

Chaos or coherence? - Implementing and enforcing the conservation of migratory species by different legal instruments

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SUMMARY

Due to their routes of migration through different states, i.e. the so-called “range states”, or through different jurisdictional zones in the sea, migratory species are in a particular need of protection by international co-operation. A number of different multilateral agreements are applicable to the conservation of migratory species.

The only multilateral agreement that explicitly refers to the management and conservation of migratory species is the Bonn Convention. Other conventions that explicitly refer to migrants are the Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (Fish Stocks Agreement) and regional conventions on a single migratory species e.g. the Inter-American Tropical Tuna Convention. Other agreements with a global scope that are applicable to migratory species without explicitly focusing on their conservation are the Convention on Biological Diversity, the Ramsar Convention and CITES. Additionally, in Europe the Bern Convention in some articles explicitly mentions migratory species and the Habitat and Birds Directives of the European Union also provide for some protection in a regional context.

If the scopes of the different agreements applicable to migratory species are compared it becomes apparent that many species are listed in more than two of the annexes on particularly endangered species. As a consequence, close co-operation between the different agreements is necessary to avoid a doubling of efforts and a waste of resources. The need for closer co-operation is already reflected by a variety of memoranda of understanding between the different secretariats but also with other international organisations and non-governmental organisations. To improve collaboration in the future

joint work programmes are recommended, since, in contrast to many memoranda of understanding that only state the general will to collaborate, such programmes can achieve a mutual reinforcement of efforts that enhances the effectiveness of conservation of migratory species.

Another element that is crucial for an effective conservation approach is the enforcement of conventions applicable to the conservation of migratory species. Such mechanisms have to be a focus of regulatory frameworks. Of the different mechanisms that are known in international environmental law, financial mechanisms are often considered a particularly viable means for compliance assistance. However, many of the agreements mentioned in the context of migratory species have no or only very limited financial means to provide for assistance.