

## Information Sheet 2F: Wildlife and the law - The national and international background to conservation designations

### International Conventions

**Bonn Convention:** The *Convention on the Conservation of Migratory Species of Wild Animals* (also known as the CMS or the Bonn Convention) aims to conserve terrestrial, marine and avian migratory species throughout their range. It is an inter-governmental treaty, concluded under the auspices of the United Nations Environment Programme, concerned with the conservation of wildlife and habitats on a global scale, especially those that are endangered. Since coming into force in 1983, the Convention's membership has grown steadily to include 87 (by November 2004) parties from Africa, Central and South America, Asia, Europe and Oceania.

CMS Parties commit to strive towards strictly protecting these animals, conserving or restoring the places where they live, mitigating obstacles to migration and controlling other factors that might endanger them. Besides establishing obligations for each State joining the Convention, CMS promotes concerted action among the Range States of many of these species.

**Bern Convention:** The 1979 *Bern Convention on the Conservation of European Wildlife and Natural Habitats* is in force in all European countries except Russia, Belarus and some Caucasian and former Yugoslavian countries. It was adopted on September 1979 in Bern (Switzerland) and came into force on 1 June 1982. It has 40 Contracting Parties including 35 member States of the Council of Europe as well as the European Union.

The aims of the Convention are "to conserve wild flora and fauna and their natural habitats, especially those species and habitats whose conservation requires the co-operation of several States, and to promote such co-operation. Particular emphasis is given to endangered and vulnerable species, including endangered and vulnerable migratory species." This legislation regulates the hunting, capture, killing and sale of many species and protects habitats, especially those that are important for migrating species.

**Convention on Biological Diversity:** In June 1992, the *Convention on Biological Diversity* was signed by 159 governments at the *Earth Summit*, which took place in Rio de Janeiro and is also known as the Rio Convention. It came into force on 29 December 1993 and it was the first treaty to provide a legal framework for biodiversity conservation. It called for the creation and enforcement of national strategies and action plans to conserve, protect and enhance biological diversity.

An historic set of agreements was signed at the Earth Summit, including two binding agreements, the *Convention on Climate Change*, which targets industrial and other emissions of greenhouse gases such as carbon dioxide, and the *Convention on Biological Diversity*, the first global agreement on the conservation and sustainable use of biological diversity (this is covered later in this Unit).

The Convention has three main goals:

- The conservation of biodiversity

- Sustainable use of the components of biodiversity, and
- Sharing the benefits arising from the commercial and other utilization of genetic resources in a fair and equitable way

The Convention recognizes, for the first time, that the conservation of biological diversity is "*a common concern of humankind*" and is an integral part of the development process. The agreement covers all ecosystems, species, and genetic resources. It links traditional conservation efforts to the economic goal of using biological resources sustainably. Importantly, the Convention is legally binding; countries that join it are obliged to implement its provisions. The Convention reminds decision-makers that natural resources are not infinite and sets out a new philosophy for the 21st century, that of sustainable use.

Although still in its infancy, the *Convention on Biological Diversity* is already making itself felt. The philosophy of sustainable development, the ecosystem approach, and the emphasis on building partnerships are all helping to shape global action on biodiversity. The Convention is being implemented in the UK under the UK Biodiversity Action Plan process.

Convention on Biological Diversity web site: [www.biodiv.org](http://www.biodiv.org)

## European Directives

**European Habitats Directive:** One of the major pieces of environmental legislation in the European Union is the *Habitats Directive* (93/43/EEC). This is an EC Directive that seeks to encourage the maintenance of biodiversity by establishing a '*favourable conservation status*' for specific natural habitat types and species considered to be of community-wide interest.

In 1992 the European Community adopted *Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora* (also known as the EC Habitats Directive). This is the means by which the Community meets its obligations as a signatory of the Bern Convention and maintains links to the Rio Earth Summit. The provisions of the Directive require Member States to introduce a range of measures including the protection of species listed in its Annexes; to undertake surveillance of habitats and species and produce a report every six years on the implementation of the Directive. The 189 habitats listed in Annex I of the Directive and the 788 species listed in Annex II, are to be protected by means of a network of sites. Each Member State is required to prepare and propose a national list of sites, which will be evaluated in order to form a European network of Sites of Community Importance (or SCIs). These will eventually be designated by Member States as *Special Areas of Conservation* (SACs), and along with *Special Protection Areas* (SPAs) classified under the EC Birds Directive, form a network of protected areas known as Natura 2000.

The Habitats Directive introduces for the first time for protected areas, the precautionary principle; specifically that projects can only be permitted to take place once it has been ascertained that no adverse effect on the integrity of the site will occur. Projects may still be permitted if there are no alternatives, and there are imperative reasons of overriding public interest. In such cases compensation measures will be necessary to ensure the overall integrity of network of sites. As a consequence of amendments to the Birds Directive these measures are to be applied to SPAs also. Member States shall also endeavour to encourage the management of features of the landscape to support the Natura 2000 network.

In the UK, the Directive has been transposed into national laws by means of the *Conservation (Natural Habitats, & c.) Regulations 1994 (as amended)*. These are known as the Habitats Regulations. Most proposed SACs are underpinned by nationally important wildlife designations and notified as Sites of Special Scientific Interest (SSSIs). The Joint Nature Conservation Committee (JNCC) advises bodies on the application of the Regulations with respect to the effect of proposed projects on Natura 2000 sites. By December 2003, 601 candidate sites had been submitted, incorporating 117 European features of interest and covering over 2.5 million hectares.

These major pieces of international legislation filter down through national legislation to local action by agencies responsible for enforcement, such as the Environment Agency, the Police, English Nature and Planning Authorities.

### **European protected species of animals found in the Meldon area:**

<b>Common name</b>	<b>Scientific name</b>
Bats, horseshoe (all species)	<i>Rhinolophidae</i>
Bats, typical (all species)	<i>Vespertilionidae</i>
Dormouse	<i>Muscardinus avellanarius</i>
Otter, common	<i>Lutra lutra</i>

## **UK Legal Framework**

**Wildlife and Countryside Act 1981:** The main legislation for wildlife and geological features in the UK is the Wildlife and Countryside Act 1981 which contains lists of protected species. The species are listed under Schedules: Schedule - 1 Birds, Schedule 5 - Animals and Schedule 8 - Plants. Other Schedules list, for instance, bird species that can be hunted at certain times of the year. Every few years the Act is amended to keep it up to date and so it is often referred to as the WCA (as amended).

See <http://www.naturenet.net/law/wca.html>

**Countryside and Rights of Way Act 2000:** In addition to opening up large areas of the country as 'open access' the legislation strengthened aspects of the Wildlife and Countryside Act, including increased protection for certain species including bats and also the protection of SSSIs from 3<sup>rd</sup> party damage.

**Other laws:** There are dozens of other laws which affect wildlife and you can find out more on the excellent Naturenet website:

<http://www.naturenet.net/index.html>.

**Biodiversity Action Plans (BAP):** The 1992 *Convention on Biological Diversity* is partly implemented in the UK through the BAP process, which although not a legal framework, does dictate national and local policy. The process has several stages from national to local:

**National: UKBAP:**

The UK government produced a series of Action Plans for threatened habitats and species.

UKBAP web site: <http://www.ukbap.org.uk/>

**Regional:**

National plans have been joined by a series of regional Action Plans aimed at providing a more local perspective, for instance:

South West BAP - [www.swbiodiversity.org.uk](http://www.swbiodiversity.org.uk).

**County: Devon BAP:**

The Devon Biodiversity Action Plan (BAP) describes the key actions needed to look after 37 of Devon's most important habitats and species by identifying local priorities and providing targets and plans of action for the County. It does not stand alone, but is part of a much wider process aimed at conserving our biodiversity.

Devon BAP web site: [http://www.devon.gov.uk/devon\\_biodiversity\\_action\\_plan](http://www.devon.gov.uk/devon_biodiversity_action_plan)

**Local: Dartmoor BAP:**

At the local level Action Plans have very specific and targeted actions.

Dartmoor BAP web site: <http://www.dartmoor-npa.gov.uk/au-baptoc>

Parish BAPS are available locally, including one for Okehampton Hamlets Parish.

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