



AEWA Implementation Review Process (IRP)

On-the-spot assessment mission

in conjunction with the Bern Convention

Possible impact of Icelandic forestry policy on migratory waterbirds

Terms of Reference

1. Introduction

Iceland is second only to Russia in its importance as a breeding ground for migratory waterbirds in the AEWA region. Most of these species are subject to possible impacts from large-scale state-subsidised afforestation of the lowlands, an issue which has been the focus of international attention since 2001 through the Bern Convention.

A risk of incompatibility between Iceland's forestry policy and its AEWA obligations potentially arises (in particular) in respect of Agreement Articles II.1, II.2 and III.2 (d). Sustainable solutions however appear possible through impact assessment, habitat protection, restoration, strategic planning and exchange of experience with other Parties who have experience of analogous situations. This AEWA Implementation Review Process, in conjunction with the Bern Convention, will offer a coordinated mechanism for assisting the Government to elaborate practical strategies for implementing the Icelandic forestry policy, particularly with regard to lowland afforestation, in ways which are compatible with its obligations under the Agreement.

2. Background

2.1. Icelandic afforestation policy, legislation, and recent changes

Icelandic forestry policy, under laws 32/1991, 93/1997, 56/1999 and currently 95/2006, expresses a target of afforesting a minimum of 5% of each region's lowlands (land below the 400m contour) by the year 2040 (the target is contained in the legislation itself).

Such afforestation predominantly involves non-native species such as larch, spruce, pine and poplar, though some native birch is also planted. The purpose is mainly for timber production, though some planting is also undertaken to provide windbreaks around fields, and other social and environmental benefits (including carbon capture) are also cited.

The plantable lowlands consist mainly of grasslands, wetlands and heath, plus some cultivated areas. Most of this is privately owned, and afforestation is subsidised by government loans covering 97% of establishment costs, with landowners retaining 85% of their income on forest product sales. Suggestions have been made to accelerate planting by incentivising it still further, eg by providing for owners to generate annual revenue by leasing their land to a forestry fund (see <http://www.althingi.is/altext/143/s/0273.html> - in Icelandic).

Forest authorities reportedly consult environmental authorities “to ensure that no species of animals will be threatened due to afforestation” (Government reports to Bern Convention, 2001 and 2014). Forest authorities have undertaken not to drain undisturbed wetlands; but this leaves at risk of afforestation those large areas of wetlands that have experienced some drainage in the past but remain of extremely high value. In 2014 the Environmental Impact Assessment Act 106/2000 was amended so that now all afforestation projects regardless of size are subject to EIA screening process. Also the National Planning Act 123/2010 was amended so now forestry projects are subject to a permit from the municipality. A total of three afforestation projects over 200ha in size and five afforestation projects in protected areas have undergone EIA screening process resulting in the conclusion that a full EIA was not necessary for these projects.

A revised nature conservation law (60/2013) was approved by Parliament in 2013, including strengthened measures for wetlands and other habitats. The Parliament postponed its entry into force until November 2015, implementing some amendments.

In 2007, a committee established by the Ministry of Environment recommended expanding birch woodland to cover 10% of the land area; and in 2013 a similar committee produced a national Forestry Strategy (see <http://www.skogur.is/media/ymislegt/Stefna-skogar.pdf> - in Icelandic) proposing a new target of 12% forest cover by 2100. Legislation to enshrine this new target in statute is yet to be enacted.

2.2. Projected impact on breeding migratory waterbirds

Iceland is second only to Russia in its importance as a breeding ground for migratory waterbirds in the AEWA region, and in Europe it is equalled only by the Netherlands in its shorebird breeding density. It supports the most important breeding populations in Europe for six species of waders, and is the second most important country for three. For six subspecies it hosts proportions of the breeding populations ranging from 85-100%. The entire population of the Greenland White-fronted Goose stages in lowland areas of Iceland on spring and autumn migration.

Four species (Black-tailed Godwit *Limosa limosa*, Dunlin *Calidris alpina*, Snipe *Gallinago gallinago* and Redshank *Tringa totanus*) are classed by BirdLife International as having an unfavourable conservation status in Europe. Black-Tailed Godwit is classed by IUCN as globally Near Threatened (though increasing, including the Icelandic subspecies), and is the subject of an AEWA Single Species Action Plan. Black-tailed Godwit and Dunlin are identified as priority species within CAFF’s Arctic Migratory Bird Initiative.

All the migratory waterbird species, for which Iceland holds particular importance, rely on open ground habitats, especially lowland wet habitats which are now much reduced due to drainage. These are the same areas that are targeted by afforestation. Assessments for the Bern Convention (2001-2008) conclude that afforestation could have a negative impact on 20 species for which Iceland holds internationally important populations, including those for which it is the most important country in Europe. The species most at risk include Golden Plover *Pluvialis apricaria*, Black-tailed Godwit, Whimbrel *Numenius phaeopus*, Redshank, Dunlin, Snipe and Greenland White-fronted Goose *Anser albifrons flavirostris*. Up to 23 of Iceland's 61 Important Bird Areas could be affected.

Wider secondary effects (water depletion, eutrophication, acidification, spread of the invasive alien Nootka Lupin *Lupinus nootkatensis* and other invasives, and especially habitat fragmentation and predation) are also of concern; as is the compounding of other ongoing pressures on habitat in the species' ranges (climate change, scrub regrowth on abandoned grazing lands, etc).

Impacts on Icelandic birds will be felt in countries that share the same flyway, potentially compromising conservation efforts in those countries - particularly in the UK and Ireland (whose entire populations of wintering Greylag Geese *Anser anser* and Black-tailed Godwits come from Iceland, and where most of Iceland's Golden Plovers, Snipes and Redshanks overwinter), but also elsewhere in Europe and Africa.

2.3. Potential incompatibility with obligations under AEWA

Iceland became a Party to AEWA in June 2013. In joining the Agreement, all Parties commit to the Agreement's fundamental principle of taking measures to maintain migratory waterbird species in a favourable conservation status or to restore them to such a status. A risk of incompatibility between Iceland's forestry policy and its AEWA obligations potentially arises (in particular) in respect of AEWA Articles II.1 (maintaining species in favourable conservation status); II.2 (the precautionary principle); and III.2 (d) (maintaining a network of habitats throughout migratory ranges). There is relevance also in Article Art III.2 (e) (investigating problems and seeking to implement remedies), and in sections of the Action Plan which concern protected areas (3.2.1), wise use of wetlands and avoiding habitat degradation (3.2.3), habitat conservation strategies (3.2.4) and impact assessment (4.3.1).

2.4. History of the case under other international frameworks

Iceland ratified the Ramsar Convention in 1977, the Bern Convention in 1993 and the Convention on Biological Diversity in 1994. The Standing Committee to the Bern Convention (its governing body) has taken an interest in the Icelandic forestry policy, particularly with regard to lowland afforestation, since 2001, and mandated an "on the spot appraisal" which reported in 2002, confirming the potential threat to migratory waterbirds. Based on the outcomes of the on-the-spot appraisal the Standing Committee of the Bern Convention adopted Recommendation No. 96 (2002), urging the Government of Iceland to undertake seven specific actions, including impact assessment, habitat protection and strategic planning.

BirdLife International submitted reports to the Bern Convention in 2007 and 2008, noting that some research work had advanced, but otherwise alleging that the satisfactory implementation of any of the seven points of Recommendation 96 had been lacking. The Government detailed some measures it was taking to gather information, and reported the adoption of a National Biodiversity Strategy. In light of the newest developments described above, the issue was raised again with the Bern Standing Committee in December 2013. The Committee agreed to review the issue in 2014, in the context of monitoring the implementation of the 2002 Recommendation.

Reports were submitted by both the Government and BirdLife International to the 34th meeting of the Bern Convention Standing Committee in December 2014. The Committee took note of these reports and congratulated the Icelandic authorities for accepting to undergo an AEWA IRP. It also confirmed the readiness of the Bern Convention for joining and contributing to the IRP visit as well as instructed the Bern Convention Secretariat to report back on the findings of the IRP mission at the next meeting of the Standing Committee in December 2015.

3. Objectives of the AEWA IRP mission

The principal objectives of the AEWA IRP mission to Iceland are:

- to assess the projected impact of the Icelandic forestry policy on the populations of AEWA-listed migratory waterbird species, on their habitats, in particular wetlands, and their ecosystem services;
- to identify and consider the possible cumulative impacts on the waterbird habitats alongside possible afforestation from other factors, such as agricultural conversion, recreational infrastructure development and climate change, including climate-induced regeneration of natural tree species;
- to consider whether the Icelandic forestry policy complies with the obligations of Iceland under AEWA and Bern;
- to review the progress made so far by the Government of Iceland in response to Bern Convention Recommendation No. 96 (2002) and to assess its contribution to addressing the points of concern as indicated in that Recommendation;
- to compile recommendations to the Government of Iceland on practical measures for the future planning, evaluating, consulting upon and implementing afforestation activities in Iceland, as well as maintaining and restoring wetland values and services; so that such developments will take place in ways which will be compatible with the Party's obligations under AEWA and Bern, in relation to the conservation of migratory waterbirds and their habitats;
- to propose a monitoring plan for the implementation of the recommendations.

4. Expected outputs

Following the objectives of the mission, the IRP mission team will produce a report of its findings containing, amongst other things, a set of recommendations. The report will be submitted to the AEWA Standing Committee for consideration. At its discretion, the Standing Committee will make recommendations to the Government of Iceland.

This report will be also submitted to the attention of the appropriate bodies of the Bern Convention.

5. Provisional lists of mission team participants and other stakeholders to be involved with their respective roles and responsibilities

5.1. IRP mission team

- Independent international expert
- Independent local expert
- Report compiler
- UNEP/AEWA Secretariat
- Bern Convention Secretariat

The mission will be led by the UNEP/AEWA Secretariat and the independent international expert will assume chairing functions. The members of the IRP mission will be interviewing the other involved stakeholders and will be requesting information, as needed. Under the overall responsibility of the independent international expert assisted by the report compiler, the IRP mission team will be producing the mission report with input from all its members.

5.2. Other stakeholders

- Icelandic Ministry of Environment / Iceland Forest Service
- Icelandic Institute of Natural History
- University of Iceland
- Icelandic Forestry Association
- Fuglavernd (BirdLife Iceland) / BirdLife International / RSPB
- Local land owners

These stakeholders will be requested to meet the IRP mission team during the visit to Iceland and to be interviewed. They may be also requested to provide information in oral or written form before or after the visit. The Ministry of Environment will be invited to comment on the draft report.

6. Provisional dates and itinerary

23-27 May 2016

Day 1 (23May)	Arrival in Reykjavik; meeting of the IRP mission team
Day 2 (24 May)	Meetings with the Ministry of Environment, the National Planning Agency, the Icelandic Institute of Natural History and representatives of regional afforestation programmes
Day 3 (25 May)	Meetings with the Iceland Forestry Service, Fuglavernd (BirdLife Iceland) / BirdLife International / RSPB, the Icelandic Forestry Association and the University of Iceland
Day 4 (26 May)	Field visit to afforested areas and areas planned for afforestation and meetings with local land owners; meeting of the IRP mission team
Day 5 (27 May)	Departure from Reykjavik

7. Preparatory phase and contact points

The preparatory phase for the on-the-spot assessment mission will commence once the Terms of Reference have been agreed between the UNEP/AEWA Secretariat and the Icelandic Ministry of Environment. Throughout this phase the Ministry of Environment, and possibly other stakeholders, will be requested to provide information, references and documentation in English to the IRP mission team in order to allow for effective preparation.

The contact point for the IRP mission will be the UNEP/AEWA Secretariat represented by the AEWA Technical Officer Mr. Sergey Dereliev (sergey.dereliev@unep-aewa.org; tel.: +49-228-815-2415). The contact point for the Icelandic Ministry of Environment will be Mr. Björn Helgi Barkarson (bjorn.helgi.barkarson@uar.is; tel.: +354-545-8600).

8. Funding and organization

Funding for covering costs of the IRP mission team will be generated through the UNEP/AEWA Secretariat and international logistical arrangements will be done and/or coordinated by the UNEP/AEWA Secretariat. The Icelandic Ministry of Environment will be requested to organize and provide local logistics, such as arranging meetings scheduled with all stakeholders, provide local transportation for the IRP mission team free of charge, field visits, including transportation for all participants free of charge.

9. Tentative time schedule

January – May 2016	Preparatory phase
(end) May 2016	Visit of the mission to Iceland
June – September 2016	Production of the draft report
(mid) September 2016	Consultation of the draft report with the Icelandic Ministry of Environment
(mid) October 2016	Finalization of the report
(early) November 2016	Submission of the report to the AEWA Standing Committee and the appropriate bodies of the Bern Convention