

9th MEETING OF THE STANDING COMMITTEE

18 – 19 September 2013, Trondheim, Norway

IMPLEMENTATION REVIEW PROCESS – UPDATE SINCE MOP5

Compiled by the UNEP/AEWA Secretariat

Introduction

With Resolution 4.6, the Meeting of the Parties established a specific procedure to assist Contracting Parties with the implementation of the Agreement; the *Implementation Review Process (IRP)* and decided that this procedure will be undertaken by the Standing Committee.

The IRP entitles the AEWA Standing Committee (StC) to address incidents of adverse or potential adverse effects on migratory waterbirds or on their sites and habitats as a result of human activities. Upon receiving information on such incidents, the Standing Committee shall contact the Contracting Party concerned and assess the impact on migratory waterbirds, also through on-the-spot missions, and recommend measures for preventing or mitigating the impact.

After receiving recommendations from the Standing Committee for preventing or mitigating the respective impact on waterbirds, or on their sites and habitats, the Party concerned shall ensure that any measures undertaken regarding the activity, site or habitat concerned, are in accordance with its obligations under the Agreement and based on the precautionary principle. The Party concerned shall inform the Standing Committee as to the above measures at the earliest opportunity.

MOP4 also instructed the Standing Committee to prepare and submit a report to each ordinary session of the Meeting of the Parties, on its operations in the framework of the IRP. The Secretariat was instructed to support the Standing Committee, resources permitting, in performing IRP activities.

At its 9th Meeting (20-23 April 2009), the AEWA Technical Committee discussed and agreed on its role in supporting the Standing Committee with regard to performing the IRP activities. After the meeting, the TC prepared and endorsed, by correspondence, an information sheet on possible IRP cases in order to allow various stakeholders to submit information to the Standing Committee on cases, which, in their opinion, represent threats to waterbirds and require an IRP procedure. This information sheet is available on the AEWA website¹.

Update on the Implementation Review Process to the 9th Meeting of the AEWA Standing Committee

This updated report summarises the three on-going cases opened in the period 2009-2012 and the developments since the Standing Committee IRP report to MOP5. The currently opened cases are the following:

- Syrian Arab Republic: Illegal hunting of the critically endangered Sociable Lapwing (*Vanellus gregarius*)
- Montenegro: Drainage of the salina of Ulcinj for tourism development
- Bulgaria: Windfarming project adjacent to Lake Durankulak putting at risk the globally threatened Red-breasted Goose (*Branta ruficollis*)

¹ <http://www.unep-aewa.org/activities/irp/index.htm>

This report was compiled by the Secretariat on the basis of the Standing Committee IRP report to MOP5 adding updates on the developments of each case.

Action requested from the Standing Committee

The Standing Committee is invited to take note of the progress of each case and provide guidance to the Secretariat, as appropriate.

On-going Implementation Review Process (IRP) cases

IRP Case Number: 1	Status: Ongoing (pending reports from the Government)	
Party: Syrian Arab Republic	Year opened: 2009	Year closed: n/a
Issue: Illegal hunting of the critically endangered Sociable Lapwing (<i>Vanellus gregarius</i>)		
<p>Official correspondence:</p> <p>1 October 2009 – letter from the AEWA Executive Secretary, Mr. Bert Lenten on behalf of the AEWA Standing Committee to H.E. Kawkab Dayeh, Minister of State for Environment Affairs (<i>introducing the issue, requesting official information, informing about the StC decision to open a case, offering an on-the-spot assessment mission</i>);</p> <p>15 December 2009 – letter from H.E. Kawkab Dayeh, Minister of State for Environment Affairs to the AEWA Executive Secretary, Mr. Bert Lenten (<i>welcoming the offer for a mission</i>);</p> <p>28 December 2009 - letter from the AEWA Executive Secretary, Mr. Bert Lenten to H.E. Kawkab Dayeh, Minister of State for Environment Affairs (<i>confirming the mission and forwarding the mission's Terms of Reference</i>);</p> <p>14 April 2010 - letter from the AEWA Executive Secretary, Mr. Bert Lenten to H.E. Kawkab Dayeh, Minister of State for Environment Affairs (<i>submitting the draft mission report and inviting comments</i>);</p> <p>3 August 2010 – letter from the Chair of the AEWA Standing Committee, Mr. Øystein Størkersen to H.E. Kawkab Dayeh, Minister of State for Environment Affairs (<i>forwarding the mission report and its recommendations, requesting submission of progress reports twice a year</i>);</p> <p>22 February 2012 - letter from the Chair of the AEWA Standing Committee, Mr. Øystein Størkersen to H.E. Kawkab Dayeh, Minister of State for Environment Affairs (<i>reminder of pending progress reports</i>).</p>		
On-the-spot assessment mission(s): 23 February – 1 March 2010, funding provided by the Government of Germany		
Mission report(s): 24 May 2010: http://www.unep-awea.org/activities/irp/reports/final_awea_syria_irp_report.pdf		
Party report(s): Pending six progress reports		

Case trigger

At the end of August 2009 the AEWA Secretariat received a Possible IRP Case Information Sheet from the BirdLife International Middle East Secretariat. The issue concerned high risk of hunting to the critically endangered Sociable Lapwing (*Vanellus gregarius*) in Syria. Since the discovery in 2007 of large concentrations of Sociable Lapwing staging in northern Syria during migration, several hunting incidents have been reported, where the exact magnitude of impact is unknown

The reports indicated massive hunting with at least 150 birds killed at one site in the spring of 2009.

Consultations

The Secretariat uploaded the received information sheet on the Technical Committee (TC) Workspace and requested for the advice of the TC, to be forwarded to the Standing Committee (StC). The TC advised to open an IRP case. Following this advice, and on the basis of its own assessment of the information provided, the StC decided to open a case at the end of September 2009.

Actions

On 1 October 2009, the AEWa Executive Secretary, Mr. Bert Lenten sent a letter on behalf of the StC to H.E. Kawkab Dayeh, the Syrian Minister of State for Environment Affairs, introducing the issue, informing about the StC decision to open a case and offering an on-the-spot assessment mission. The Minister responded on 15 December 2009, accepting the mission. In consultation with the TC, the Secretariat drafted Terms of Reference for the mission, which were finalised and agreed upon between the Secretariat and the Ministry of State for Environment. On 28 December 2009, the AEWa Executive Secretary confirmed the mission, the agreed dates and Terms of Reference to the Minister.

The on-the-spot assessment mission took place from 23 February to 1 March 2010, with financial support provided by the Government of Germany. The international mission comprised the following people: Mr. Sergey Dereliev (UNEP/AEWa Secretariat), Mr. Sharif Jbour (BirdLife International, Middle East Secretariat), Mr. Tim Jones (consultant to the UNEP/AEWa Secretariat) and Mr. Robert Sheldon (Royal Society for the Protection of Birds/BirdLife UK). A detailed mission report with recommendations is available on the AEWa website at the link above. The draft mission report was sent to the Minister on 14 April 2010 by the AEWa Executive Secretary and comments were invited. The report was finalised on 24 May 2010.

At its 6th Meeting (16-17 June 2010), the StC reviewed the mission report and approved the recommendations made and that these should be forwarded to the Government of Syria. On 3 August 2010 the Chair of the AEWa Standing Committee, Mr. Øystein Størkensen sent a letter to the Minister of State for Environment Affairs forwarding the mission report and its recommendations as well as requesting submission of progress reports on the implementation of the recommendations twice a year after each migration period (May and December).

Follow up

Unofficial communications testified that activities to implement recommendations were taking place in Syria. However, it proved challenging for the Secretariat to obtain progress reports to be submitted to the StC. At its 7th Meeting (26-27 November 2011), the Standing Committee decided to send a reminder to the Minister of State for Environment Affairs and to request a consolidated report covering the past two years to be submitted in advance of MOP5.

On 22 February 2012, the Chair of the Standing Committee sent a letter to the Minister inviting the submission of a consolidated report by 13 April 2012.

Update since MOP5

Due to the complicated political situation in the Syrian Arab Republic, the Standing Committee and the Secretariat have not undertaken any further follow-up actions.

IRP Case Number: 2	Status: Ongoing (consultations by the Secretariat on the on-the-spot assessment mission)	
Party: Montenegro	Year opened: 2012	Year closed: n/a
Issue: Drainage of the salina of Ulcinj for tourism development		
<p>Official correspondence: 12 January 2012 – letter from the AEWA Acting Executive Secretary, Mr. Marco Barbieri and the CMS Officer in Charge, Mr. Bert Lenten to H.E. Predrag Sekulic, Minister of Sustainable Development and Tourism (<i>expressing concerns, requesting official information on the issue, introducing the option of an IRP case and on-the-spot assessment mission</i>);</p> <p>20 February 2012 – letter from H.E. Predrag Sekulic, Minister of Sustainable Development and Tourism to the AEWA Acting Executive Secretary, Mr. Marco Barbieri and the CMS Officer in Charge, Mr. Bert Lenten (<i>providing information and welcoming a mission</i>).</p> <p>18 July 2013 – letter from the Secretariat to Deputy Minister of Sustainable Development and Tourism, Ms. Ivana Vojinovic (<i>requesting official information on the latest progress</i>)</p>		
On-the-spot assessment mission(s): n/a		
Mission report(s): n/a		
Party report(s): n/a		

Case trigger

In late December 2011, the UNEP/AEWA and UNEP/CMS Secretariats received information from various sources about projects to drain the salina of Ulcinj in Montenegro for tourism development. The salina is the most important wetland for migratory waterbirds in Montenegro, as well as one of the most important sites along the eastern Adriatic coast. The site has no statutory designation, but has been recognised for its values and identified as an Important Bird Area (IBA), potential Ramsar site, Emerald site and Natura 2000 site as well as a Critical Site as part of the AEWA Critical Site Network. Some 55 breeding species have been recorded, as well as a high concentrations of waterbirds in winter and during migration. It is an important site for the globally threatened Dalmatian Pelican (*Pelecanus crispus*) and other Column A- listed species, such as the Collared Pratincole (*Glareola pratincola*), Kentish Plover (*Charadrius alexandrinus*) and Little Tern (*Sterna albifrons*).

Consultations

In consultation with the Chairs of the Standing and Technical Committees, the Secretariat prepared a joint letter with the UNEP/CMS Secretariat (also consulted with the Chairs of the CMS Standing Committee and Scientific Council). Upon the receipt of the response to the letter, the Standing Committee considered the issue and decided to open a case and send an on-the-spot assessment mission.

Actions

On 12 January 2012, the AEWA Acting Executive Secretary Mr. Marco Barbieri and the CMS Officer in Charge, Mr. Bert Lenten sent a letter to H.E. Predrag Sekulic, Minister of Sustainable Development and Tourism, expressing concern, requesting further information and introducing the IRP. Simultaneously, separate letters were also sent by the Ramsar and Bern Conventions Secretariats. The Minister responded to the joint AEWA-CMS letter on 20 February 2012, providing some additional information and welcoming an

IRP mission. The Secretariat commenced consultations for a possible joint mission with CMS as well as the Ramsar and Bern Convention Secretariats and started preparing a response to the Minister.

Update since MOP5

While the Secretariat was undertaking consultations for a possible joint mission with the CMS, Ramsar and Bern Convention Secretariats, information was circulated in the public domain that the imminent threat of drainage and infrastructure development of Ulcinj Salina had been contained by the Government. Before proceeding with the preparations for an IRP mission, the Secretariat requested official information on the undertaken activities and the achieved outcomes via the AEW National Focal Point (NFP). Unfortunately the NFP left the position in the Ministry of Sustainable Development and Tourism and no replacement was designated. The Secretariat communicated the request for official information to Deputy Minister Vojinovic by email on 16 April 2013 and reiterated the request with a letter on 18 July 2013. The Secretariat is waiting for a response from the Ministry.

IRP Case Number: 3	Status: Ongoing (response expected from the Government)	
Party: Bulgaria	Year opened: 2012	Year closed: n/a
Issue: Windfarming project adjacent to Lake Durankulak putting at risk the globally threatened Red-breasted Goose (<i>Branta ruficollis</i>)		
<p>Official correspondence:</p> <p>29 March 2012 – letter from the Chair of the AEWA Standing Committee, Mr. Øystein Størkersen to H.E. Nona Karadjova, Minister of Environment and Water (<i>expressing concerns, requesting official information on the issue, informing about the StC decision to open a case, offering an on-the-spot assessment mission</i>).</p> <p>08 May 2012 – letter from Ms. Evdokia Maneva, Deputy Minister of Environment and Water to the Secretariat (<i>requesting clarification about the exact windfarm project of concern</i>)</p> <p>29 May 2012 – letter from the Secretariat to Deputy Minister Maneva (<i>providing the requested clarification and a detailed map of the windfarming project location</i>)</p> <p>10 July 2012 – letter from Deputy Minister Maneva to the Secretariat (<i>information about the reversal of the approval procedure to the stage of EIA and requesting clarification on the duties of the Ministry in case of possible hosting of an IRP mission</i>)</p> <p>14 August 2012 – letter from the Secretariat to Deputy Minister Maneva (<i>requesting to be kept regularly posted on the progress of the EIA procedure and clarifying the duties of the Ministry when receiving an IRP mission</i>)</p> <p>31 October 2012 – letter from the Secretariat to Deputy Minister Maneva (<i>requesting update on the progress of the EIA and the overall approval procedure and feedback on the possible acceptance of an IRP mission</i>)</p> <p>07 December 2012 – letter from Deputy Minister Maneva to the Secretariat (<i>informing about an ongoing court appeal of the project developer against the reversal of the approval and declining the offer for an IRP mission until the appeal is decided by the court</i>)</p> <p>22 January 2013 – letter from the Secretariat to Deputy Minister Maneva (<i>inquiring about the possible options after the decision of the court to annul the reversal of the approval</i>)</p> <p>01 February 2013 – letter from Deputy Minister Maneva to the Secretariat (<i>informing about the intent to appeal the decision of the court</i>)</p> <p>19 July 2013 – letter from the AEWA Acting Executive Secretary, Marco Barbieri to H.E. Iskra Mihaylova-Koparova, Minister of Environment and Water (<i>inquiring about the next steps of the Ministry after the final affirmative decision of the court, the current state of development of the windfarming project and the possible acceptance of an IRP mission</i>)</p>		
On-the-spot assessment mission(s): n/a		
Mission report(s): n/a		
Party report(s): n/a		

Case trigger

At the end of February 2012, the AEWA Secretariat received a Possible IRP Case Information Sheet from the Bulgarian Society for the Protection of Birds (BirdLife Bulgaria). The issue concerned a new windfarming project adjacent to Lake Durankulak in Bulgaria aiming at the installation of 95 turbines. Lake Durankulak, together with the nearby-situated Lake Shabla, is located in a geographic region called Dobrudzha. Dobrudzha is known to host up to 90% of the population of the globally threatened Red-breasted Goose (*Branta ruficollis*), centered around lakes Durankulak and Shabla, as well high numbers of the Greater White-fronted Goose (*Anser albifrons*) as well as the Greylag Goose (*Anser anser*) and the globally threatened Lesser White-fronted Goose (*Anser erythropus*). This new project is particularly threatening and spatially overlaps with goose feeding areas while also creating a barrier between the lake as a roosting site and other potential feeding areas. Currently, there are 278 operational wind turbines in Dobrudzha, but the total number of planned installations is 3606.

Consultations

The Secretariat uploaded the information sheet received on the Technical Committee (TC) Workspace and requested for the advice of the TC to be forwarded to the Standing Committee (StC). The TC advised to open an IRP case. Following this advice and on the basis of its own assessment of the information provided, the StC decided to open a case at the end of March 2012.

Actions

On 29 March 2012, the Chair of the AEWA Standing Committee, Mr. Øystein Størkersen sent a letter to H.E. Nona Karadjova, Minister of Environment and Water expressing concerns, requesting official information on the issue, informing about the StC decision to open a case and offering an on-the-spot assessment mission. The letter was copied to the Ramsar and Bern Convention Secretariats.

Update since MOP5

After MOP5 there has been active correspondence between the Secretariat and the Ministry of Environment and Water with nine official letters exchanged.

With a letter dated 08 May 2012, the Deputy Minister of Environment and Water, Ms. Evdokia Maneva requested clarification on which exact windfarm project around Lake Durankulak had raised the concerns. The Secretariat responded on 29 May 2012 providing the exact title of the project and a detailed map with the location of the planned wind turbines.

On 10 July 2012 Deputy Minister Maneva informed the Secretariat that the decision of the Regional Inspectorate of Environment and Water in Varna (RIEW-Varna) approving the Environmental Impact Assessment of the windfarming project had been annulled by the Minister on 29 June 2012. In practice this entailed a reversal of the application procedure requiring further surveys and analysis to fill gaps in the EIA. The Deputy Minister also inquired about the duties of the Ministry related to the possible visit of an AEWA IRP mission. On 14 August 2012, the Secretariat provided the required clarification on the duties of the Ministry when accepting an IRP mission and requested to be kept regularly informed on the progress of the on-going EIA revision. In addition, the Secretariat inquired about the possible acceptance of an IRP mission.

A reminder was sent by the Secretariat on 31 October 2012, concerning the expected feedback regarding the acceptance of an IRP mission and the progress of the EIA revision and overall approval procedure of the windfarm project.

On 07 December 2012, Deputy Minister Maneva informed the Secretariat that the project developer had appealed against the annulment decision of the Minister and that until the Supreme Administrative Court (SAC) had decided on the case, the Ministry did not consider it appropriate to accept an IRP mission.

On 22 January 2013, the Secretariat received information of the decision of the three-member panel of the SAC from the 17 January 2013 ruling against the annulment and a letter to Deputy Minister Maneva was sent by the Secretariat on the same day inquiring about the next steps on their side. The Deputy Minister responded on 01 February 2013 that the Ministry would appeal before a five-member panel of the SAC and only after the final decision of the court would they decide on further actions.

On 17 May 2013 the Secretariat received further information about the final decision of the five-member panel of the SAC from the 09 May 2013 reconfirming the decision of the three-member panel. The timing of this event coincided with the extraordinary parliamentary elections in Bulgaria on 12 May 2013 and the new government cabinet took office at the end of May 2013.

On 18 July 2013, the AEWA Acting Executive Secretary, Marco Barbieri sent a letter to the newly appointed Minister of Environment and Water, H.E. Iskra Mihaylova-Koparova to inquire about the position of the Ministry with regard to the further steps following the final decision of the SAC, the current state of development of the windfarming project and reminding the Minister that the offer for an IRP mission is still valid. The Secretariat is waiting for a response from the Ministry.