

International law as a driver for estuarine restoration

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This contribution aims to look at the role that law can play in getting restoration done 'on the ground'. It will focus on some of the most relevant legal obligations for estuarine restoration at the international and EU level. This includes obligations and targets under the Biodiversity Convention (including restoration under the Aichi targets) and the restoration obligations under the Ramsar Convention. At the EU level, this encompasses the requirement under the Water Framework Directive to obtain a good environmental status and the obligations to restore species and habitats at a favourable conservation status under the Birds and Habitats Directives, as well as the commitments from the EU Biodiversity Strategy and the Green Infrastructure policy.

Which approaches can we find in these instruments, are there any (binding) guidelines or standards in the legal instruments and are these obligations and targets effectively and timely implemented? As some estuarine restoration works are conducted under legally obliged compensation schemes for infrastructure works, the specific obligations for ecological compensation under the Habitats Directive will be discussed, as well as a recent judgment from the European Court of Justice (the so-called 'Briels' case), in which the Court distinguishes between restoration as 'mitigation' and 'compensation'. The possible implications of this ruling for restoration will be explained.