



# ACCESSION GUIDELINES

How to Become a Contracting Party to the African-Eurasian Migratory Waterbird Agreement (AEWA)





Greater Flamingo (Phoenicopterus roseus)  
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## Why Protect Migratory Waterbirds?

- Migratory waterbirds constitute an important part of the global biological diversity which, in keeping with the spirit of the Convention on Biological Diversity, 1992 and Agenda 21, should be conserved for the benefit of present and future generations.
- Migratory waterbirds have environmental, ecological, genetic, scientific, aesthetic, recreational, cultural, educational, social and economic values.
- Migratory waterbirds naturally cross considerable distances, crossing many international borders during their regular journeys to the places where they winter or breed. On their long journeys, they depend on habitats serving as stopover sites in diverse countries and are exposed to various conditions and threats. Many waterbirds are extremely vulnerable to man-made disturbances, habitat degradation as well as to the effects of climate change. To minimize these threats all range states of a waterbird population need to work together.

## AEWA – a Tool for International Cooperation

As a Party to the multilateral Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA), your country will be able to contribute significantly to the conservation of migratory waterbirds and their habitats throughout their migratory range.

Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) are requested to develop special agreements for species with an unfavourable conservation status and which would benefit from international cooperation. AEWA is such an agreement that was concluded in 1995, and has been administered by the United Nations Environment Programme (UNEP) since then. It is a Multilateral Environmental Agreement with the aim of maintaining and restoring migratory waterbirds, ecologically dependent on wetlands for at least part of their annual life cycle, at a favourable conservation status.



All Range States in the African-Eurasian region are encouraged to become a Party to AEWA. While direct conservation measures are taken by CMS with respect to only very few endangered waterbird species, AEWA provides a much more tailored implementation tool with respect to 255 migratory waterbird species in the African-Eurasian region. Due to the wide and diverse geographical area it covers, AEWA has the largest number of Range States of all CMS Agreements and it is also the largest flyway conservation tool in the world. By full implementation of the provisions of the Agreement and its Action Plan, AEWA will contribute to the Aichi Biodiversity Targets of the Convention on Biological Diversity.

In force since 1 November 1999, the AEWA range covers 120 entities (119 states + the European Union) located in Africa and Europe as well as in parts of Asia and the Americas (Canada) and of which many have already become a Contracting Party to AEWA. These countries share information and bundle their efforts in the conservation of migratory waterbird species.

## Why Become a Contracting Party to AEWA – Benefits and Commitments

 Your country will participate in international policy decisions

Every state that signs the Agreement benefits from holding a full mandate in the Meeting of the Parties, the AEWA committees and related meetings. Contracting Parties find themselves in the front row of negotiations concerning all strategic, scientific or financial matters related to international migratory waterbird conservation, including the development and implementation of International Single Species Action Plans. As a Contracting Party, your country will support the conservation of migratory waterbirds at flyway scale in close cooperation with the other Parties.

 Your country will benefit from international expertise

After their accession, Parties to AEWA benefit from the exchange of mutually valuable research and information on the conservation and sustainable use of migratory birds. Contracting Parties

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obtain access to relevant technology, data and know-how and receive practical assistance with the conservation of migratory waterbird populations. The sharing of expertise and best implementation practices helps states to make progress in achieving their conservation goals.



Your country will commit to implement AEWA

The Agreement with its legally binding Action Plan offers a conceptual and legal framework, which serves as a basis for specific conservation measures at international, regional and national level. The AEWA Strategic Plan with its set of clear targets and indicators offers an even more structured and accountable approach to the implementation of the Agreement.

The accession to AEWA bears no serious risk of economic disadvantages. While the Agreement requires strict protection for endangered species and promotes conservation measures for all its Table 1 species, its flexible design allows the sustainable use (particularly hunting) and management of less endangered waterbirds. Furthermore, assistance with habitat conservation can attract new sources of income, e.g. through ecotourism.



Your country will commit to report back to AEWA

Alongside the implementation of policy guidelines and international/national projects, Contracting Parties are expected to provide regular national reports which document their progress in fields specified by the Agreement. Since 2012, the AEWA national reports have been submitted through an online tool, which facilitates reporting and the analysis of provided information.



Your country will commit to make an annual financial contribution

States are supposed to support the coordination done by the permanent Secretariat by providing annual contributions based on the UN Scale of Assessment with a minimum of Euro 2000/year. In addition, Contracting Parties are invited to allocate voluntary contributions to the implementation of AEWA.



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## How to Become a Party to AEWA

In principle, all Range States, or regional economic integration organizations, can become a Party by ratification, acceptance, approval or accession, the means by which a State establishes its consent to be bound by a treaty in international law (Vienna Convention on the Law of Treaties, 1969, Art. II 1. [b]).

Since the day of its entry into force on 1 November 1999, all non-signatory Range States can become Parties to the Agreement through accession (AEWA Art. XIII (3)). Accession is the act whereby a state undertakes to become a party to a treaty already negotiated and signed by other states, but which, after a certain date, has been closed for signature. It has the same legal effect as ratification: the depositing of the relevant instruments with the depositary, in the case of AEWA the Government of the Kingdom of the Netherlands, binds the State concerned under international law.

### Step 1. Preliminary consultations and documentation

In order to involve all government stakeholders at an early stage, an interministerial committee can be set up to ensure an efficient consultation process. In consultation with other ministries involved, (as for example the ministry of finance, agriculture etc.), the competent ministry/ authority for the implementation of the Agreement, usually the ministry of environment, may wish to prepare a document concerning the implications of accession to AEWA. The document should address, among other issues, the administrative and legislative framework necessary for implementing AEWA, the need for new laws, as well as a cost-benefit analysis of becoming a Party to AEWA. This document can be used as an informative basis for the decision regarding accession to AEWA.

### Step 2. The national decision-making process

Assuming that there is the political will to proceed, the lead ministry/authority then consults with the government authority responsible for drafting accession instruments for international agreements, normally a legal unit within the ministry of foreign affairs. This responsible authority





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identifies who at the national level should, as a rule, take a decision on or approve accession to the Agreement. The decision-making authority indicates the necessary documentation and decision-making processes that need to be completed before the instrument can be signed and deposited. In addition to obtaining the necessary approval within the administration of the head of State or head of government, or by parliamentary debate, such processes may include new legislation, a judicial review, or evaluation at different state levels.

A reservation is a formal declaration by a State, at the time it takes the action required to become a party to a treaty, announcing that it does not consider itself bound by some of the treaty's provisions (see Art. II (1) (d) of the Vienna Convention). A reservation may enable a State to participate in a multilateral treaty in which it would otherwise be unwilling or unable to participate. AEWA's provisions are not subject to general reservations; however, specific reservations may be entered on depositing the instrument of accession in respect of any species covered by the Agreement or any specific provision of the Action Plan (AEWA Art. XV). Such a reservation can be withdrawn at any time by notification in writing to the Depository.

### Step 3. Preparing and signing the instrument(s)

Following the completion of the domestic legislative procedures to approve the Agreement, where necessary, the government office responsible for doing so prepares the instrument of accession and any instruments of declaration (see AEWA website for sample instrument). In the practice of many countries, this responsibility lies with the ministry of foreign affairs. The instrument must be signed by the head of State, head of government or minister of foreign affairs. A person other than the head of State, head of government or minister of foreign affairs may sign a treaty only if that person possesses a valid instrument of full powers.

### Step 4. Depositing the instrument of accession

The instrument of accession to AEWA becomes effective only when it has been received by the Depository, the Government of the Kingdom of the Netherlands (AEWA Art. XVII). This is customarily done through the Ambassador of the relevant State to the Netherlands. Usually, the Ambassador (or Deputy) of the acceding country requests a meeting at the Ministry of Foreign



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Affairs of the Kingdom of the Netherlands and hands over the instrument of accession together with a note signed by him/herself. It is also possible to deposit the instrument of accession at the Embassy of the Kingdom of the Netherlands in the acceding country, or, if there is none in that country, at the Embassy closest to it.

The Agreement enters into force for the acceding country on the first day of the third month following the deposit.

Information for submission of instruments can be obtained from:  
The Ministry of Foreign Affairs of the Kingdom of the Netherlands  
Treaties Division  
Bezuidenhoutseweg 67  
2594 AC The Hague  
The Netherlands  
Tel.: +31 - 70 - 348 5521  
Fax: +31 - 70 - 348 6000  
E-mail: [connie-vander.wijngaard@minbuza.nl](mailto:connie-vander.wijngaard@minbuza.nl)

For sample instruments of accession please visit the AEWA website  
[www.unep-awea.org](http://www.unep-awea.org)

For more information please contact the UNEP/AEWA Secretariat:  
UNEP/AEWA Secretariat  
UN CAMPUS  
Platz der Vereinten Nationen 1  
53113 Bonn, Germany  
Tel.: +49 - 228 - 815 2413  
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[www.unep-awea.org](http://www.unep-awea.org)



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