

# **The Conceptualization and Legal Framework of Assisted Migration**

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## Answers to:

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- WHAT is assisted migration?
- WHO are we; Co-ADAPT?
- WHAT assisted migration is got to do with law?
- WHAT my thesis all about?

## What is Assisted Migration?

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*Conservational translocation of a biological unit threatened by climate change to an area outside its indigenous range where it would be predicted to move as climate changes if there were no dispersal barriers or lack of time.*

Hällfors et al. (submitted)

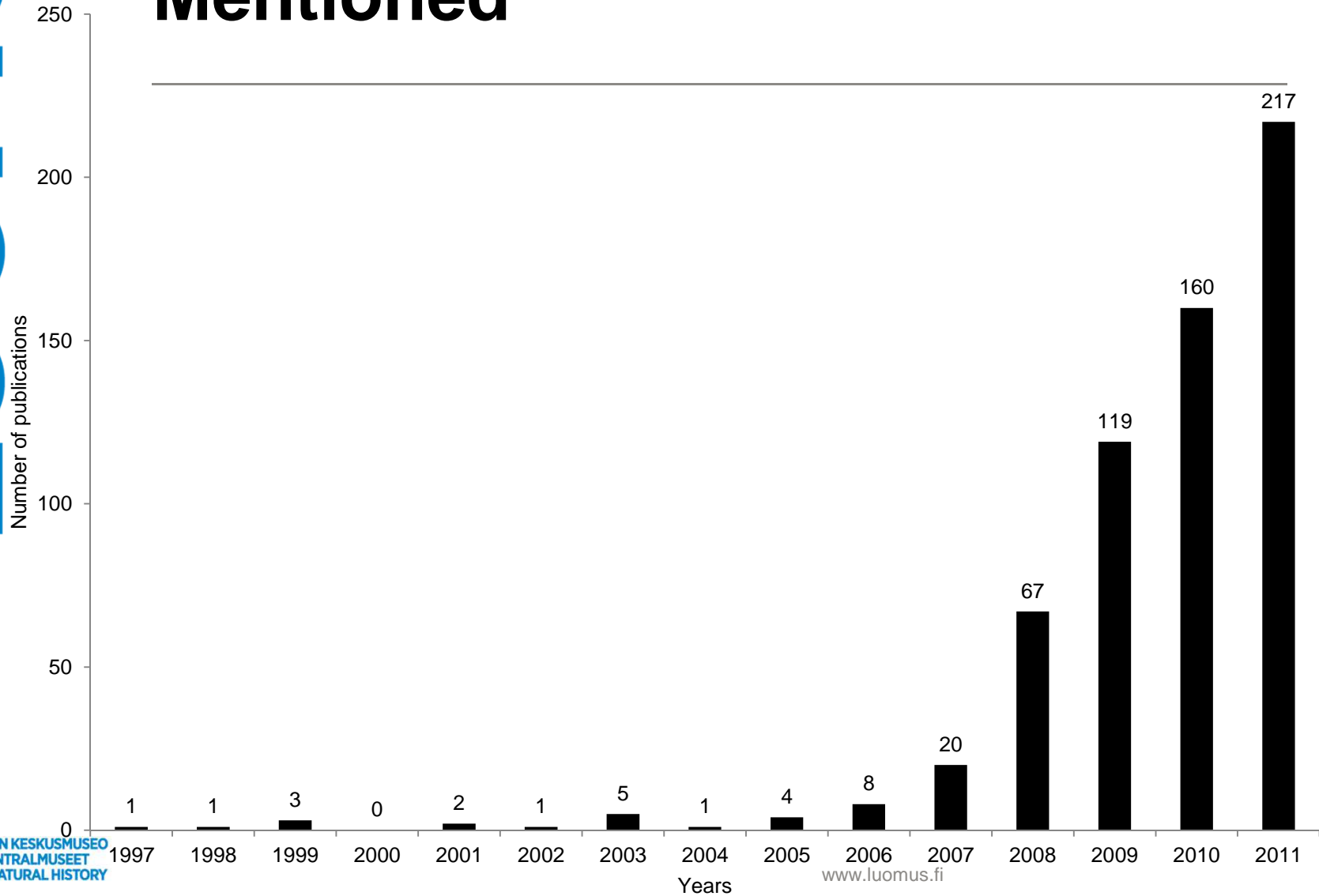
# What is Assisted Migration?

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- Climate change poses a great threat for biodiversity
  - Thuiller 2005: European flora 50 % by 2080
- Domestic and international strategies focus on conservation and mitigation inside national borders
- Preservation of “natural species”

**Not enough!**

## Science: Assisted Migration Mentioned



## Practice: Assisted Migration Already Done

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*Torrey taxifolia*



*Melanargia galathea*

Poorly implemented, possibly illegal  
→ Protocol/ regulation for coordination is needed!

## Who Are We?

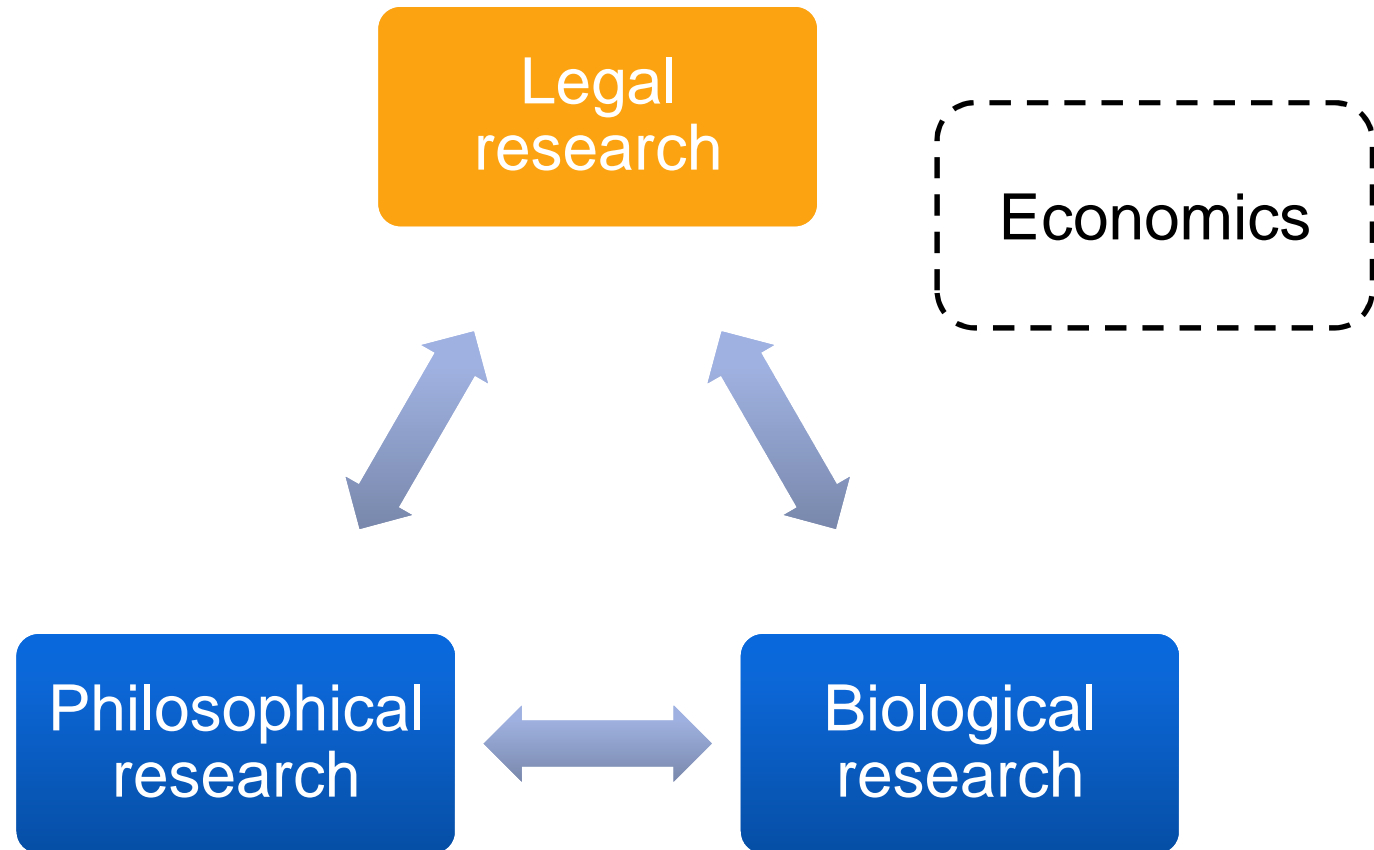
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- Eleven scientists
- Three disciplines
- Four universities
- Two government organizations
- Co-operation with the University of Notre Dame (USA)
- FMNH “main office”
  
- Main focus on threatened plants



## What Do We Do?

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## My thesis:

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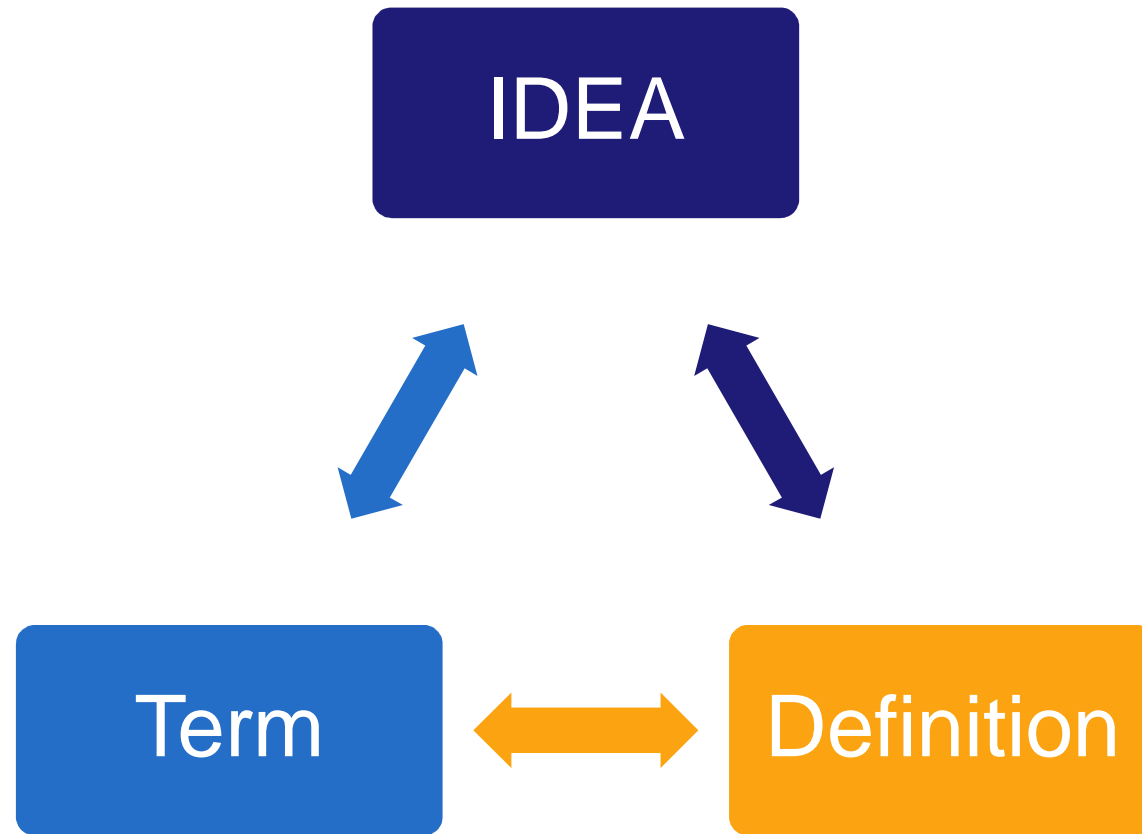
De lege lata  
• Finland

Comparative  
law  
• USA  
• Finland (Nordic)

De lege  
ferenda  
• Managers  
• Future regulation

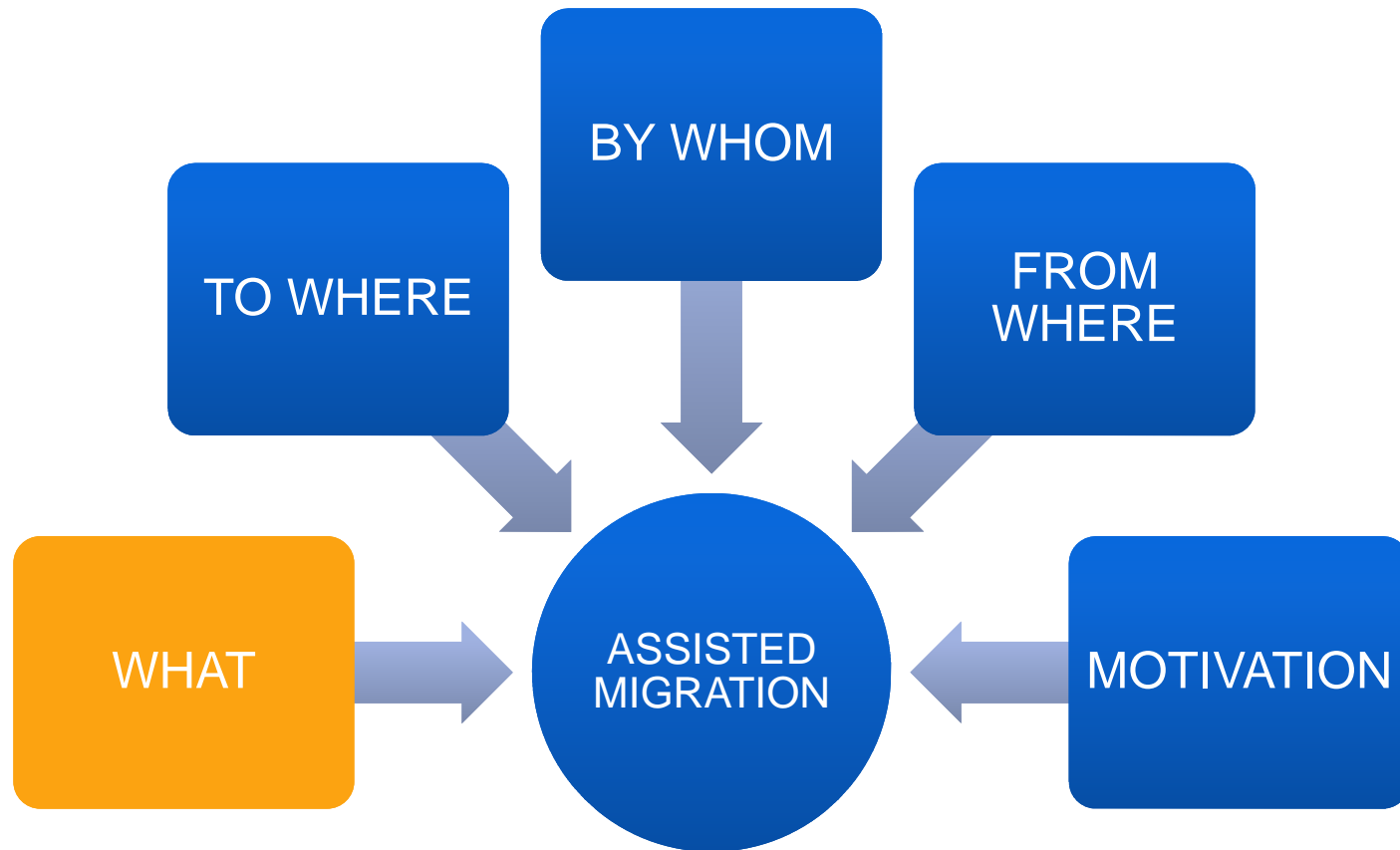
## Conceptualization of Assisted Migration

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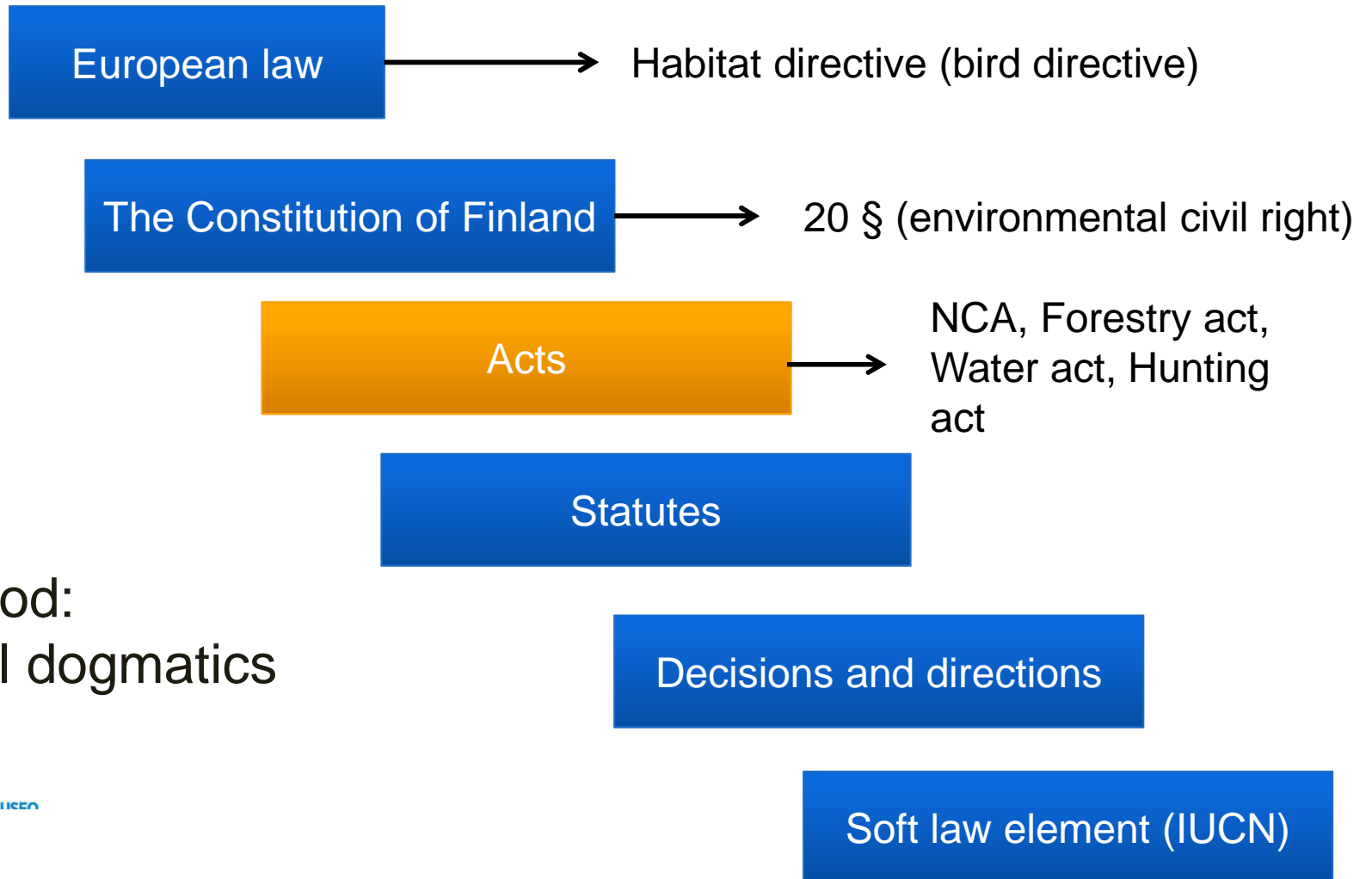


## Elements of Assisted migration

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# Norm Hierarchy and Sources of Law



Method:  
Legal dogmatics

## Two Cases of Assisted Migration Law

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1. Conservation status of potential AM species
2. Assisted migration and legal concept of alien species (if time)

## 1. Conservation status and NCA

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- Species conservation status → different legal effects
  - Habitat directive species (79/409/EEC)
  - Strictly protected species (47 §)
  - Protected species (38 §)
  - Threatened species (46 §) → link to 47 §

# LUOMUS



*Regulated in Hunting  
act*

Conservation status	Legal effect
Habitat directive species	Strict area protection Strict species protection
Strictly protected species	The deterioration and destruction of a habitat is prohibited
Protected species	Killing, capturing, disturbance...
Threatened species	No legal effects

Species might have more than one conservation status!



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## This might result to:

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- Link to definition: [translocation of a biological unit \*threatened by climate change\*](#)
  - The "weakest" conservation status (in Finland)
- Permits
  - Different exemption orders between conservation statuses
  - More bureaucracy → expenses up

## Assisted Migration and Alien Species

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- Legal concept of alien species 43 §
  - Supreme Administrative Court 29.8.2012 2247
- The alien status of a species is defined according to its biological distribution area
- Introduction outside species biological range is against NCA 43 §
  - Condition: when there is a risk of permanent population establishment
- Covers also species that occur naturally in Finland

## Take Home Message

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- Ecological concepts are constantly being created → more precisely we know what we are talking about, the better it will be implemented
- Holistic view of assisted migration
  - Biology, law, philosophy
- Legal concepts differ from ecological
- Improvement of conservation legislation or completely new comprehensive regulation mechanisms

## Thank **You** for listening!

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**Susanna Lehvävirta (PL)**

**Biology:**

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Maria Hällfors  
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Marko Ahteensuu

**Law**

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Kai Kokko  
Erja Werdi

**Policy**

Terhi Rytteri

University of Notre Dame



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Human assisted establishment      Assisted ecosystem migration  
*Assisted migration*      *Assisted afforestation*  
Facilitated translocation  
Assisted translocation      Human assisted establishment      Assisted range expansion  
Benign introduction      Assisted reintroduction      Managed migration  
Assisted relocation      Assisted colonization      *Facilitated migration*  
Assisted translocation      *Assisted dispersal*  
Human-aided translocation      Managed relocation      *Artificial translocation*  
Translocation  
Human-assisted migration management      Human-assisted migration      Human-assisted relocation  
Transformative restoration      Human-assisted dispersal      *Facilitated dispersal*  
Human-assisted translocation      Managed translocation  
Planned invasions process      Assisted species dispersal      Conservation introduction  
Assisted species relocation