

International legal possibilities and obligations for nature conservation in ports

An Cliquet

Maritime Institute, Department of Public International Law, Ghent University
Universiteitstraat 6, 9000 Gent, Belgium
E-mail: An.Cliquet@ugent.be

Abstract

Ports are often situated in valuable nature areas. In the past, large areas of coastal land and sea were claimed for port development without taking into account the nature values in that area. With the development of international nature conservation law new possibilities for nature conservation and nature development were developed. Although several instruments exist, this article focuses on the Ramsar Convention on the one hand and on the Birds and Habitat Directive on the other. Ramsar sites and protected areas under the Birds and Habitat Directives can be designated in or near port areas. For the designation only scientific criteria are taken into account (and no economic criteria). There are legal requirements for the conservation of these protected sites in both the Ramsar Convention and the directives. Similar provisions exist on the reduction of the size or the deletion of the protected area. Several conditions have to be fulfilled, such as reasons of public interest. Both instruments require compensation matters. The legal requirements are more precise and strict in the EC directives than in the Ramsar Convention. Enforcement is much better organized in the framework of the EC directives. New challenges exist to put the provisions of the directives into practice. If correctly applied these nature conservation instruments can lead to a more sustainable policy in finding a balance between ecology and economy.

Keywords: Nature conservation; ports; Ramsar convention; Birds directive; Habitats directive.

Introduction

Ports are often situated in valuable coastal areas, such as estuaries and mudflats. In the past, large areas of coastal land and sea were claimed for port development without taking into account the nature values in that area. Only economic arguments were taken into consideration. This often resulted in a serious degradation of nature areas and loss of biodiversity (because of large infrastructure works, dredging activities etc.). Sometimes large ecological valuable areas, although not yet in use for port activities, were designated as port areas in spatial planning instruments or strategic port plans. Although these nature areas remain intact, their future is uncertain and they often become degraded due to a lack of appropriate nature management. Occasionally, new opportunities for nature conservation can be created because of port development. This is for instance the case for sand suppletion areas which are not immediately used for port activities, but in the meantime serve as a refuge or breeding ground for seabirds. This is for instance the

case in the port of Zeebrugge in Belgium, in which sand suppletion areas have become major breeding grounds for terns. Once these areas will effectively be used as port areas, the nature values will be lost.

The lack of a sustainable policy in the past, inevitably led to conflicts with other users in the coastal zone. This sometimes resulted in court cases and even halted further possibilities for port development (for instance port development in Antwerp at Deurganckdok).

In the last years, new insights came into being on nature conservation and nature development. There is more focus on an active offensive nature conservation policy, in which attention is given to restoration of damaged nature areas and to development of new nature areas. If nature cannot be restored, then compensation measures are in order and the loss of nature should be compensated elsewhere. International law now also encompasses the idea of ecological networks. Those networks aim at improving, enlarging and connecting valuable nature areas. These networks can be on a global scale (such as Biosphere reserves, a network of Ramsar sites), or on a regional scale (Natura 2000, the Emerald network, the pan-European ecological network). Specifically for the coastal zone, the concept of integrated coastal zone management has been introduced. Based on sustainable development, this management concept requires that for projects and initiatives in the coastal zone, all aspects have to be taken into account, including economic, social and ecological aspects. These ideas create new possibilities for nature conservation in coastal areas. They might also shift the balance towards a more sustainable port development and to win-win situations for both industry and nature. Conflicts between different user groups in the coastal zone might thus be avoided.

The following questions need to be answered: what are the legal possibilities and obligations for nature conservation and nature development in coastal areas; how can these international instruments be applied in port areas; are these instruments adapted to achieve a sustainable use of the coastal zone and acquire win-win situations for ports and nature? This paper will examine the legal possibilities and obligations for nature conservation and nature development in international treaties and EU legislation and will specifically focus on the application of these instruments in coastal areas. Although there exist several legal possibilities for nature conservation in marine and coastal areas (such as the OSPAR Convention, actions taken in the framework of the Biodiversity convention, etc), this article will be limited to discussion of the Ramsar Convention and the EU Birds and Habitat Directives. An overview of other legal possibilities is given in Cliquet (2000). Specific attention will be given to the legal procedures for conservation and compensation (such as the procedure of article 6 of the Habitats Directive). It will look into the legal possibilities for the establishment of the site's conservation objectives within port areas. As there are often problems with the implementation of the Birds and Habitats Directives in port areas, the paper will look into relevant case law of the European Court of Justice. This article will focus on site protection and management within protected areas. It will not go into species protection or other more general conservational and environmental measures.

Designation of protected areas

A first step towards site protection is the legal designation of a defined area. The procedures will vary according to the legal source.

Designation of Ramsar sites

General

The Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat of 1971 (text at http://www.ramsar.org/key_conv_e.htm) is the only global convention that allows for site protection of a specific type of ecosystem. According to the Convention each Contracting Party shall designate suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance. Each Contracting Party shall designate at least one wetland to be included in the List when signing this Convention or when depositing its instrument of ratification or accession. Wetlands should be selected for the List on account of their international significance in terms of ecology, botany, zoology, limnology or hydrology. Criteria for inclusion in the list have been worked out by the conferences of the parties (adopted by the 4th, 6th, and 7th Meetings of the Conference of the Contracting Parties) and can be consulted at http://www.ramsar.org/key_criteria.htm. These criteria form a part of the Strategic Framework and guidelines for the future development of the List of Wetlands of International Importance (adopted by COP7 in 1999). On 31 January 2005 the List included 1421 sites with a total surface of 123.914,362ha.

Application in coastal areas

The Ramsar Convention clearly applies to coastal areas. According to the Convention wetlands are areas of “*marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres*”. The boundaries of each wetland shall be precisely described and also delimited on a map and they may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six metres at low tide lying within the wetlands, especially where these have importance as waterfowl habitat. A large number of sites in the Ramsar list are coastal wetlands. In an inventory made in 1998, 436 sites (from a total of 931) were coastal sites (An Overview of Wetland Types at Coastal Ramsar Sites, 14 July 1998, http://www.ramsar.org/about_coastal_sites.htm). In the Ramsar Classification System for Wetland Type several types of marine and coastal wetlands have been included. Several guidelines and recommendations refer to or apply specifically to coastal wetlands. Very often ports are situated in or near coastal wetlands. The question here is whether Ramsar sites could be designated in existing port areas? Or can the presence of a port area prevent Ramsar sites to be designated? The Ramsar Convention does not require a national protected status of the area. Any area that suits the criteria worked out in the framework of the Convention could thus be designated. If for instance an area regularly supports 20,000 or more water birds or if it regularly supports 1% of the individuals in a population of one species or subspecies of water bird,

then this area could be designated as a Ramsar site. In Belgium, a scientific report of 1999 thus proposed to designate part of the port of Zeebrugge as a Ramsar site (Devos *et al.*, 1999). No policy actions were taken to implement these recommendations.

Designation of Special Protected Areas (SPA's) and Special Areas of Conservation (SAC's)

General

The core legislation on nature conservation in the European Union is formed by the Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (both texts are found at: <http://europa.eu.int/comm/environment/nature/home.htm>). Both directives oblige Member States to designate protected areas. The procedure differs for both directives. Once areas have been designated under these directives, they will become part of an ecological network, the Natura 2000 network.

According to article 4 of the Birds Directive, Member States shall classify in particular the most suitable territories in number and size as special protection areas (SPA's) for the conservation of Annex I species and for regularly occurring migratory species not listed in Annex I. For the latter species Member States shall pay particular attention to the protection of wetlands and particularly to wetlands of international importance. The Birds Directive thus links its measures to those of the Ramsar Convention. No further criteria on the designation of SPA's were included in the Birds Directive. However, several rulings by the European Court of Justice narrowed the scope for policymaking of the Member States in designating SPA's. According to the Court of Justice only ornithological criteria should be taken into account for designating SPA's. This was ruled in cases such as the Leybucht Case (Case C-57/89, 28 February 1991, Commission v. Germany), the Marismas de Santoña Case (Case C-3535/90, 2 August 1993, Commission v. Spain) and the Lappel Bank Case (Case C-44/95, 11 July 1996, Regina v. Secretary of State for the Environment, *ex parte* Royal Society for the Protection of Birds). The Court also decided that a sufficient large area has to be designated. Member States can thus be convicted for not designating sufficient large areas (see for instance Case C-166/97, 18 March 1999, Commission vs. France on the Seine Estuary; Case C-96/98, 25 November 1999, Commission vs. France on the Marais Poitevin). Another important decision is that Member States are obliged to classify as SPA's all the sites which, applying ornithological criteria, appear to be the most suitable for conservation of the species in question (Case C-3/96, 19 May 1998, Commission v. the Netherlands). In this case the court ruled that as regards the Member States' margin of discretion in choosing the most suitable territories, that does not concern the appropriateness of classifying as special protected areas the territories which appear the most suitable according to ornithological criteria, but only the application of those criteria for identifying the most suitable territories for conservation of the species in question.

The procedure for the designation of special areas of conservation under the Habitats Directive had been worked out in the directive itself and contains three stages.

According to article 4 of the Habitats Directive each Member State shall propose a list of sites indicating which natural habitat types in Annex I and which species in Annex II that are native to its territory the sites host. The selection of sites should be based on the criteria set out in Annex III (Stage 1) and relevant scientific information. The list shall be transmitted to the Commission. In a second stage, the Commission shall establish, on the basis of the criteria set out in Annex III (Stage 2), in agreement with each Member State, a draft list of sites of Community importance drawn from the Member States' lists identifying those which host one or more priority natural habitat types or priority species. Once a site of Community importance has been adopted, the Member State concerned, shall designate that site as a special area of conservation as soon as possible and within six years at most. The criteria in Annex II do not contain any economic or social criteria. The European Court of Justice in a case on the Severn Estuary, confirmed that no economic or social criteria should be taken into account when proposing the sites (Case C-371/98, 7 November 2000, *The Queen v. Secretary of State for the Environment, Transport and the Regions ex parte First Corporate Shipping Ltd*):

“On a proper construction of Article 4(1) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, a Member State may not take account of economic, social and cultural requirements or regional and local characteristics, as mentioned in Article 2(3) of that directive, when selecting and defining the boundaries of the sites to be proposed to the Commission as eligible for identification as sites of Community importance”.

Application in coastal areas

Both the Birds and Habitats Directives apply to the coastal zone and apply to the marine environment including the exclusive economic zones of Member States. The Birds Directive mentions the *“geographical sea and land area where this directive applies”*. The Habitats Directive includes terrestrial and aquatic areas in its definition of natural habitats. Both directives include marine and coastal species in their annexes, and the Habitats Directive includes a list of marine and coastal habitat types in Annex I (habitats for which the designation of Special Areas of Conservation is required). Although the directives do not explicitly mention the exclusive economic zone, there is little doubt that these directives extend as far as the exclusive economic zone. This is also the viewpoint of the European Commission (European Commission, 2002a), and has been confirmed in British case law (*Secretary of State for Trade and Industry v. Greenpeace*, 1999) and literature (Backes *et al.*, 2002; Cliquet, 2000).

As a consequence, special protected areas under both directives can be designated in or near port areas. Several ports within the European Union, such as Antwerp, Rotterdam, Hamburg, Bremen, Le Havre, are situated in estuaries. If a port area is an important bird area according to ornithological criteria and qualifies as a most suitable area, the member state has no choice but to designate this area. The presence of a port is no reason for not designating an area. This was confirmed in the Lappel Bank Case for the designation of a special protected area under the Birds Directive. In this case a nature area in the Medway Estuary was designated as special protected area. A part of the area, the Lappel Bank, was however excluded from the designation, as the nearby port of Sheerness wanted to expand in the Lappel Bank area. This exclusion of the Lappel Bank area was

considered by the Court as unlawful, as no economic criteria can be taken into account when designating SPA's. In the meanwhile the nature values in the Lappel Bank area are lost, due to a lack of protection measures.

Also for the designation of protected areas under the Habitats Directive, the presence of a port is not a reason for not designating an area as such. It was also confirmed in the Case on the Severn Estuary (C-371/98) for the special areas of conservation under the Habitats Directive. This last case concerned the port of Bristol in the Severn Estuary. In several Member States areas have been designated in or close to ports (see for instance the areas in Belgium in the port of Antwerp and in the port of Zeebrugge).

Conservation and restoration of protected areas

A second step in the protection of valuable nature areas is taking conservation measures within the designated sites.

Conservation of Ramsar sites

For the sites which have been included in the Ramsar list, the Contracting Parties shall formulate and implement their planning so as to promote the conservation of those wetlands. Each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference (art. 3 of the Convention). These latter sites will be included in the Montreux Record of sites requiring priority conservation attention. An example is the site "Schorren van de Beneden Schelde" in Belgium, which was included in the Montreux Record in 1990. The reason for including this site in the Montreux Record is the further port development in the port of Antwerp. As a consequence of the construction of a container terminal close to a part of the Ramsar site (Groot Buitenschoor), a change in the ecological character is to be expected. For this site the Ramsar Advisory Mission mechanism was applied, by which the Ramsar Secretariat organizes technical missions to seek solutions and provide advice to the relevant authorities. The Ramsar Convention does not explicitly contain the obligation for member states to prevent any change in the ecological character of the Ramsar sites. However, because of the obligations for conservation and wise use of sites as provided for in the Convention, a state cannot allow such a deleterious ecological change so that the site does not longer fulfil the requirements for inclusion in the Ramsar list (Bowman, 1995).

Any Contracting Party shall have the right to add to the List further wetlands situated within its territory, to extend the boundaries of those wetlands already included by it in the List, or, because of its urgent national interests, to delete or restrict the boundaries of wetlands already included by it in the List and shall, at the earliest possible time, inform the organization of any such changes (art. 5, § 5, Ramsar Convention). Where a Contracting Party in its urgent national interest, deletes or restricts the boundaries of a wetland included in the List, it should as far as possible compensate for any loss of wetland resources, and in particular it should create additional nature reserves for

waterfowl and for the protection, either in the same area or elsewhere, of an adequate portion of the original habitat (art. 4, § 2 Ramsar Convention). In practice, boundary restrictions have occurred on only three occasions (Ramsar Convention Secretariat, 2004.). Parties have invoked the 'urgent national interest' clause to restrict the boundaries of a Ramsar site, in Belgium in the 1980s, in Australia in 1997 (although in this case the restriction of boundaries did not in fact occur), and in Germany in 2000. In 1987, the Belgian authorities informed the Ramsar Bureau that 28ha of the Galgenschoor sector of the Lower Scheldt River site (which was then 155ha) had been deleted in Belgium's urgent national interest (for construction of a container terminal), and that 2200ha of the IJzerbroeken had been designated to the Ramsar List in compensation (according to the provisions of Article 4.2 of the Convention). Although the Belgian government never explicitly used the term 'urgent national interest', it can be assumed that the Belgian government was implicitly invoking the urgent national interest clause, as it proposed suitable compensation (Di Leva and Tymowski, 2000).

Conservation of SPA's and SAC's

According to article 4 § 1-2 of the Birds Directive Member States shall take special conservation measures for Annex I species and regularly occurring migratory species concerning their habitat in order to ensure their survival and reproduction in their area of distribution.

In a case before the European Court of Justice of the Commission v. France on the Seine Estuary (Case C-166/97), the Court ruled that the French Republic failed to adopt measures providing the SPA with an adequate legal protection regime for the purposes of Article 4, § 1 and 2 of the Wild Birds Directive. The Commission expressed the view that the protection regime for that SPA, as defined by an agreement entered into on 11 April 1985 by the Ministry of the Environment with the Autonomous Ports of Le Havre and Rouen was inadequate. The protection regime which the Agreement provides for that SPA fails, in the Commission's submission, to meet the conservation requirements defined in Article 4, § 1 and 2 of the Wild Birds Directive. Moreover, no other measure designed to provide the SPA with an adequate legal protection regime has been adopted.

In respect of the special protection areas, Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this article (art. 4, §4 – first sentence). This sentence was given a strict interpretation by the European Court of Justice (in the Leybucht Case and in the Marismas de Santona Case). The Court did not allow a diminishing in the size of the special protected areas for purely economic reasons. According to the Court a change in the protection status is only possible for imperative reasons of overriding public interest. This interpretation by the Court was apparently too strict for Member States and thus this part of the Birds Directive was replaced by the regime provided for in the Habitats Directive (see further). According to the European Court, the old regime of article 4 of the Birds Directive still applies for those sites which were not officially designated as sites, although they fulfil the necessary requirements to be designated as such (Case C-374/98, 7 December 2000, Commission v. France, Basses Corbières).

According to the Birds Directive Member States shall also strive to avoid pollution or deterioration of habitats outside the special protection areas for birds, (art. 4, §4, second sentence).

The conservation measures for special areas of conservation under the Habitats Directive are to be found in article 6 of the Directive. The first two paragraphs include positive measures to be taken by the Member States concerning conservation measures and prevention of deterioration. *“For special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites. Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive”* (art. 6, § 1 and 2).

The next paragraphs of article 6 concern the assessment of new plans or projects: *“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public. If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest”* (art. 6, § 3 and 4). Article 6, § 2-4 also applies to the special protected areas under the Birds Directive.

Because of its crucial role in the conservation and management of special protected areas, the European Commission worked out an interpretation guide on art. 6 of the Habitats Directive (European Commission, 2000). In this interpretation guide the Commission elaborates on terms such as ‘significant effect’ and ‘compensatory measures’. Some further step-by-step guidance for the provisions of art. 6, § 3 and 4, was given in a Commission document of 2002 (European Commission, 2002b). Recent case law by the European Court of Justice also interprets some of these provisions, such as ‘significant effect’ and ‘appropriate assessment’ (see Case C-127/02, 7 September

2004, Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v. Staatssecretaris van Landbouw, Natuurbeheer en Visserij). On the 'significant effect' the Court ruled that where a plan or project is likely to undermine the site's conservation objectives, it must be considered likely to have a significant effect on that site. Thus, the Court links the significant effect to the conservation objectives. It will be very important to define the conservation objectives for the protected sites, in order to be able to make an appropriate assessment.

Although the Habitats Directive is less strict than the interpretation of the Birds Directive given by the Court of Justice, this does not mean that Member States have the unlimited freedom to reduce the conservation status of the special areas of conservation. This will only be possible if the strict requirements of the directive are applied. If Member States disregard these obligations, this can not only lead to the destruction of internationally protected areas, but can also have serious economic consequences. This was clearly demonstrated in the Deurganckdok project in Belgium (port of Antwerp). The extension of the port area which took place in a special protected area, initially took place without taking into account the obligations of the directive. This led to numerous procedures and court cases and a complaint to the European Commission. Because the works could not longer be continued, the state suffered serious economic losses. An 'emergency' decree finally legalized the works and saw to it that the requirements as provided for in the Habitats Directive (such as compensation) are being fully implemented.

A second case in a port area in Belgium also led to a complaint to the European Commission. This case concerns a site in the port of Zeebrugge at the coast. Several polder grasslands, such as the Dudzeelse polder, had been designated as a protected site under the Birds Directive by a decision of the Flemish government of 17 October 1988, extended by a decision of 1996. In total an area of 456ha was protected. In view of future port development, 282ha of this protected site was deleted from its protection by a decision of the Flemish government of 17 July 2000 (Fig. 1). Although the decision allowed for a compensation in another area, two NGO's brought a complaint to the Commission. One of the arguments was that the compensation was not an active compensation, as required in the interpretation guide of the European Commission. Also, there had been no search for alternatives, as required in art. 6 of the Habitats Directive. The remaining part of the Special Protected Area in the port, the Dudzeelse polder, although still under the protection of the directives, has an uncertain future, as it is seen as a strategic reserve area for future port development. The Flemish government is now trying to find a solution in this case. Whether the directives will be fully respected, remains to be seen. If not all the requirements are met, further steps will undoubtedly be taken by the European Commission and Belgium might yet face another conviction by the European Court of Justice.

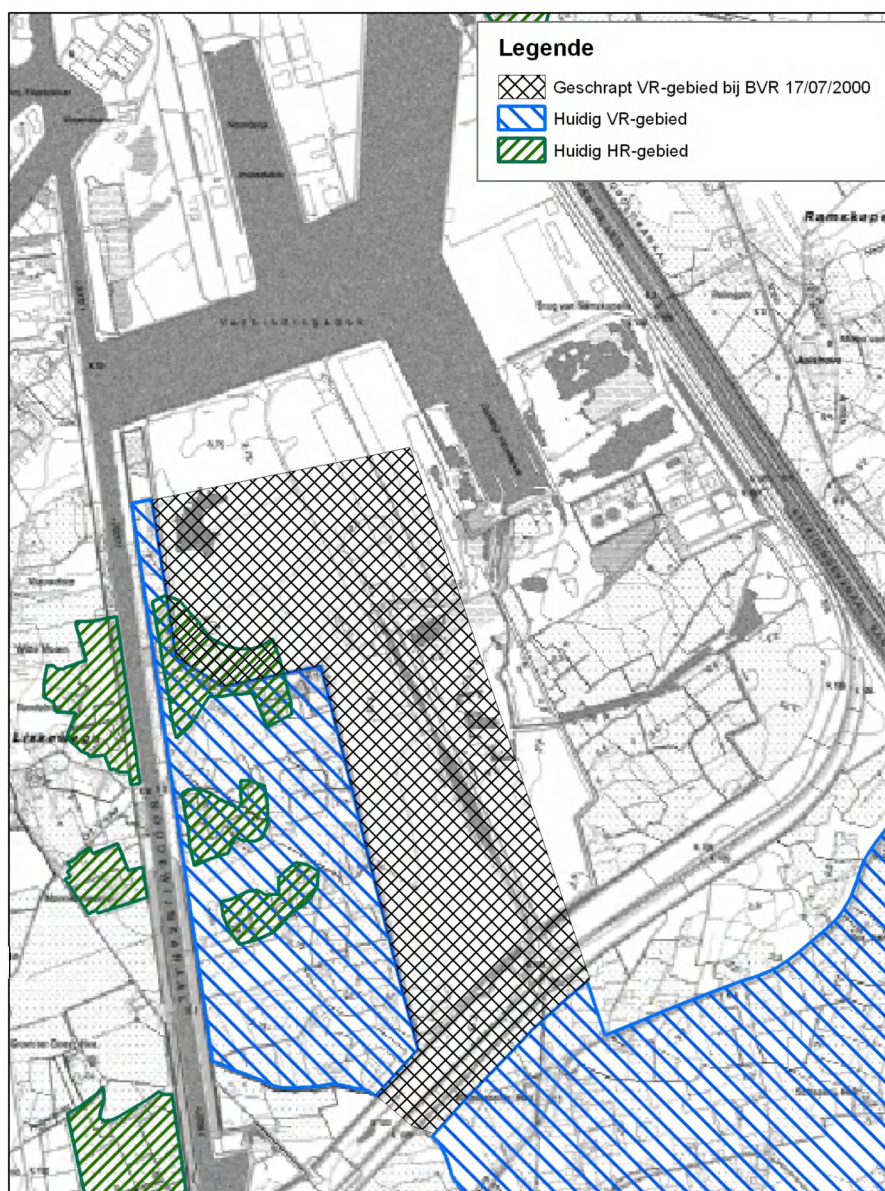


Fig. 1. The Special Protected Area (Birds Directive) in the Port of Zeebrugge.

Conclusions

Notwithstanding the protection regime of international instruments such as the Ramsar Convention and the Birds and Habitats Directives, valuable internationally protected nature areas are destroyed or degraded. In the past, all too often the Member States of the European Union disregarded the obligations under both directives. The Habitats Directive can claim the dubious record of being one of the most litigated environmental instruments in the European Union, as Member States have failed to transpose it correctly into their legal systems and to comply with any of the deadlines established by the Directive (Diaz, 2001). Because of problems such as the *Deurganckdok* case, it becomes clear that not only nature suffers from this lack of implementation, but that this can also have serious economic consequences. The chance of facing long periods of uncertainties on the future of port development, might yet lead to a better implementation of the directives.

Even though in most cases in the past the international protection regime could not prevent that nature areas were lost in case of port expansion, in future projects the Member States will have to take into account the international obligations, such as the need to demonstrate the urgent national interest. Compensation measures must see to it that there is no net loss in nature values. Compensation is however a last resort. The danger exists that the compensation principle will be abused and that in practice compensation will be a paper compensation only, or in compensations in existing protected areas or areas that should have been designated as protected areas. Also, it will not be easy to find appropriate compensations areas, especially in the crowded areas in Europe. Expansion of ports is usually high space-consuming and thus large compensation areas will be necessary. This might in turn lead to conflicts with other groups, such as farmers. It will be important to include flanking measures for these user groups. A correct implementation of the Ramsar Convention and the Birds and Habitats Directives can contribute to a more sustainable use of valuable areas such as wetland areas.

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References

- Backes Ch.W., A.G. Oude Elferink and P. Van Der Ree. 2002. Bescherming van het mariene milieu en natuurwaarden in de EEZ. Internationaalrechtelijke verplichtingen, gemeenschapsrecht, nationaal beleid en nationaalrechtelijk instrumentarium. Centrum voor Omgevingsrecht en Beleid/NILOS. 154p.
- Bowman M.J. 1995. The Ramsar Convention Comes of Age. NILR 1-52.
- Cliquet A. 2000. Natuurbehoud in het mariene en kustzonemilieu. Overzicht en analyse van de juridische mogelijkheden, met bijzondere aandacht voor het mariene en kustzonemilieu van België. Universiteit Gent. 620p.

- Devos K., E. Kuijken, T. Ysebaert, and P. Meire. 1999. Trekvogels en overwinterende vogels. p.52-59. In: Natuurrapport 1999. Toestand van de natuur in Vlaanderen: cijfers voor het beleid. Kuijken E. (Red.). Mededelingen van het Instituut voor Natuurbehoud, Brussel.
- Diaz C. 2001. The EC habitats directive approaches its tenth anniversary: an overview. RECIEL (Review of European Community and International Environmental Law) 10 (3): 287-295.
- Di Leva C. and W. Tymowinski. 2000. The Ramsar Convention on Wetlands: the role of 'urgent national interests' and 'compensation' in wetland protection. IUCN Environmental Law Centre, Bonn. [Http://www.ramsar.org/key_elc_draft_e.htm](http://www.ramsar.org/key_elc_draft_e.htm).
- European Commission. 2000. Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. 45p.
- European Commission. 2002a. Communication from the Commission to the Council and the European Parliament. Towards a strategy to protect and conserve the marine environment, Brussels. COM(2002)539.
- European Commission. 2002b. Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6 (3) and (4) of the Habitats Directive 92/43/EEC. 81p.
- Ramsar Convention Secretariat. 2004. The Ramsar Convention Manual: a Guide to the Convention on Wetlands (Ramsar, Iran, 1971), 3rd ed. Gland, Switzerland.
- Secretary of State for Trade and Industry vs. Greenpeace, Queen's Bench Division (Crown Office List), CO/1336/99, 5 November 1999. http://www.lexis.com/research/Wk&_md5=70ac299ffe197dc185cb49fe6e78243.