



6th SESSION OF THE MEETING OF THE PARTIES

9-14 November 2015, Bonn, Germany

“Making flyway conservation happen”

DRAFT RESOLUTION 6.7

**ADOPTION OF GUIDANCE AND DEFINITIONS IN THE CONTEXT OF
IMPLEMENTATION OF THE AEWA ACTION PLAN**

Recalling Resolution 4.3 which requested the Technical Committee, amongst other things, to advise on a more adequate implementation of the AEWA Action Plan’s population approach in the national legislation, particularly with regard to a ban on hunting and trade,

Further recalling Resolution 4.3 which requested the Technical Committee also to provide guidance on a species-by-species basis to the Parties on how to deal with look-alike species with regard to hunting,

Noting the Guidance on Dealing with Accidental Shooting of Look-alike Species in Western Palearctic presented in document AEWA/MOP Inf. 6.1, and *further noting* the need for additional work on developing and extending the geographical scope of this guidance,

Recalling Resolution 5.24 which requested the Technical Committee, amongst other things, to propose definitions of the terms “*disturbance*” and the “*significant*” nature of any disturbance that may negatively affect the conservation of waterbirds, at the individual and population levels, in the context of applying the AEWA Action Plan,

Thanking the Technical Committee for its work over the past triennium to deliver on the requests of the Meeting of the Parties.

The Meeting of the Parties:

1. *Adopts the Guidance on Measures in National Legislation for Different Populations of the Same Species, Particularly with Respect to Hunting and Trade* as presented in document AEWA/MOP6.34;
2. *Urges* Parties to implement this guidance as a matter of priority and review the need for potential adjustments of their national legislation, and other relevant actions to reduce the risk of accidental shooting of protected waterbirds, after each MOP in accordance with this guidance;
3. *Adopts* the definitions of “*disturbance*”, “*deliberate*” disturbance, “*significant*” disturbance and “*serious*” disturbance in the context of the implementation of the AEWA Action Plan as presented in Appendix I to this Resolution;
4. *Requests* the Technical Committee to further work on the *Guidance on Dealing with Accidental Shooting of Look-alike Species in Western Palearctic* and present a revised and extended version for consideration by MOP7.

APPENDIX I

Definitions of “disturbance”

This guidance relates to definitions of disturbance. The issue of what the appropriate response to disturbance should be is a separate one.

Background: disturbance within the context of AEWA’s Action Plan

“2. Species Conservation

2.1 Legal measures

“2.1.1 Parties with populations listed in Column A of Table 1 shall provide protection to those populations listed in accordance with Article III, paragraph 2(a), of this Agreement. Such Parties shall in particular and subject to paragraph 2.1.3 below:

- (a) prohibit the taking of birds and eggs of those populations occurring in their territory;
- (b) prohibit deliberate disturbance in so far as such disturbance would be significant for the conservation of the population concerned; and

...

“2.1.2 Parties with populations listed in Table 1 shall regulate the taking of birds and eggs of all populations listed in Column B of Table 1. The object of such legal measures shall be to maintain or contribute to the restoration of those populations to a favourable conservation status and to ensure, on the basis of the best available knowledge of population dynamics...,

- (a) prohibit the taking of birds belonging to the populations concerned during their various stages of reproduction and rearing and during their return to their breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned;
- (b) regulate the modes of taking, and in particular prohibit the use of all indiscriminate means of taking and the use of all means capable of causing mass destructions, as well as local disappearance of, or serious disturbance to, populations of a species, including:

...

“4.3.6 In cases where human disturbance threatens the conservation status of waterbird populations listed in Table 1, Parties should endeavour to take measures to limit the level of threat. Special attention should be given to the problem of human disturbance at breeding colonies of colonially-nesting waterbirds, especially when they are situated in the areas which are popular for outdoor recreation. Appropriate measures might include, *inter alia*, the establishment of disturbance-free zones in protected areas where public access is not permitted.

“5.6 Parties shall endeavour to undertake studies on the effects of wetland loss and degradation and disturbance on the carrying capacity of wetlands used by the populations listed in Table 1 and on the migration patterns of such populations.”

Issues arising from the use of these terms

2.1.1. b refers to “deliberate disturbance” which is a subset of all types of disturbance.

2.1.2. b uses the additional term “serious disturbance”.

4.3.6 is essentially about management planning. There is much guidance on this topic e.g. Spray et al. 2004; Chatterjee et al. 2008; Ramsar Convention Secretariat 2010.

1. Definition of “disturbance”

In the context of the implementation of AEWA’s Action Plan, the following widely accepted definition drawn from Fox & Madsen (1997) should be used:

“Any human-induced activity that constitutes a stimulus (equivalent to a predation threat) sufficient to disrupt normal activities and/or distribution of waterbirds relative to the situation in the absence of that activity.”

Additional guidance as to the interpretation of “disturbance” in the context of AEWA’s Action Plan

a. “Where the intensity of disturbance results in an under-exploitation of resources otherwise available to waterbirds under undisturbed conditions, such a process can be seen to equate to net (albeit potentially only temporarily) habitat loss.” (Fox & Madsen 1997)

b. Disturbance effects (i.e. changes in the local behaviour, distribution and abundance of birds in response to human activity) are not the same as disturbance impacts (i.e. modifications to population dynamics through changes in breeding success and/or mortality). Typically, the latter is rarely possible to assess in contrast to the former. The definition relates to effects which may or may not comprise impacts on the birds concerned.

c. “Disturbance varies in its magnitude, frequency, predictability, spatial distribution and duration. Moreover, species (and individuals within species) vary greatly in their susceptibility to disturbance and this susceptibility is likely to vary with age, season, weather and the degree of previous exposure (habituation)” (Cayford 1993). This means disturbance cannot always be detected, or thresholds in the ability to detect it may vary through the annual cycle of a waterbird.

d. Further, the species that are least susceptible to disturbance may be those that are most sensitive. If a species flushes at great distances and appears sensitive to disturbance, it may be because they have the ability to move between many sources of food, water, refuge, or other limiting resource. In contrast, the reason others may appear insensitive may be because they have nowhere else to go. This gradient can apply across the spectrum of responses as well, from ceasing to feed, to abandoning sites (Gill *et al.* 2001). Note also that frequent, predictable stimuli can also lead to habituation – adding further complexity.

e. Whilst disturbance is defined as being a response to human-induced activity, the consequences of human disturbance may be additional to the disturbing effects of predation or other negative impacts on populations (Ydenberg *et al.* 2004; Goss-Custard *et al.* 2006).

f. Whether disturbance effects ultimately impact on population size depends not only on whether these affect survival and/or reproductive success, but also whether density-dependent processes operate within the population. This will determine whether the population will ‘compensate’ for losses through better survival and/or reproduction of remaining birds (Gill *et al.* 2001). In most cases other than for highly studied populations, this will not be possible to determine directly.

g. The wording ‘human-induced’ is intended to cover those circumstances where the direct or indirect consequences of human activity may cause damaging disturbance. Examples might be the failure to keep dogs under control near colonies of breeding terns, or overflights of flamingo colonies by hot-air balloons causing nesting failure.

2. Definition of “deliberate” [in the context of “prohibit deliberate disturbance in so far as such disturbance...”]

In the context of the implementation of AEWA’s Action Plan, the following definition, proposed by the European Commission (European Commission 2007) in the context of the interpretation of the same term in the Habitats Directive (92/43/EEC), should be used:

“Deliberate actions are to be understood as actions by a person who knows, in the light of the relevant legislation that applies to the species involved, and general information delivered to the public, that their actions will most likely lead to an offence against a species, but intends this offence or, if not, consciously accepts the foreseeable results of their actions”.

Additional guidance as to the interpretation of “deliberate disturbance” in the context of AEWA’s Action Plan

a. The definition of ‘deliberate’ proposed includes those actions which, although disturbance to waterbirds is not their primary motivation, it would be the probable consequence of the action or human behaviour concerned. Thus, for example, it is not the purpose of kite surfing or other recreation activities such as jet-skiing on the coast to disturb waterbirds, but this will be the consequence of using such equipment within a breeding seabird colony and indeed could readily be avoided.

3. Definition of “significant” [in the context of whether “such disturbance would be significant for the conservation of the population concerned”]

In the context of the implementation of AEWA’s Action Plan the following definition should be used:

“Disturbance should be judged as significant if an action (alone or in combination with other effects) impacts on waterbirds in such a way as to be likely to cause impacts on populations of a species through either

- (i) changed local distribution on a continuing basis; and/or
- (ii) changed local abundance on a sustained basis; and/or
- (iii) the reduction of ability of any significant group of birds to survive, breed, or rear their young.”

Additional guidance as to the interpretation of “significant” in the context of AEWA’s Action Plan

a. There are three elements. The first is that significant disturbance may be likely to have an impact on the waterbirds by resulting in changed distribution on a persistent basis. Secondly, it may reduce numbers in a locality on a continuing basis. Thirdly, it may have adverse ecological impacts on the birds involved through changes to mortality or productivity. For significant disturbance to occur, any one of these three conditions must be met.

b. Reference to ‘species’ throughout this guidance also includes the units of sub-species and populations as specified in Table 1 of the AEWA Action Plan.

c. Significant disturbance does not necessarily directly affect the physical integrity of a species but can nevertheless have an indirect negative impact on the species. The intensity, duration and frequency of repetition of disturbances are important parameters in assessments. Different species will have different sensitivities or reactions to the same type of disturbance, which needs to be taken into account assessing significance. Factors causing significant disturbance for one species might not create disturbance for another (or disturbance that is insignificant i.e. temporary in its effects). Also, the sensitivity of a single species might be different depending on the season or on certain

periods in its life cycle (e.g. breeding period). A species-by-species approach is needed to determine in detail the meaning of “significant disturbance”.

d. Reflecting Article II.2 of the Agreement, which states that in implementing measures under the Agreement, “Parties should take account of the precautionary principle”, thresholds of ‘significance’ should take account of the biological status of a species either locally or globally. Thus, where feasible, they should be more precautionary for species with unfavourable or threatened conservation status recognising the practical problems in situations with multiple species present. Typically, in these and other situations, management of disturbance at wetlands should take place within a management planning context (see Ramsar Convention Secretariat 2010).

e. Conceptually, the definition of significant disturbance can be thought of as follows:

Type of response:	Disturbance	Significant disturbance
Consequences:	Effect	Impact
Description Distribution	Temporarily changed distribution	Long-term or continuing change distribution including exclusion from sites or habitats that would otherwise be used
Abundance	Temporary reduction in numbers at a location	Long-term or permanent reduction in numbers at a location
Mortality	No change to mortality	Noting that it is not always possible to assess, enhanced mortality as a result of exclusion from favoured habitats or other ‘fitness’ consequences
Productivity	No change to productivity	Noting that it is not always possible to assess, reduced productivity as a result of failure to nest, direct or indirect nest losses, or other factors

4. Definition of “serious” [in the context of “serious disturbance to”]

In the context of the implementation of AEWA’s Action Plan the following definition should be used:

“Serious disturbance should be interpreted as meaning disturbance which is defined as being significant (as defined) in its outcome.”

5. References

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