unchanged and takes place on behalf of the EC-Commission and in consultation with the Secretariat and the Scientific Council of the Bonn Convention.

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Telefoon: 070-79 39 11
Fax: 070-793600
Telegramadres: Landvis
Telex: 32040 Lavini

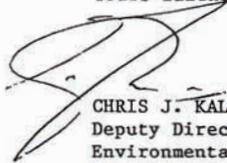
Annex 3.5 (page 2)

All correspondence should be send to him directly (c/o National Forest Service, P.O. Box 20020, 3502 LA UTRECHT, Netherlands; tel. (0)30-852539; .telex: (0)30-891864; telex: 47542 LV UTR NL).

Technical information (hotels, city map, etc.), an annotated agenda and papers will be send to you later on this year. Participants who are not able to cover their own travelcosts and per-diem, are requested to contact Dr. G.C. Boere as soon as possible.

I look forward to meet you in the Netherlands.

Yours faithfully,



CHRIS J. KALDEN
Deputy Director Nature Conservation,
Environmental Protection and Wildlife
Management.

Annex 3.6



DB4 Page 3
J. Boone
mdu 5/02/1993

Convention on the Conservation of Migratory Species of Wild Animals (CMS)

Secretariat provided by the United Nations Environment Programme (UNEP)

12
11 January 1993

Dear Sir,

Proposed Agreement on the Conservation and Management of Western Palearctic Waterfowl

As Chairman of the Standing Committee of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) I am writing to you to ask if the Commission can take action to finalise an Agreement on the Conservation and Management of Western Palearctic Waterfowl (WPWA).

The WPWA aims to conserve migratory waterfowl species in their ranges which cover 80 countries, mainly in Europe and Africa. It will be the most extensive agreement yet negotiated under the Convention, since the three Agreements already finalised for bats, small cetaceans and seals cover European species only. The new emphasis on the conservation and sustainable use of biodiversity following UNCED means that we wish to give increased priority to the waterfowl agreement and to ensure that it meets the needs of African as well as European range states.

As you will be aware, the Government of the Netherlands have played a major role in preparing the draft Agreement, in co-operation with the Convention and the European Commission. The Netherlands submitted a draft Management and Action Plan, together with the Agreement, to the Commission (DG XI) in June 1991, and have continued to refine the proposals since then.

/...

Mr. M. Paleokrassas
Member of the Commission of
the European Communities
DG XI
rue de la Loi 200

B-1049 BRUSSELS

Annex 3.6 (page 2)

- 2 -

The Standing Committee of the Convention had understood that the European Commission would take forward the proposals prepared by the Netherlands, both by seeking a mandate within the European Community and by sponsoring formal negotiations to which all the Range States would be invited. However, there has been a considerable delay with the result that little has been achieved over the last 18 months. This is particularly disappointing since the need for an agreement to conserve waterfowl has become more urgent, in view of the intensified threats these species face from the loss of habitats, drought and desertification. Many non-governmental organisations, including the European Field Sports Federation (FACE), are also pressing for action to be taken to conclude and implement this agreement.

The Standing Committee of the Convention are meeting on 24-25 February 1993 in Bonn. At that meeting I shall invite the Committee to take decisions on future responsibility for progressing the waterfowl agreement. Our targets are as follows:

- (a) by March 1993 - completion of additional work on the draft Agreement by IWRB (on contract to CMS) to take account of the needs of African species;
- (b) by May 1993 - translations by EC-Commission;
- (c) May/June 1993 - circulation to all Range States of the draft Agreement, together with an invitation to a special negotiation session
- (d) Autumn 1993 - a Special Negotiation Meeting (perhaps in Geneva or Brussels);
- (e) Spring 1994 - a final meeting - including a signing ceremony - at the conference of Parties to the Convention, which is likely to be held in Nairobi.

Time is now short. We need to know before the meeting on 24-25 February what role the Commission wishes to take in helping the Convention to meet these targets. From the point of view of the Standing Committee the main options are:

- (a) for the European Commission to take the lead in circulating the proposals, and organising the negotiating conference and final meetings in 1993-1994;
- (b) for an EC state to take the lead, with the support of the Commission. We would hope that EC support might include some financial assistance, particularly for the negotiating conference;
- (c) for the Secretariat of the Convention to take the lead, again with support of the Commission.

/...

Annex 3.6 (page 3)

- 3 -

All these options assume that there will be a significant role for the Commission, and that internal negotiations to obtain a mandate within the European Community would be completed speedily (although the timetable suggests this will need to be undertaken in parallel with other activities in the first half of the year).

I am convinced that Governments and organisations within and outside the European Community would react favourably if the Commission decided to give priority to supporting the final work needed to conclude the WPWA.

I hope it will be possible to reply in good time for the meeting on 24-25 February. The Commission are, of course, invited to attend that meeting as observers and we hope that they will be present in order to discuss your reply, and the next steps to be taken.

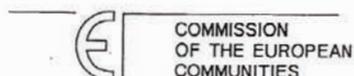
Yours sincerely,

A handwritten signature in black ink, reading "Rob Hepworth". The signature is written in a cursive style and is underlined with a single horizontal line.

Robert Hepworth
Chairman of the CMS Standing Committee

- cc: ✓ - Ministry of Agriculture, Nature Management and Fisheries
of the Netherlands, Dr. C. Kalden
- Ministry of the Environment of Denmark, Mr. V. Koester
 - Chairman of the CMS Scientific Committee, Prof. W. Wolff
 - Vice Chairman of the CMS Standing Committee, Mr. P. Bridgewater
 - UNBP/CMS Secretariat, Mr. A. Müller-Helmbrecht

Annex 3.6 (page 4)



COMMISSION
OF THE EUROPEAN
COMMUNITIES

Page 4
Brussels, 24 February 1993

D (93) 179 - A/93/148

Yannis PALEOKRASSAS
Member of the Commission

Dear Sir,

Thank you for your letter of 11 January regarding the proposed agreement on the Conservation and Management of Western Palearctic Waterfowl which has received my full attention.

Representatives of the Commission have on several occasions expressed its readiness to take an initiative - in close cooperation with and on the basis of important preparatory work done by the Netherlands - to put forward a regional agreement on Western Palearctic Waterfowl in the framework of the Bonn Convention. A substantial draft has been prepared to that effect mainly by the Secretariat and the Dutch Authorities and this has been discussed with my services. As a result it has been possible to find solutions to some of the problems which had been identified.

I feel that this issue is an important one and that an agreement along the lines elaborated will make a major contribution to the conservation of vulnerable and threatened species of migratory waterfowl.

The Commission would like to play an important role in promoting this agreement for reasons of its commitments to and the competences of the Community in the field of the conservation of wild birds. On the other hand, I must draw your attention to the permanently widening gap between the ever growing environmental activities of the Community and the resources which are made available to that end.

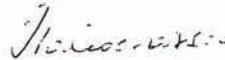
These difficulties are the reason behind the delay which I regret as you do with regard to the envisaged initiative and which will certainly not decrease in the foreseeable future.

Mr. Robert HEPWORTH
Chairman of the CMS Standing Committee
Mallwitzstrasse 1-3
D - 5300 BONN 2

Annex 3.6 (page 5)

In view of this situation I am of the opinion that among the three options you put to the Commission I have to give a clear preference to option 3. This means that the Secretariat would take the lead on the matter with financial support from the Commission, the amount of which would have to be discussed. I am instructing my services to take this point into account when planning the execution of this year's budget.

Yours sincerely,



Yannis PALEOKRASSAS

Annex 3.7



Convention on the Conservation of Migratory Species of Wild Animals (CMS)

Secretariat provided by the United Nations Environment Programme (UNEP)

941622
22 APR 1994
Kubinz

Mr J.D. Gabor
State Secretary for Agriculture, Nature Management and Fisheries
PO Box 20061
2500EK The Hague NETHERLANDS

Ref: CMS/NCB/GOV

19 April 1994

MINISTERIE VAN LANDBOUW,
NATUURBEHEER EN VISSERIJ

Ag. Nr. K943210

Ontv. 22 APR 1994

Class. nr 07/312.4

OPB. P.A.F.

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

First Intergovernmental Session

I have the pleasure to inform you that the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention or CMS) in collaboration with the Government of the Netherlands is organizing the First Intergovernmental Session to discuss the proposal for an Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA).

The meeting will be held from Sunday 12 June 1994, 14.30 hours (local time) to Tuesday 14 June 1994, evening, at the headquarters of the United Nations Environment Programme (UNEP) in Nairobi, Kenya.

The Secretariat takes this opportunity to invite the Government of your country to participate in the meeting and to give advice as to how the proposal should be improved prior to adoption at a later stage.

The session will follow the fourth meeting of the Conference of the Parties to the Convention (7-11 June) and a Symposium on Animal Migration (6 June). An invitation to the meeting of the Conference of the Parties to CMS was sent to your Government by post on 25 October 1993.

The basic provisions as well as details of the draft Agreement are to be discussed by the Range States represented at the session. It is therefore expected that the representatives of the Range States be authorized to discuss fully the Agreement proposal so that the UNEP/CMS Secretariat may receive clear guidance as to how the Agreement proposal should be further developed in order to reach consensus at a formal negotiation meeting to be held in the future. After the opening ceremony, if it is so decided by the meeting, regional co-ordination meetings will take place from Sunday afternoon, 12 June until Monday noon. The discussion in the Plenary will take place from Monday afternoon to Tuesday evening. A provisional agenda is enclosed. The Secretariat will provide for interpretation during the plenary meetings into English and French. Delegates are free to provide for their own interpreters for interpretation into other languages, but are requested to inform the Secretary well in advance. No interpretation will be possible for the regional co-ordination meetings due to lack of facilities.

Some international governmental organizations (IGOs) as well as international and national non-governmental organizations (NGOs) which are technically qualified in the protection, conservation and management of migratory bird species will also be invited to attend the session.

In order to make proper arrangements for conference rooms and other facilities, the Secretariat would appreciate receiving notice of your intention to participate no later than 9 May 1994. Please find enclosed a registration form for this purpose.



UNEP/CMS Secretariat • Mallwitzstrasse 1-3 • D-53177 BONN • Germany
Telephone (+49 228) 954 3501 /2/3/4 • Telefax (+49 228) 954 3500 • Telex 885 556 bfn d

Annex 3.7 (page 2)

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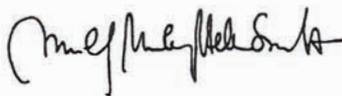
Additionally, the Secretariat kindly requests that this invitation be forwarded to the responsible institution of your Government if this letter happens to be incorrectly addressed. Please inform the Secretariat briefly by fax to which institution and / or person this letter was forwarded.

The Secretariat will endeavour to assist with the travel and accommodation expenses of one representative of each Range State that is considered to be a developing country, provided that the Secretariat receives binding notification of the name of the delegate, including the request for travel support, by 9 May 1994. CMS will then undertake to provide: (1) the most economical tourist class air ticket to/from Nairobi; (2) hotel accommodation for the duration of the meeting, together with an additional fixed payment to cover expenses while in Nairobi; and 3) transport to / from the Nairobi Airport, as well as to the conference venue each day. Representatives of Range States who have already notified their intention to participate in the meeting of the Conference of the Parties and / or the preceding meeting of the Scientific Council, and whose travels are funded by CMS, are encouraged to stay to attend the AEWA session; additional costs for accommodation for the duration of this AEWA meeting will also be funded by CMS. Travel and / or accommodation assistance is not available for additional delegates from Range States already receiving funding.

A revised text of the Agreement proposal including the Annexes (Volume 1) taking into consideration most of the comments which the Secretariat received from governmental bodies and organizations will be distributed soon under separate cover. Further information on accommodation facilities, travel arrangements for those whose travels will be completely or partly funded, ground transport etc. will be sent immediately after 9 May 1994 to those delegates who sent their registration forms to the Secretariat.

Finally, the Secretariat wishes to inform you that an exhibition on animal migration and international co-operation to conserve and manage migratory species will possibly be held in connection with the CMS and AEWA meetings in the UNEP premises from 6 to 14 June 1994. The Secretariat kindly invites your Government, governmental and scientific institutions or any organization technically qualified in the protection, conservation and management of migratory species to contribute to the exhibition (in the form of poster presentations, leaflets, videos, etc.).

Please accept the assurance of my highest consideration.



Arnulf Müller-Helmbrecht
Co-ordinator
UNEP/CMS Secretariat

Enclosures:
- provisional agenda
- registration form

Annex 3.8

Ministerie van Landbouw, Natuurbeheer en Visserij

Directie Natuur, Bos, Landschap en Fauna

Bijlage 2 *9/12*

UNEP/CMS
Co-ordinator
Mr. Arnulf Mueller-Helmbrecht
Mallwitzstrasse 1-3
D-53177 BONN
Germany



landbouw, natuurbeheer
en visserij

uw brief van 1 April 1993 uw kenmerk ons kenmerk NBLF 93-11291 datum 14 March 1994
doorkiesnummer 31-70-3793591 bijlagen

onderwerp
Sponsoring of
the AEWa by the Netherlands
Relationnr 135805
Obligationnr 3007611

With reference to your letter and recalling the issues discussed by you and Dr. Boere during a number of recent meetings concerning the further development of the two draft waterbird agreements -the African-Eurasian Waterbird Agreement and the Asian Pacific Waterbird Agreement- under the Bonn Convention, I have considered the following.

From the beginning, the initiative of the First Conference of the Parties to the Bonn Convention (1985) to start with the elaboration of a Western Palearctic Waterfowl Agreement has received strong support from the Netherlands Government. This has been implemented in various ways. Most prominent in this respect have been the activities of this Ministry in the period between early 1988 and 1992 towards the preparation of the draft text of the Western Palearctic Waterfowl Agreement, together with an Action Plan and Management Plan. The drafting took place in close consultation and co-operation with various government bodies, international organizations and experts.

Since 1988 our Ministry, in particular through the activities of Dr. Boere, has promoted the WPWA and the Bonn Convention in general, at numerous international meetings by presenting lectures, poster presentations and by publishing articles about the WPWA and the Bonn Convention.

The final draft of the WPWA was submitted to the European Commission by the Dutch State Secretary Mr. Gabor in June 1991. As you are aware, the Commission has not been able to take an active approach to sponsoring the WPWA and returned the mandate to the

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Telex: 32040 Lavini

Annex 3.8 (page 2)

Bonn Convention Secretariat.

I therefore greatly appreciate the active interest you have shown in speeding up the process towards conclusion of the WPWA.

I consider the conclusion of the WPWA, now renamed as AEWA (African Eurasian Waterbird Migratory Agreement) as very important. Agreements such as this are the basis for the implementation of the Bonn Convention. The Netherlands Government will continue to support the activities under the Bonn Convention in general and the AEWA in particular.

Following the preliminary outcome of the discussions with Dr. Boere about the support of this Ministry in the coming years towards the formal conclusion of the AEWA, I am willing to provide the following support, which is in line with the support already provided over the past five years.

1.

To continue the support given by Dr. Boere for the project as a whole. This may include the following elements:

- a. Further expert input in the necessary documents; promoting the AEWA at international meetings by means of oral and poster presentations.
- b. Support to UNEP/CMS in the negotiating phase of the Agreement. This includes participation in the preparation of the negotiating meeting as scheduled for the first half of 1994. In consultation with UNEP/CMS Dr. Boere can take part in missions or undertake missions on behalf of UNEP/CMS, to discuss or negotiate the AEWA with government bodies or international organisations.

2.

To provide, where necessary, technical support, e.g. printing and mailing of documents/reports.

3.

To provide financial support for the negotiating meeting including preparatory work, to be held in 1994, to a maximum of f 100.000,-.

This financial support is given under the following conditions:

- a. the total budget for the meeting has to be guaranteed. In this respect I have taken notice of your recent information sent to Dr. Boere (6 December 1993).
- b. a first instalment of 80% can be forwarded in 1994, if so requested from your side.
- c. final payment of the remaining 20% will take place by the end of 1994 and judged on the basis of a full account of the total costs of the negotiating meeting.

Furthermore I reconfirm the support of this Ministry as mentioned in the letter of the State Secretary, of June 1991 to the European Commission. This support contains the following elements:

Annex 3.8 (page 3)

1. the Ministry of Foreign Affairs will act as the Depositary for the AEWA.
2. financial support for the secretariat of the AEWA for an initial period of three years.
3. the Netherlands will organise the first Conference of the Parties once the AEWA comes into force.

I look forward to continuing the long and intensive co-operation with UNEP/CMS and sincerely hope that the negotiations for the AEWA can be concluded in 1994.

FOR THE STATE SECRETARY FOR AGRICULTURE, NATURE MANAGEMENT AND FISHERIES,
THE DEPUTY DIRECTOR FOR NATURE, FORESTS, LANDSCAPE AND WILDLIFE,



Dr. A.N. van der Zande

Annex 3.9

QUELQUES REMARQUES PRELIMINAIRES RELATIVES AU PROJET D'ACCORD SUR LA CONSERVATION DES OISEAUX D'EAUX MIGRATEURS D'AFRIQUE-EURASIE (NAIROBI- KENYA, 12.6.94)

Par Dr. Jean NGOG NJE
Directeur Ecole de Faune
B.P. 271 GAROUA, CAMEROUN

Excellence Monsieur le Ministre de l'Agriculture de la Gestion des Ressources Naturelles et des Pêches (Pays-Bas), Honorables Délégués, Mesdames et Messieurs.

Au stade actuel de nos connaissances, les scientifiques s'accordent sur le fait que la vie a une origine aquatique. On peut citer quelques évidences: nécessité d'un milieu aqueux au stade ultime de la reproduction, fort pourcentage pondéral de l'eau (65-70% en moyenne) dans la composition de la matière vivante, etc. Cependant de nombreux paramètres vont déterminer la force des relations eau-organismes. Certains êtres vivants seront aquatiques, d'autres semi-aquatiques ou terrestres.

L'oiseau, depuis les temps bibliques, a été considéré comme un meilleur indicateur de l'état de l'environnement comme nous le signale l'histoire du déluge du temps de Noé. De nos jours, l'oiseau, surtout l'oiseau d'eau migrateur reste un baromètre biologique très sensible de mesure de la santé environnementale pour deux raisons fondamentales:

1. Son statut de migrateur (privilège ou non) lui permet de vivre une grande diversité de conditions naturelles et humaines
2. Ses habitats, constitués principalement des zones humides, sont les plus productifs des écosystèmes et partant même souvent les plus convoités et donc les plus vulnérables (activités humaines).

En plus de son rôle écologique, l'oiseau est une source d'inspiration à travers sa diversité chromatique et ses mélodies. Ses rôles dans l'activité cynégétique (par exemple plus de 10 millions d'oiseaux d'eau tués en Europe par an par quelques 3 millions de chasseurs) et l'alimentation humaine ne sont pas négligeables.

Malgré ses nombreux services, l'oiseau à l'instar d'autres groupes taxonomiques, n'échappe pas aux menaces anthropiques ou naturelles. A présent, au moins 500 sur les 9000 espèces que compte notre planète sont au bord du danger immédiat d'extinction. La Convention de Bonn a donc un rôle important à jouer dans la Conservation de la Biodiversité.

L'objet de cette brève communication est de faire quelques remarques préliminaires sur le projet d'accord Afrique-Eurasie qui fera le sujet de nos travaux pendant les 2½ jours qui suivent. Ces remarques, il convient de le préciser, sont à la fois personnelles et quelque peu collectives car résultant des entretiens informels eus avec plusieurs délégués africains.

Le projet qui nous est soumis est potentiellement très utile pour le Continent Africain sur plusieurs plans:

Annex 3.9 (page 2)

- a. Scientifique: Cette partie du monde consititue une zone vitale pour de nombreuses espèces d'oiseaux d'eau européens migratrices et ceci grâce à sa grande diversité d'habitats et particulièrement des zones humides et à son accès relativement facile aux oiseaux (1,5 millions de sarcelles d'été - Anas Querquedula dénombrées en 1987 en Afrique de l'Ouest). L'application d'un tel accord permettrait entre autres de connaître les espèces y hivernant, leur répartition, biologie, dynamique de populations, leurs relations avec les population locales, etc.
- b. Législatif (adaptation des législations nationales à la conservation des espèces et leurs habitats)
- c. de la formation du personnel, l'éducation et la sensibilisation du public (sur l'importance des oiseaux d'eau)
- d. écologique (utilisation durable des terres avec un accent particulier sur la nécessité des études d'impacts environnementaux)
- e. socio-culturel et économique (utilisation durable des ressources aviaires avec une véritable intégration des populations locales, développement de l'écotourisme, etc)
- f. international (nécessité de développer une coopération internationale)

Les objectifs sont nombreux et généralement interdépendants. Pour les atteindre, il faudrait entre autres disposer des fonds. On est en droit de s'attendre à quelques questions.

L'Afrique est confrontée à de nombreux problèmes (politiques, sociaux, culturels, économiques, environnementaux etc.). Elle doit satisfaire les besoins essentiels de ses populations (alimentation, logement, santé, éducation, etc.), assurer son développement, régler ses dettes et en même temps conserver son environnement. C'est là un grand défi pour le Continent et pour le reste du monde.

Le projet d'accord qui nous intéresse est globalement bon dans le fond, mais le problème majeur reste l'application et ceci soulève quelques interrogations.

- a. Qui financera ce macro accord (une zone d'application de 60 millions de km² - 40% de la surface terrestre avec une centaine d'Etats impliqués, 20 familles d'oiseaux totalisant 212 espèces considérées)
- b. Qu'attend-on de l'Afrique en cette période de récession économique?
- c. Quel sera le mécanisme de coordination efficace pour un rapide aboutissement éventuel de l'accord?
- d. Les plans d'action d'urgence peuvent-ils être envisagés entre temps?

En tout cas mon vif souhait est de voir nos travaux déboucher sur des propositions concrètes qui permettent une meilleure Conservation des oiseaux d'eaux migrateurs dans la région du projet et ceci au bénéfice durable de tous les partenaires.

Je vous remercie.

Annex 3.10



Convention on the Conservation of Migratory Species of Wild Animals (CMS)

Secretariat provided by the United Nations Environment Programme (UNEP)

Mr. F. H. J. von der Assen
Ministry of Agriculture, Nature Management
and Fisheries
P.O. Box 20401
NL-2500 EK The Hague

E

30 November 1994
INV-OTH.ENG

Sir/Madam,

The conservation and sustainable utilization of African/Eurasian migratory waterbirds is the common responsibility of 117 Range States in the flyway that covers Africa, Europe and part of Asia. The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention or CMS) provides a framework within which to develop comprehensive agreements for species such as these. Concluding and implementing an African-Eurasian Migratory Waterbird Agreement will make a significant contribution to the conservation of biological diversity over a vast area from the tundra of Siberia to the wetlands of southern Africa.

I have the pleasure to inform you that the Secretariat of the Convention, in collaboration with the Government of the Netherlands, is organizing a

formal Negotiation Meeting

to discuss and conclude the proposal for an

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

The meeting will be held from Monday, 12 June 1995, to Friday, 17 June 1995, at the Ministry of Foreign Affairs in The Hague, The Netherlands.

I take this opportunity to inform you that the Secretariat has invited the Ministers responsible for nature conservation and wildlife management of the respective Range States to represent the Governments of their countries at the meeting.

The meeting is a follow-up to the first Intergovernmental Session which was held from 12 to 14 June 1994 at the headquarters of the United Nations Environment Programme (UNEP) in Nairobi, Kenya. A report of that session, including the text of the draft Agreement as revised by the meeting ("Second Revision" as of 14 June 1994) and a list of the participants, is enclosed.

It is understood that the Negotiation Meeting will follow the rules set by the Vienna Convention of the Law of Treaties (Vienna, 23 March 1969). It is, therefore, requested that a representative of the Government of your country possesses full powers in accordance with Article 7 of that Convention.

The Secretariat will endeavour to assist with the travel and accommodation expenses of one representative of the Government of each Range State that is considered to be a developing or CEE country, provided that the Secretariat receives written notification of the name of the delegate,



UNEP/CMS Secretariat • Mallwitzstrasse 1-3 • D-53177 BONN • Germany
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Annex 3.10 (page 2)

including a statement from the responsible institution of his/her government attesting to his/her full powers to negotiate, adopt and sign the Agreement in accordance with Articles 9 and 10 of the Vienna Convention, as well as a formal request for travel support, by a deadline which will be communicated in February 1995. CMS will then undertake to provide: (1) an economy class air ticket to/from The Hague; (2) hotel accommodation for the duration of the meeting, together with an additional fixed payment to cover expenses while in The Hague; and (3) transport to/from the Airport, as well as the conference venue each day.

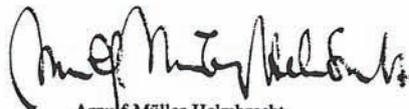
Interpretation into English and French will be provided during the plenary sessions. Delegates are free to provide for their own interpreters for interpretation into other languages, but are requested to inform the Secretariat well in advance. No interpretation will be possible for any regional coordination or working group meetings due to lack of technical facilities.

Inter-governmental organizations (IGOs) as well as international and national non-governmental organizations (NGOs) technically qualified in the protection, conservation and management of migratory bird species will also be given the opportunity to attend.

A provisional agenda for the meeting, a work programme and a pre-registration form will be circulated in February 1995. The main document to be considered by the meeting is a further revision of the Agreement proposal which has been prepared by the UNEP/CMS Secretariat, in collaboration with the International Waterfowl and Wetlands Research Bureau (IWRB) and the Environmental Law Centre of The World Conservation Union (IUCN), in accordance with the mandate given to it by the Intergovernmental Session of Nairobi. This "Third Revision" (November 1994) is also enclosed for your consideration. It contains mainly editorial amendments of the Agreement text, all of which are highlighted, a species list in Annex 2 (instead of the former list of families) and a new Action Plan in Annex 3 which merges the former two draft Action Plans for Anatidae and Threskiornithidae into one.

Finally, the Secretariat kindly requests that this invitation be forwarded to the responsible institution of your Government or organization, respectively, if this letter happens to be incorrectly addressed. The Secretariat would appreciate receiving a short note by letter or fax with the name of the institution and/or person to whom this letter has been forwarded.

Accept, Sir/Madam, the assurance of my highest consideration.



Arnulf Müller-Helmbrecht
Co-ordinator

Enclosures:

- Report of the Intergovernmental Session (Nairobi, 12-14 June 1994) and related documents;
- Agreement proposal, third revision (as of November 1994)

Annex 3.11

MINISTERE
DES
AFFAIRES ETRANGERES
DIRECTION GENERALE DES AFFAIRES
EUROPEENNES ET ECONOMIQUES

DIRECTION DES AFFAIRES
ECONOMIQUES ET FINANCIERES

*Sous-Direction de l'Environnement
et des Coopérations Sectorielles*

Responsable du dossier : *Christiane AVELINE*

☎ : 43 17 44 84

Fax : 43 17 50 85

N° 900 DE/ECS/SB

cc FVMA
REPUBLIQUE FRANCAISE

Paris, le 4 avril 1995

DATE RECEIVED: APR 10 1995
SEEN BY: HA
ACTION PENDING? yes no
FILE:
COPY:

Monsieur le Secrétaire Général,

Le nouveau projet d'accord sur les oiseaux migrateurs d'Afrique-Eurasie que vous m'avez fait parvenir a fait l'objet d'un examen approfondi par les autorités françaises.

Ce texte a pris en compte un grand nombre d'observations que la France avait faites précédemment et je vous en remercie vivement.

Toutefois il est apparu nécessaire d'apporter d'autres commentaires d'ordre technique et de nature formelle et juridique.

Je vous serais reconnaissant de bien vouloir m'indiquer si l'ensemble des observations qui vous auront été transmises fera l'objet d'un document de synthèse, et si le texte de l'accord qui nous a été soumis est susceptible de donner lieu à une autre version avant le mois de juin.

Je vous prie de croire, Monsieur le Secrétaire Général, à l'assurance de ma considération distinguée./.

R. Grasset
Frédéric GRASSET

Monsieur le Secrétaire Général
de la Convention de Bonn
Mallwitzstrasse 1-3
D - 53177 BONN

Annex 3.12

Final Act
of the Negotiation Meeting
to adopt the
Agreement on the Conservation of
African-Eurasian Migratory Waterbirds

The representatives of Range State Governments and one regional economic integration organization met in the Ministry of Foreign Affairs at The Hague, the Netherlands, from 12 to 16 June 1995 for the purpose of negotiating and adopting an Agreement on the Conservation of African-Eurasian Migratory Waterbirds, an AGREEMENT pursuant to Article IV, paragraph 3, of the Convention on the Conservation of Migratory Species of Wild Animals (CMS).

The Meeting was convened by the UNEP/CMS Secretariat, in its capacity as the Secretariat of the Convention, in collaboration with the Government of the Kingdom of the Netherlands. The following sixty-four Range States and one regional economic integration organization were represented:

Angola, Armenia, Austria, Belgium, Benin, Bulgaria, Burundi, Cameroon, Central African Republic, Chad, Croatia, Czech Republic, Denmark, Egypt, Equatorial Guinea, Estonia, Ethiopia, European Community, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Hungary, Ireland, Islamic Republic of Iran, Jordan, Kenya, Luxembourg, the Former Yugoslav Republic of Macedonia, Malawi, Mauritania, Republic of Moldova, Morocco, Mozambique, Namibia, Netherlands, Norway, Poland, Portugal, Romania, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Slovakia, South Africa, Spain, Sudan, Swaziland, Sweden, Switzerland, United Republic of Tanzania, Togo, Tunisia, Uganda, Ukraine, United Kingdom, Uzbekistan, Zambia, Zimbabwe.

The Governments of India and Pakistan attended the Meeting as observers.

Representatives of the following United Nations bodies, intergovernmental and non-governmental organizations also attended the Meeting as observers:

United Nations Environment Programme (UNEP), Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention), Convention on Wetlands of International Importance, especially as Waterfowl Habitat (Ramsar Convention), Program for the Conservation of Arctic Flora and Fauna (CAFF), BirdLife International, Conseil International de la Chasse et de la Conservation du Gibier (CIC), European Nature Heritage Fund (EURONATUR), Fédération des Associations de Chasseurs de l'Union Européenne (FACE), Fondation Tour du Valat, International Waterfowl and Wetlands Research Bureau (IWRB), International Union for Conservation of Nature and Natural Resources (IUCN), Wildfowl and Wetlands Trust.

Annex 3.13

Ministerie van
Landbouw, Natuurbeheer en Visserij

Directie Natuurbeheer

Kopie
PS2.

Fédération des Associations de
Chasseurs de l'UE
Le Président Me Pierre Daillant
Rue F. Pelletier
82 - B-1030 BRUXELLES
FRANCE



landbouw, natuurbeheer
en visserij

uw brief van
28-2-1996

uw kenmerk

ons kenmerk
N 96-2396/ps2

datum
15 mai 1996

onderwerp
chasse

doorziesnummer
070-3792370

bijlagen

Monsieur le Président,

Vous exprimez dans votre lettre l'inquiétude suscitée par ma décision d'interdire la chasse de certaines espèces de gibier migrateur, en me demandant de bien vouloir reconsidérer le texte concerné. Ma décision vous a en outre poussé à émettre quelque doute quant au bon fonctionnement du secrétariat de l'AEWA à La Haye.

J'ai donc l'honneur de vous faire part de ce qui suit.

Se n'est qu'après avoir établi que la société néerlandaise n'était plus suffisamment la chasse de certains oiseaux d'eau que j'ai décidé de limiter la chasse des espèces de gibier migrateur concernées. Cette décision ne signifie nullement que les ressources naturelles en tant que telles ne seront plus exploitées. Certaines espèces continueront d'être chassées - dans le but de les mettre à profit - pour autant toutefois qu'il soit question d'utilisation rationnelle (wise-use).

Vous évoquez dans votre lettre les tensions qu'une telle décision risque d'entraîner, le secrétariat de l'AEWA étant établi aux Pays-Bas. Votre inquiétude me semble cependant peu fondée. Cet accord vise en effet la sauvegarde des régions importantes pour la conservation des oiseaux d'eau, ainsi que pour le respect des principes d'une "utilisation rationnelle" dans l'usage éventuel de ces populations. Ma décision d'interdire la chasse d'un certain nombre d'espèces d'oiseaux migrateurs ne s'adresse qu'à mon pays et ne modifie en rien les principes énoncés dans l'Accord sur la conservation des oiseaux d'eau, auquel les Pays-Bas ont souscrit. Je n'ai nullement l'intention d'inciter les autres signataires à prendre des mesures similaires. Je ne vois donc pas comment ma décision pourrait faire obstacle à la réalisation des objectifs de cet accord.

Ministerie van Landbouw,
Natuurbeheer en Visserij
Directie Natuurbeheer
Bezuidenhoutseweg 73
Postadres:
Postbus 20401
2500 EK 's-Gravenhage
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Telex: 32040 Lavinl

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N 96-2398/ps2

15 mai 1996

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Dans l'espoir de vous avoir rassuré, je vous prie d'agréer, Monsieur le Président,
l'assurance de mes sentiments distingués.

LE MINISTRE DE L'AGRICULTURE,
DE LA NATURE ET DE LA PÊCHE,

J.J. van Aartsen

Annex 3.14



Convention on the Conservation of Migratory Species of Wild Animals (CMS)

Secretariat provided by the United Nations Environment Programme (UNEP)

1. ^{18/10} ~~Rehno~~
2. Gerard B | Bert

14 October 1998

Your Excellency,

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ek

On behalf of the Executive Director of the United Nations Environment Programme, which provides the Secretariat of the *Convention on the Conservation of Migratory Species of Wild Animals (CMS)*, I have the pleasure to inform you that the sixth meeting of the Conference of the Parties will be held in Cape Town, South Africa, from Wednesday, 10 November 1999, to Tuesday, 16 November 1999. The conference, which is being hosted by the Government of South Africa, will be preceded by meetings of the Scientific Council (4-6 November) and the Standing Committee (9 November). A full-day symposium on the theme of animal migration is planned for Sunday, 14 November 1999.

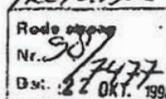
The Governments of South Africa and the Netherlands and the UNEP/CMS Secretariat are working together with a view to organizing the first session of the Meeting of the Parties to the *Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)* at the same venue, from 7 to 9 November 1999, subject to the Agreement having entered into force by then. This being the case, a joint opening ceremony for both meetings is planned for the evening of 6 November 1999.

Enclosed herewith is a copy of the provisional conference agenda (UNEP/CMS/Conf.6.1), which is subject to review by the CMS Standing Committee at its next meeting, in January 1999.

In accordance with the provisions of Article VII, paragraph 8, of the Convention, the United Nations, its Specialised Agencies, the International Atomic Energy Agency, any State not a party to the Convention, and the relevant body designated by the Parties to each CMS Agreement, are invited to be represented at the meeting as observers.

In accordance with paragraph 9 of the same Article, any agency or body in the following categories technically qualified in the protection, conservation, and management of migratory species, which has informed the Secretariat of its desire to be represented at the meeting by observers, will be admitted unless at least one-third of the Parties present object:

H.E. Mr. J. van Aartsen
Minister of Agriculture, Nature Management and Fisheries
P.O. Box 20061
NL-2500 EK Den Haag
NETHERLANDS



afgeleverd ter beh. Kabinet
Verzorgd door: aan CN



Annex 3.14 (page 2)

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- (a) international agencies or bodies, either governmental or non-governmental, and national governmental agencies or bodies; and
- (b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located.

It should be noted that the fifth meeting of the Conference of the Parties, held in Geneva in 1997, decided to fix the standard participation fee for all non-governmental organisations at USD 100 in order to partially defray the cost of producing and distributing documentation, and urged such organisations to make a greater contribution if possible.

The Secretariat would appreciate receiving notice of your intention to participate no later than 28 February 1999. Enclosed please find a pre-registration form for this purpose. Further documentation will be sent to all Parties as soon as it is available and to observers on receipt of the completed pre-registration form accompanied by relevant governmental approval where applicable, as well as the participation fee.

Parties are requested to pay particular attention to the credentials of their representatives. Delegations to the sixth meeting of the Conference of the Parties may adopt amendments to Appendices I and II of the Convention, which are binding on the Parties, and will adopt resolutions and recommendations on substantive topics, including financial matters. Therefore, delegations should be granted powers by an appropriate authority, such as the Head of State or Government or the Minister of Foreign Affairs, enabling them to represent their Governments fully in all these matters.

Parties may, in accordance with Articles X and XI, make proposals for amendments to the Convention and its Appendices. Any such proposals must reach the Secretariat by 13 June 1999. Other reports and information under the Convention, particularly reports under Article VI, paragraph 3, on measures being taken by Parties that are Range States for species listed in the Appendices, should reach the Secretariat by 10 May 1999 and should be accompanied by a short summary either in English, French or Spanish for translation into the other two languages.

Participants are invited to submit to the Secretariat before the commencement of the meeting opening statements for circulation under provisional agenda item 8 and inclusion in the report of the meeting; however, there will be no oral presentation of opening statements during the meeting.

Finally, let me take this opportunity to remind you that 1999 will be an important year for the Convention on Migratory Species, with the celebration of the 20th anniversary of its adoption and signing in Bonn. A working group established under the Standing Committee and the Secretariat are working on the development of proposals for activities which could be undertaken in relation to this event by governmental, scientific and non-governmental organizations. I should like to invite you now to submit any proposals of your own and to contact the Secretariat or the respective regional Standing Committee representative to offer your assistance in bringing these ideas to fruition.

Accept, Your Excellency, the assurance of my highest consideration.



Arnulf Müller-Helmbrecht
Executive Secretary

