

INTERNATIONAL ENVIRONMENTAL LAW

NATURE PROTECTION

THE DESTRUCTION OF NATURE

- Direct activities (hunting, collection)
- Indirect activities (habitat destruction and modification – development and pollution)
- Climate change and ozone layer depletion

3 CATEGORIES OF IEL:

- Treaties which are potentially applicable to all species and habitats on the planet
- Treaties that are applicable to all species and habitats within a particular region
- Treaties which are applicable at the regional or global level but which have as their objective the conservation of particular habitat or species types

REGULATORY TECHNIQUES

1. Establishment of protected areas
2. Prohibition and/or regulation on the taking of particular species
3. The establishment of seasons in which the taking of species is permitted
4. Prohibition and/or regulation of international trade
5. The establishment of quotas for the taking of species
6. Management of habitats and ecosystems
7. Prohibition of methods or means of taking
8. Prohibition on the introduction of new and alien species

1971 RAMSAR CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT

Aims:

- conservation and enhancement of wetlands

Obligations:

- designation of at least one suitable wetland within its territory for inclusion on the List of Wetlands of International Importance.
- the deletion or restriction of listed wetlands is permitted on the grounds of an „urgent national interest“ and must be compensated by establishing additional nature reserves
- to support reasonable use of all wetlands already in land-use planning and policy-making processes.

Tools:

- Wetland Conservation Fund
- List of Wetlands of International Importance

CONVENTION FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE PARIS 1972

Objectives:

- protection of natural and cultural heritage

Tools:

- World Heritage Committee
- World Heritage List of Sites
- List of World Heritage in Danger
- World Heritage Fund

Obligations:

- to cooperate, to protect and conserve
- not to take any deliberate measures which may damage the heritage at the territory of other parties

CASE LAW

Commonwealth v. Tasmania

- Hydroelectric power plant project (Franklin river - Tasmania)
- Federal government in opposition
- A special law on the world heritage protection was challenged at the High Court of Australia
- 1982 Franklin river area enclosed on the list of sites protected under UNESCO Convention

CONVENTION ON THE INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FLORA AND FAUNA WASHINGTON 1973

Aim: - to protect endangered species of animals and plants by regulating the trade in them

Specimen - any animal or plant whether alive or dead and any readily recognisable part or derivative thereof specified in Appendices in relation to the species

CONVENTION ON THE INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FLORA AND FAUNA WASHINGTON 1973

Appendix I species - all trade is prohibited (except under very limited circumstances)
- import and export permits for proposed trade in Appendix I specimens

Appendix II - specimens which are not necessarily threatened with extinction but may become so unless trade in specimens is subject to strict regulation
- commercial trade is allowed if it is not detrimental to the survival of that species and the specimen was not obtained in contravention of the law of the exporting state.
- no import permit is required, the importer must present an export permit

Appendix III - all species which any party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation.

CONVENTION ON THE PRESERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS (BERNE 1979)

3 objectives:

1. to conserve wild flora and fauna and their habitats,
2. to promote co-operation between states and
3. to give particular attention to endangered and vulnerable species

- Appendix I - strictly protected species of plants
Appendix II - strictly protected species of animals
Appendix III - species whose use must be regulated so that their population would not become threatened
Appendix IV - prohibited means of capture and killing

CONVENTION ON THE PRESERVATION OF EUROPEAN WILDLIFE AND NATURAL HABITATS (BERNE 1979)

Measures to implement the aims:

- Promote national policies for the protection of wild flora and fauna
- Prohibit deliberate killing and damaging of species listed in Ap. I. and II.
- Integrate conservation into national planning
- To promote education and disseminate information on the need to conserve species and their habitats etc.

CONVENTION ON CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS (BONN 1979)

Objective: - conservation and effective management of migratory species

Appendix I - endangered species (duty to conserve and restore habitats, to prevent or minimize adverse effects of activities which seriously impede the migration of species, to prevent factors that endanger or are likely to endanger the species)

Appendix II - migratory species which have an unfavourable conservation status (international agreements)

CONVENTION ON BIOLOGICAL DIVERSITY
RIO DE JANEIRO 1992

Objective:

- comprehensive preservation of biological diversity
- sustainable use of its components
- fair and equitable sharing of the benefits arising out of the utilisation of genetic resources including by
 - appropriate access to genetic resources
 - appropriate transfer of relevant technologies
 - appropriate funding



CONVENTION ON BIOLOGICAL DIVERSITY
RIO DE JANEIRO 1992

Obligations:

- to develop national strategies, plans and programmes for the conservation and sustainable use of biodiversity
- to establish a system of protected areas
- to promote habitat protection
- to regulate and manage risks associated with the use and release of living modified organism resulting from biotechnology

PROTOCOL ON BIOSAFETY (MONTREAL 2000)



REGIONAL TREATIES

- Alpine Convention (Salzburg 1991)
- European Landscape Convention (Florence 2001)
- Carpathian Convention (Kyjev 2003)


