## CONTENTS

*Foreword* page xiii  
*Preface* xv  
*List of abbreviations* xvii  

### PART I  Foundations of international wildlife law  1

1  The historical evolution of international wildlife law  3  
   1. Introduction  3  
   2. Early developments  3  
   3. The interwar period  6  
   4. The immediate postwar period  8  
   5. The age of environmental awareness  11  

2  Wildlife and the international legal system  24  
   1. Introduction  24  
   2. Sources of international law  26  
   3. The law of treaties  39  
   4. Key principles of international environmental law  48  

3  The philosophical foundations of international wildlife law  61  
   1. Introduction  61  
   2. The nature of value  62  
   3. The locus of value  68  
   4. The measure of value  78  
   5. Conclusions  90
### Table of Contents

#### 4 Implementation and enforcement of international wildlife law  
1. Introduction  
2. The constitutional law context for implementation  
3. National implementation  
4. Requirements of national implementation under wildlife agreements  
5. Reporting, monitoring and compliance review  
6. Facilitating implementation  
7. Conclusion  

#### PART II Species regulation  

#### 5 Fish  
1. Background  
2. Institutional framework  
3. General law of the sea framework  
4. Straddling and Highly Migratory Fish Stocks Agreement  
5. The role of regional fisheries management organisations or arrangements (RFMO/As)  
6. Conclusion  

#### 6 Cetaceans  
1. Background  
2. Objectives  
3. Scope of the Whaling Convention  
4. The International Whaling Commission  
5. Conservation and management  
6. Special permits for scientific research  
7. Small-type coastal whaling
8. Enforcement 178
9. Relationship with other international treaties and organisations 184
10. Concluding remarks 196

7 Birds 199
1. Background 199
2. Arrangements within the European region 200
3. Arrangements in other regions 212
4. Global conservation conventions 226
5. Conclusions 238

PART III Regional wildlife regulation 239

8 The Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere 241
1. Background 241
2. Objectives 242
3. Conservation of habitat 243
4. Conservation of species 248
5. International trade 251
6. Co-operation 252
7. Administration 258
8. Efforts to revise the Convention 258
9. Conclusion 260

9 The African Convention on the Conservation of Nature and Natural Resources 262
1. Background 262
2. Fundamental elements of the 2003 African Convention 267
3. Institutional arrangements 269
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Conservation measures</td>
<td>271</td>
</tr>
<tr>
<td>5</td>
<td>Participation arrangements</td>
<td>287</td>
</tr>
<tr>
<td>6</td>
<td>Ancillary measures</td>
<td>288</td>
</tr>
<tr>
<td>7</td>
<td>Mechanisms for implementation</td>
<td>291</td>
</tr>
<tr>
<td>8</td>
<td>Conclusion</td>
<td>294</td>
</tr>
<tr>
<td>10</td>
<td>The Convention on the Conservation of European Wildlife and Natural Habitats</td>
<td>297</td>
</tr>
<tr>
<td>1</td>
<td>Background</td>
<td>297</td>
</tr>
<tr>
<td>2</td>
<td>General conservation provisions</td>
<td>299</td>
</tr>
<tr>
<td>3</td>
<td>Species included in the Appendices</td>
<td>302</td>
</tr>
<tr>
<td>4</td>
<td>Conservation of listed species</td>
<td>305</td>
</tr>
<tr>
<td>5</td>
<td>Supplementary conservation provisions</td>
<td>320</td>
</tr>
<tr>
<td>6</td>
<td>The geographical and taxonomic scope of the Convention</td>
<td>323</td>
</tr>
<tr>
<td>7</td>
<td>Institutional arrangements</td>
<td>328</td>
</tr>
<tr>
<td>8</td>
<td>Implementation</td>
<td>333</td>
</tr>
<tr>
<td>9</td>
<td>Relationship with other agreements</td>
<td>342</td>
</tr>
<tr>
<td>10</td>
<td>Conclusions</td>
<td>344</td>
</tr>
<tr>
<td>11</td>
<td>Polar regions</td>
<td>346</td>
</tr>
<tr>
<td>1</td>
<td>Introduction</td>
<td>346</td>
</tr>
<tr>
<td>2</td>
<td>The Arctic region</td>
<td>348</td>
</tr>
<tr>
<td>3</td>
<td>The Antarctic Treaty System</td>
<td>356</td>
</tr>
<tr>
<td>4</td>
<td>Conclusions</td>
<td>374</td>
</tr>
<tr>
<td>12</td>
<td>Other regional and subregional arrangements</td>
<td>376</td>
</tr>
<tr>
<td>1</td>
<td>Introduction</td>
<td>376</td>
</tr>
<tr>
<td>2</td>
<td>The 1985 ASEAN Agreement</td>
<td>376</td>
</tr>
<tr>
<td>3</td>
<td>The 1976 Apia Convention</td>
<td>383</td>
</tr>
</tbody>
</table>
# Contents

4. Protected Area Protocols under the Regional Seas Programme 387

5. Conclusion 398

**Part IV Global wildlife regulation** 401

13 The Ramsar Convention on Wetlands 403

1. Background 403

2. Objectives 404

3. The List of Wetlands of International Importance 406

4. Substantive conservation obligations regarding wetlands 414

5. Institutional arrangements 428

6. Implementation arrangements 435

7. Relationship with other institutions and agreements 448

8. Conclusions 449

14 The World Heritage Convention 451

1. Background 451

2. Key elements of the Convention 454

3. The concept of natural heritage 464

4. Institutions 472

5. Implementation 473

6. Relationship with other agreements 478

7. Conclusion 481


1. Background 483

2. Administration 486

3. Definitions 490
<table>
<thead>
<tr>
<th></th>
<th>CONTENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.</td>
<td>Criteria for including species in or removing them from the Appendices 492</td>
</tr>
<tr>
<td>5.</td>
<td>Procedures for amending Appendix I and Appendix II 496</td>
</tr>
<tr>
<td>6.</td>
<td>Rules governing international trade in specimens of species listed in the Appendices 499</td>
</tr>
<tr>
<td>7.</td>
<td>Exemptions 509</td>
</tr>
<tr>
<td>8.</td>
<td>Ensuring compliance with treaty obligations 518</td>
</tr>
<tr>
<td>9.</td>
<td>National and regional enforcement 525</td>
</tr>
<tr>
<td>10.</td>
<td>Relationship with other international treaties 531</td>
</tr>
<tr>
<td>11.</td>
<td>Regional economic integration organisations 532</td>
</tr>
<tr>
<td>12.</td>
<td>Conclusion 533</td>
</tr>
<tr>
<td>16</td>
<td>The Convention on the Conservation of Migratory Species 535</td>
</tr>
<tr>
<td>1.</td>
<td>Background 535</td>
</tr>
<tr>
<td>2.</td>
<td>Objectives 536</td>
</tr>
<tr>
<td>3.</td>
<td>Definitions 538</td>
</tr>
<tr>
<td>4.</td>
<td>Conservation measures 542</td>
</tr>
<tr>
<td>5.</td>
<td>Institutional arrangements 564</td>
</tr>
<tr>
<td>6.</td>
<td>Implementation 570</td>
</tr>
<tr>
<td>7.</td>
<td>Relationship with other agreements 578</td>
</tr>
<tr>
<td>8.</td>
<td>Conclusions 582</td>
</tr>
<tr>
<td><strong>PART V</strong></td>
<td>Biological diversity: a new perspective on wildlife regulation 585</td>
</tr>
<tr>
<td>17</td>
<td>The Biodiversity Convention and Biosafety Protocol 587</td>
</tr>
<tr>
<td>1.</td>
<td>Background 587</td>
</tr>
<tr>
<td>2.</td>
<td>Negotiating a biodiversity convention 591</td>
</tr>
<tr>
<td>3.</td>
<td>Scope and objectives of the Convention 592</td>
</tr>
<tr>
<td>4.</td>
<td>Key provisions of the Convention 599</td>
</tr>
</tbody>
</table>
5. The Biosafety Protocol 611
6. Institutional arrangements 616
7. Implementation 618
8. Relationship with other agreements 624
9. Conclusion 626

18 Deserts, forests and mountains 630
1. Introduction 630
2. Deserts 631
3. Forests 636
4. Mountains 638
5. Conclusion 647

PART VI Cross-sectoral issues in wildlife regulation 649

19 Wildlife and trade 651
1. Introduction 651
2. The GATT/WTO 653
3. SPS and TBT Agreements 665
4. Committee on Trade and Environment 667
5. Relationship with other agreements 668
6. Conclusion 669

20 Wildlife and welfare 672
1. Introduction 672
2. General principles of law 673
3. Treaty provisions concerning wild-animal welfare 682
4. Animal welfare – the way ahead 698

21 Wildlife and pollution 700
1. Background 700
2. Climate change 701
3. Ozone layer depletion  706
4. Acid precipitation  707
5. Oil pollution  709
6. Chemicals, pesticides and heavy metals  711
7. Anthropogenic sources of noise  714
8. Conclusion  715

PART VII  Conclusion  717

22 Final reflections  719

Index  724