

**MEMORANDUM OF UNDERSTANDING
CONCERNING THE CONSERVATION OF THE MANATEE
AND SMALL CETACEANS
OF WESTERN AFRICA AND MACARONESIA**

Concluded under the auspices of the

***Convention on the Conservation of Migratory Species of Wild Animals
(CMS)***



MEMORANDUM OF UNDERSTANDING CONCERNING THE CONSERVATION OF THE MANATEE AND SMALL CETACEANS OF WESTERN AFRICA AND MACARONESIA

Among the States of western Africa and Macaronesia:

The undersigned,

Acknowledging the role of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) in the conservation and management of aquatic mammals;

Aware of international responsibilities to conserve the West African manatee and small cetaceans of the African Eastern Atlantic Basin and Macaronesia, in particular, pursuant to the Convention on Biological Diversity, for which CMS is the lead partner in the global conservation of migratory species over their entire range;

Recognising the need of aquatic mammal conservation at the global level as reflected, *inter alia*, in the United Nations Convention on the Law of the Sea, the International Convention for the Regulation of Whaling and the Convention on International Trade in Endangered Species (CITES);

Further recognising the importance of the instruments, policies and strategies specific to the region, in particular, the Convention for the Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (Abidjan Convention), as well as the CMS Memoranda of Understanding Concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa and Concerning Conservation Measures for the Eastern Atlantic Populations of the Mediterranean Monk Seal;

Also aware of the region's exceptionally rich aquatic biodiversity, which, in addition to the West African manatee, harbours more than 30 species of small cetaceans;

Convinced of the need to ensure, for the benefit of present and future generations, the conservation of manatees and small cetaceans, which are part of the region's aquatic environments, where they constitute a link between the cultures and the ecosystems;

Conscious that manatees occur over vast areas, making their survival dependent on their conservation over the entire range of their coastal and inland water habitats;

Conscious too that small cetaceans migrate and disperse over vast distances, making their survival dependent on their conservation over a wide area and in a wide range of marine habitats;

Emphasising that knowledge of the biology, ecology, migration, population abundance and the conservation status of manatees and small cetaceans is insufficient and that international cooperation is urgently needed to facilitate research and monitoring of these species in order to develop and implement conservation measures;

Concerned that the existence of the manatees frequenting coastal and inland waters of the region's Western African Range States is threatened by by-catch, hunting and habitat destruction due to pollution, overexploitation and constructions;

Equally concerned that the conservation status of small cetacean populations frequenting the marine and coastal waters of the region's Range States, particularly populations that have been severely depleted, can be affected by factors such as directed take and by-catch, degradation, disturbance or destruction of their habitats, chemical and acoustic pollution, decline in food availability, climate change, use and abandonment of fishing gear and ship strikes;

Emphasising that many activities in the region, such as fishing, tourism and oil and gas exploration, extraction and other mining activities, while socially and economically important, should be conducted in a sustainable manner to minimise the threats to manatees and small cetaceans;

Emphasising further that the particular vulnerability of manatee and small cetacean populations warrants the implementation of conservation measures where they do not already exist;

Acknowledging further that the Range States have endeavoured individually to ensure conservation of manatees and small cetaceans; nevertheless, coordinated and concerted actions across the migratory range are still required to improve and ensure their conservation;

Noting that the CMS calls for international cooperation to conserve migratory species and encourages Contracting Parties to conclude agreements, including non-legally binding instruments, in respect of populations of migratory species;

Recalling that Resolutions 7.7 and 8.5, as well as Recommendation 7.3, of the CMS Conference of the Parties invite CMS Contracting Parties in the region to conclude a Memorandum of Understanding on manatees and small cetaceans and undertake collaborative actions through action plans;

Also recalling the recommendations for the conservation of small cetaceans and manatees formulated at the workshop on "The Conservation and Management of Small Cetaceans of the Coast of Africa", held in Conakry, Guinea, in May 2000;

Encouraged by the efficacy of existing cetacean-related instruments negotiated under the auspices of CMS such as the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS) and the Memorandum of Understanding Concerning the Conservation of Cetaceans and their Habitats in the Pacific Islands Region;

Recognising further that the scientific bodies of existing CMS instruments and the CMS Scientific Council have scientific and technical expertise that can be shared with the region to support the implementation of this Memorandum of Understanding;

Noting further that the region's coastal communities, and those communities living along inland waters, value manatees and small cetaceans as part of their cultural

heritage, and recognise that the species are significant components of the region's biodiversity because of their particular ecological, economic, scientific, educational and tourism values;

Acknowledging the shared responsibility of the Range States, including all government agencies concerned with the environment, fisheries, development and extractive industries, intergovernmental organisations, the non-governmental sector, the private sector, including oil and mining companies, the fish and aquaculture industries, and tour operators, to work with local communities to achieve and maintain a favourable conservation status for the region's manatees, small cetaceans and their habitats;

Confirming that the Signatories have the primary responsibility to implement this Memorandum of Understanding;

DECIDE to work closely together in the region and to foster cooperation, build capacity and ensure coordinated region-wide actions to achieve and maintain a favourable conservation status for manatees and small cetaceans and their habitats and to safeguard the associated values of these species for the people of the region. To this end and in the spirit of mutual understanding and cooperation, the Signatories record their understanding that their governments will individually or collectively:

1. Take steps as Range States for the respective species to conserve manatees and small cetaceans and fully protect those species listed in CMS Appendix I that occur in the region.
2. Consider, as appropriate, ratifying or acceding to those biodiversity-related international instruments that complement the intent of this Memorandum of Understanding, including in particular CMS, so as to enhance the legal protection of the region's manatees and small cetaceans.
3. Enact or update, as appropriate, legislation and enforce it to conserve the manatees and small cetaceans of the region.
4. Implement, in the case of a Range State for the respective species and subject to the availability of necessary resources, the provisions of the Action Plans attached as annexes to this Memorandum of Understanding as a basis to conserve populations of manatees and small cetaceans in the region.
5. Facilitate the rapid exchange of scientific, technical and legal information necessary to coordinate conservation measures, and cooperate with recognised experts and collaborating organisations to facilitate the work conducted in relation to the Action Plans.
6. Assess the implementation of this Memorandum of Understanding, including the Action Plans, at regular meetings to be attended by representatives of each of the signatories, and persons or organisations technically qualified in manatee and small cetacean conservation. Where appropriate, such meetings may be held back-to-back with other events, such as meetings of the Conference of Parties to CMS.

7. Designate a competent authority to serve as a focal point for communication between the Signatories and for implementing activities under this Memorandum of Understanding, and communicate the complete contact details of this authority (and any changes thereto) to the Secretariat.
8. Submit regularly to the Secretariat reports on implementation of this Memorandum of Understanding, the periodicity and format of which will be determined at the first Meeting of the Signatories. The Secretariat will transmit to each of the Signatories, non-signatories and any collaborating organisations all the reports received, together with an overview report that it will compile on the basis of the information at its disposal.
9. Agree at each Meeting of the Signatories:
 - (a) a budget to meet the expenses required for the operation of the secretariat and activities carried out under this Memorandum of Understanding and to assist the signatories in fulfilling their responsibilities; and
 - (b) mechanisms for the provision and use of the budget.

Further Understandings

10. This Memorandum of Understanding is an agreement under Article IV, paragraph 4, of CMS and is not legally binding.
11. The Action Plans in annex form an integral part of this Memorandum of Understanding.
12. Each Signatory, as appropriate, will implement the Memorandum of Understanding in the region with respect to:
 - (a) its nationals and vessels; and
 - (b) marine areas, inland waters and terrestrial areas under its jurisdiction.
13. This Memorandum of Understanding is open for signature by the Range States and will take effect with seven signatures. It will become effective for each subsequent Signatory on the date of signature.
14. This Memorandum of Understanding will remain open for signature indefinitely, and will remain in effect indefinitely subject to the right of any Signatory to terminate its participation by providing one year's written notice to all other Signatories.
15. This Memorandum of Understanding may be amended by consensus at a Meeting of the Signatories. The Action Plans may be amended by a two-thirds majority of the respective Range States at a Meeting of the Signatories. When appropriate, the Signatories will consider amending this Memorandum of Understanding to make it legally binding and to include other species.

16. Nothing in this Memorandum of Understanding precludes signatories from implementing stronger measures than those specified in the Action Plans, in accordance with international law.
17. The original texts of this Memorandum of Understanding in the English and French languages will be deposited with the CMS Secretariat, which will act as the depositary. In the event of any discrepancies, the English version will be considered definitive. Official translations of the text into Arabic, Portuguese and Spanish will be provided.
18. The CMS Secretariat will function as the Secretariat to this Memorandum of Understanding. It may use the services of any competent organisation to support the coordination of this Memorandum of Understanding. The Signatories will consider at their first meeting what further mechanisms are required to provide technical advice and secretariat services to support the implementation of this Memorandum of Understanding.