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islands', the **extremely outlying** ones that have administrative acknowledgement of insularity that is insufficient as a control means; and 'emancipated islands', the island states that have all the mechanisms characteristic of a state (border, customs, quarantines...).

International agreements that merit special reference are: the Convention on Biological Diversity (Rio de Janeiro, 1992), the Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979) and the International Convention on Phytosanitary Protection (CIPF) (Rome 1951, modified in 1997), while the latter lacks specific mentions about the island problem. The role of the Group of Specialists on Invasive Alien Species and the Cooperative Initiative on Invasive Alien Species on IUCN Islands (<http://www.issg.org/>), the Global Invasive Species Programme (GISP) (<http://www.gisp.org/>) and the approval of the European Strategy on Invasive Alien Species by the Council of Europe (<http://www.coe.int/>).

The most active role with respect to European islands has been played by the Council of Europe, through the Bern Convention. In recent years, it has organised specific meetings in Malta (1999), the Azores (2002), Majorca (2004) and Iceland (2007). The European Strategy on Invasive Alien Species is a particularly relevant document that obligates all parties and thus, also in the European Union.

The Convention on Biological Diversity also plays a relevant role in this area through the promotion of the Global Invasive Species Programme. The IUCN has drawn up directives for the prevention of biodiversity losses caused by invasive alien species, which pays special attention to the specific problem of the islands. The Cooperative Initiative on Invasive Alien Species on Islands is also being driven forward.

Tackling the problem of alien species on islands requires three aspects to be handled: knowledge, law and available means. With respect to knowledge, there is great bibliographic information available proceeding from scientific know-how, grey literature, data banks, congresses, manuals, etc. However, it is worth asking ourselves if the creation of island databanks would be useful, improving communication between European islands if the information is managed well. In the area of the law, we already mentioned the relevance of the European Strategy on Invasive Alien Species by the Council of Europe, which contains references and priorities about island problems. There was also the recent approval of the Law of Natural Heritage and Biodiversity by the Spanish Parliament, which creates the Spanish Invasive Alien Species catalogue, prohibiting having and trading the species included on the list; establishes joint strategies between Autonomous Communities to confront them; and recognises the power of the autonomous communities to establish catalogues and act against IAS in their territorial scopes. With respect to actions and human and technical means available, it is worth asking ourselves if we need new tools, if we really take advantage of available ones -for example, the experience of agronomy and forestry engineers, customs agents, gardeners...- and if more could be done with the means we already have. There may just be a deficit of actions!

'Invasive species, a legal challenge on the Canary Islands'

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The Canary Islands are politically part of the European Union, although biologically they are a differentiated archipelago subregion -Macaronesia (also includes the Azores and Madeira)- due to which species proceeding from community countries, including the Iberian peninsula, are alien species to the Canary biota, many of which are potentially invaders. Both circumstances thus demand a stricter and more special and differentiated protection system to the degree that internal biological barriers in the European Union must be considered.



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The Canary Islands have important legislation about preventing environmental impact and about protected areas, but this does not exist in regard to wildlife, which continues to be a pending subject for conservation. Lacking specific and developed regulations, the vacuum has been supplemented with Law 4/1989 of 27 March about conservation of natural spaces and wild fauna and flora, Law 31/2003 of 27 October about conservation of wild fauna in zoos, as well as phytosanitary regulations. However, there are so many gaps, above all on alien species, that their application could hardly be considered effective. Island biota continues to be exposed to the risk of biological invasion; a risk that has intensified exceedingly with the growing transfer of all types of merchandise connected to the tertiary development model that prevails on the Canaries. The same tourist phenomenon that helps the social economy and wellbeing of the entire archipelago depends to a large degree on the ecological 'health' of the environment, on the good operation of the so-called nature environmental services (renovation, cleaning, etc.), as well as the differentiated identify of the landscape. And this is all supported in biodiversity.

To supplement this significant shortcoming in legislation, in 2004 the Government of the Canary Islands presented a draft bill on Canary biodiversity to the Canary Island Parliament. Among many other aspects, it develops a specific system to prevent and control introduced species, with particular attention paid to invaders. This initiative failed in 2007 as legislature was exhausted without ever debating the text. The reasoning used was that due to an organic law on biodiversity being prepared by the State, it was preferable to wait to find out its content. The reality is that the new state Law 16/2007 about Natural Heritage

and Biodiversity was much delayed and was finally promulgated on 13 December 2007, after Canary legislature was exhausted.

New basic regulation includes very little in the single article on invasive species (article 61). It does not go beyond some generic prohibitions for the species registered in the Spanish Invasive Alien Species catalogue and considering the development of strategies that contain guiding directives, that is, with particular attention to island biodiversity. The rest is left in the hands of the autonomous communities, which can establish catalogues for their respective territorial areas and determine supplementary prohibitions and actions that they consider necessary for the eradication of alien species (oddly, control is not mentioned).

A legal system for the prevention and control of invasive alien species cannot be planned independently and in isolation from the legal context in which it is framed. Trying it independently would be like building a pyramid upside down, pivoting the entire structure (sanctions, etc.) on the problem of invasive species. What is logical is to build a legal frame for the management and preservation of biodiversity and place specific measures in it that appertain to invaders. Only in this way will there be future perspectives without the need to distort the general legal system. Stated in another way: the regulations needed for invaders cannot be handled outside of the regulatory context that governs wildlife (or biodiversity) and if this did not exist, it would need to start being developed. In this regard, the new Law of Heritage and Biodiversity, being basic but not enough, represents an adequate framework to house specific regulations about invaders.

Spain and other member states of the European Union apply section 4.6.d of Community Regulation 338/97 *related to the protection of wild fauna and flora species via the control of their trade* to animal and plant species importations that have taken place. Due to this, limitations can be established for the introduction in the Community *'of living specimens of species whose introduction into the natural environment of the Community has been shown to represent an ecological threat to autochthonous wild fauna and flora species of the community'*. However, European regulations do not make reference to circulation within the Community.

This same prevention principle is what is applied on the Canary Islands, but not only in relation to species proceeding from outside the Community, but also within the Community, as the nature of the archipelago has almost nothing to do with the rest of community territory. Due to this, the entry of alien species from any origin is generically prohibited on the islands, to later open the 'door' to those that do not entail great risk or suitably evaluate the cases where there are uncertainties.

This approach may entail setbacks to the free trade of merchandise, as without affecting the regulation of trade per se, it does affect the degree to which living alien organisms are handled that involve a risk for the integrity of biodiversity on the Canary Islands. These risks are specific, prominent and different with respect to those assumed by other non-insular community regions and they are connected to the oceanic origin of the archipelago, to the singularity of its native biota (overflowing with endemisms) and to the unique fragility of its ecosystems.

Arbitrating protection and restoration measures of natural habitats and native species is worth little if perhaps the main threat hovering over these alien species from abroad is totally disregarded. Reason assists the autonomous community that must protect its natural heritage, although it is easy to anticipate some reticence from the community and from commercial sectors. Despite this, priorities are clear and the preservation of biodiversity on the Canaries, the health of the island environment and, lastly, the quality of life of Canary society cannot be subordinate to the interests of trade.

In the seventh chapter of the draft bill, the preventive system is developed that is very necessary for the protection of fragile insular ecosystems from the introduction of alien species. Without diminishing zoo and phytosanitary measures, islands close against the entry of alien organisms and open up to those they feel are not damaging. With regard to ornamental plants, a rapid mechanism is enabled that is suitable for the dynamic of the market for these products. Measures are also established to eradicate or control pre-established species that have been declared as harmful, where it would be better if they didn't exist on the Canary Islands.

The new arbitrated system would be applied to those species included on the **harmful species list**. Three types of species are considered on this list to which different systems will be applied. **Pest species**, whose list was provided by technicians from the Institute of Agrarian Research (agricultural pests) and university specialists (domestic and forest pests); **invasive alien species**, which are of the most interest to us and whose inclusion on the list is promoted by the Biodiversity Service of the Deputy-Ministry of the Environment; and finally, **potentially damaging species**, whose list as a whole was drawn up by the same aforementioned specialists, in addition to the species that were taken from international lists (IUCN, FAO) with these types of cases. Logically, there is a mechanism to update the corresponding appendixes.



Administrative Organization of the Canary Islands (Antonio Machado)