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REVIEW OF ARTICLE IV AGREEMENTS CONCLUDED OR UNDER DEVELOPMENT

(Prepared by the Secretariat)

Introduction

1. Paragraphs 3 and 4 of Article IV of the Convention call upon Party-Range States of CMS-Appendix II species to conclude AGREEMENTS (Art. IV, 3) or agreements (Art. IV, 4) in order to benefit the species.
2. Article VII, paragraph 5(b) of the Convention requires the Conference of the Parties (COP) to review at each of its meetings progress made towards the conservation of migratory species, especially those listed on Appendices I and II. In accordance with CMS Article IX, paragraph 4(h), and COP Resolution 3.5 (Geneva, September 1991), the Secretariat is submitting a consolidated report summarizing measures carried out under Article IV of the Convention to develop and conclude Agreements. Since the last meeting of the Conference of the Parties, significant progress has been made in the negotiation and conclusion of new Agreements and the implementation of existing ones although all of the ambitious goals outlined in Resolution 8.5 could be met.
3. Instead of duplicating general considerations on Agreement development and servicing, reference is made to the related Conference document: UNEP/CMS/Conf.9.5 "CMS – A Convention That Works", Objective 2 on page 3. Also, further information is provided on the implementation of the Work Programme by the Secretariat with respect to Article IV agreements in document UNEP/CMS/Conf.9.5/Addendum, pages 5-8. Reference is also made to the draft resolution on priorities for CMS Agreements, document UNEP/CMS/Resolution 9.2.

Part I Review of Article IV Agreements Concluded

4. The total number of Agreements has increased by one to seven. Reference is made to the reports of the secretariats of the following Agreements (traditionally, reports from Agreements with their own permanent or interim secretariats are submitted either in writing or orally to the COP):

ACCOBAMS:	UNEP/CMS/Inf.Conf.9.15.1
ASCOBANS:	UNEP/CMS/Inf.Conf.9.15.2
AEWA	UNEP/CMS/Inf.Conf.9.15.3
EUROBATS	UNEP/CMS/Inf.Conf.9.15.4

– all English only

Agreement on the Conservation of Seals in the Wadden Sea - 1990

5. The Agreement was concluded between Denmark, Germany and the Netherlands on 16 October 1990 in Bonn, Germany, and entered into force one year later. The Secretariat is located in Wilhelmshaven, Germany. Both, the secretariat and the implementation of the Agreement are incorporated in the Trilateral Wadden Sea Cooperation.

6. The Agreement was the first ever concluded under CMS. It has proven its worth for more than 25 years by helping to focus on the problems of the Wadden Sea seals and their requirements for a healthy environment. Many activities have taken place, such as concerted actions against a lethal disease which twice eliminated huge numbers of individuals, also the implementation of continuously updated Action Plans which served as road maps for national and cross-border conservation measures. In 2008 Denmark designated the Danish Wadden Sea as a National Park which extends the specially protected areas of the German Wadden Sea.

Agreement on the Conservation of Albatrosses and Petrels (ACAP) - 2001

7. Albatrosses and petrels are subject to an array of human-caused threats which in combination, are placing the long-term viability of many species at risk. Incidental catch (or bycatch) of seabirds during longline and trawl-fishing operations, introduced predators at many breeding localities, human disturbance at the nesting sites, chemical contamination, marine pollution and over-exploitation of food resources are the main factors for the drastic depletion of the numbers of birds.

8. The Agreement, negotiated and concluded under CMS, was opened for signature in Canberra, Australia on 19 June 2001. It entered into force on 1 February 2004. With Brazil (1 December 2008) and Uruguay (1 January 2009) ACAP will count 13 Parties as of 1 January 2009, i.e. more than 50% of the 25 Range States. The Secretariat is located in Hobart, Australia. On 2 December 2008 the Headquarters Agreement between the ACAP Secretariat and Australia will be signed. Through this act the Secretariat will be formally established and no longer operate on an interim status.

9. The Agreement provides the formal basis for international coordination and cooperation of the Parties, non-Party Range States and specialized governmental and non-governmental organizations. A sophisticated Action Plan is annexed to the Agreement; it can be amended or updated by the meeting of the Parties (MOP).

10. The Third Session of the Meeting of the Parties will be held in Bergen, Norway from 27 April to 1 May 2009.

Agreement on the Conservation of Gorillas and Their Habitats - 2007

11. Working closely with the Royal Belgian Institute for Natural Sciences (IRSNB) and the Great Apes Survival Project (GRASP), a collaborative venture of UNEP and UNESCO, CMS developed the Agreement on the Conservation of Gorillas and their Habitats. The text of the Agreement was adopted in Paris on October 2007, at negotiations attended by nine of the ten west and central African range states. The Agreement entered into force in June 2008 with the ratification of the third party and to date six parties have ratified. The range states are: Angola, Cameroon, Central African Republic, Congo, Democratic Republic of the Congo, Equatorial Guinea, Gabon, Nigeria, Rwanda and Uganda.

12. The Agreement, concluded under Article IV (4), covers all species and sub-species of gorilla, the Mountain Gorilla (*Gorilla beringei beringei*), the Eastern Lowland Gorilla (*Gorilla beringei graueri*), the Western Lowland Gorilla (*Gorilla gorilla gorilla*) and the Cross River Gorilla (*Gorilla gorilla diehli*).

13. The first meeting of parties to the Agreement took place immediately before the COP on 29 November 2008 (with a final session on 1 December) and adopted the species Action Plans, which have been developed by experts at the IRSNB.

14. The importance of Gorilla conservation and the plight of these animals will be brought to the public's attention throughout 2009, which has been declared "Year of the Gorilla".

Memoranda of Understanding (MOU)

Memorandum of Understanding Concerning Conservation Measures for the Siberian Crane - 1993

15. The MOU was concluded under CMS auspices in 1993. It was the first such instrument under CMS Article IV (4). Originally concentrating on the highly endangered Western and Central Populations of Siberian Cranes, the MoU's scope was extended in 1998 to cover the larger Eastern Population which winters around Poyang Lake, China, and accounts for over 95% of the species. 11 of the 12 Range States are Signatories; also three cooperating organisations have signed: International Crane Foundation (ICF), Wetlands International (WI) and Cracid & Cranes Breeding and Education Centre (CBCC).

16. The Sixth Meeting of Range States of the endangered Siberian Crane (*Grus leucogeranus*) was convened in Almaty, Kazakhstan, from 15-19 May 2007, attended by representatives of all Signatory States as well as observers from other interested countries and nongovernmental organizations.

17. The Meeting reviewed the steady progress made towards implementation of the Conservation Plans for the Western, Central and Eastern populations of the Siberian crane. It formally adopted the three flyway Conservation Plans including the detailed activities listed therein. It also noted the positive developments in relation to an associated UNEP/GEF-funded Siberian Crane Wetland Project. Moreover, the Range States agreed in principle to the concept of establishing an International Trust Fund to sustain MoU-related activities, particularly after completion of the UNEP/GEF Siberian Crane Wetlands Project (the UNEP/GEF SCWP). The meeting agreed that the next (seventh) MOU meeting be convened in mid or late 2009. The meeting is currently planned to be held in the Islamic Republic of Iran.

18. Further, more detailed information is contained in CMS Technical Series No 16 of 2008, available in the Technical Series section of the publications page on the CMS web site: < http://www.cms.int/publications/TechSeries/SibCrane16/siberian_crane_TC16.htm >.

Memorandum of Understanding concerning Conservation Measures for the Slender-billed Curlew – 1994

19. The Slender-billed Curlew MoU entered into effect on 10 September 1994. The MoU and Action Plan are designed to conserve one of the world's rarest birds. Since its adoption, 18 of 30 Range States have become signatories (Italy was the last signatory in 2000). The CMS Secretariat, BirdLife International and the International Council for Game and Wildlife Conservation (CIC) have also signed the MoU as co-operating organisations.

20. In 1997, the CMS Scientific Council established a Slender-billed Curlew Working Group as part of a concerted action for the species. BirdLife International has provided the Working Group's secretariat on behalf of and under contract to CMS until 2002, and continues to maintain nominal oversight of the Working Group.

21. Since 1999, there have been no verified sightings of the bird. At the COP in Rome, BirdLife International/RSPB, in cooperation with the MOU Slender-Billed Working Group, are relaunching concerted action for the species, focussed, as first priority, on finding the bird in its non-breeding range. To help promote this search, including recruitment of skilled birdwatchers and other supporters, a range of materials has been produced, including, for launching in Rome, two roller-banners and a 'toolkit' that people can keep in their field guides to assist in identifying and reporting any slender-billed curlews found.

Memorandum of Understanding concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa – 1999

22. The MoU was concluded under the auspices of the Convention and became effective on 1 July 1999. It has 22 Signatories among the 26 Range States. Liberia (24.11.05), Namibia (21.02.06) and Cape Verde (08.01.07) signed after COP 8.

23. In October 2005, an arrangement to establish a coordination body was agreed between the CMS Secretariat and the government of Senegal acting as coordinator of the Environment Component of the New Partnership for Africa's Development (SINEPAD). This body, called the Regional Unit for Marine Turtles on the Atlantic Coast of Africa (URTOMA), is located in Dakar, Senegal. URTOMA is tasked with assisting signatory states in the implementation work, furthering the cross-border cooperation and mobilize resources from donor agencies and partner institutions.

24. The starting point for URTOMA was holding an orientation workshop in Dakar from 8 to 10 January 2007. The workshop undertook an in-depth review of marine turtle conservation by the signatories, regional governmental and non-governmental organizations and to agree strategic areas and themes as relevant for the future work.

25. The second meeting of the Signatory States to the MOU that was finally held in Dakar, Senegal, from 5 to 7 March, 2008.

26. The Meeting adopted by consensus decisions to: (1) establish an Advisory Committee, (2) encourage the Convention Secretariat to take necessary measures for effective regional coordination of the Memorandum, and (3) clarify, in the text of the MoU, that this instrument is open to all States with impacts on Marine Turtles and relevant interests in the region.

Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia (IOSEA Marine Turtles MOU) - 2001

27. The MoU was concluded under CMS auspices and became effective on 1 September 2001 together with a comprehensive Conservation and Management Plan. 28 of the 44 Range States are Signatories, the latest signature came from Yemen (1 November 2008). A secretariat was established in 2003 at the United Nations premises in Bangkok, Thailand.

28. The MOU puts in place a framework through which States of the Indian Ocean and South-East Asia region, as well as other concerned States, can work together to conserve and replenish depleted marine turtle populations for which they share responsibility.

29. Two meetings of the Signatories were held within the reporting period: the Fourth Meeting took place in Muscat, Oman, from 11-14 March 2006; the Fifth Meeting was held in Bali, Indonesia, from 20-23 August 2008, preceded by a two-day session of the IOSEA Advisory Committee and hosted by the Ministry of Marine Affairs and Fisheries, with support from WWF-Indonesia and Udayana University.

30. Main topics for the implementation of the MOU remain: (1) support sub-regional co-ordination mechanisms and promote establishment of such mechanisms where these do not already exist, (2) Reinforce ties with regional fisheries bodies for their better management of marine turtle by-catch, (3) development of a proposal to formally recognise sites of importance for marine turtles, (4) awareness-raising with decision-makers in Signatory States, non-Signatory Range States and other States with an interest in the MoU, (5) maintenance of the IOSEA website, (6) overseeing of the implementation of a number of projects funded by CMS/IOSEA.

31. A comprehensive report on the state of conservation work by the Range States was prepared in advance of the 5th meeting. Further information can be found at http://www.ioseaturtles.org/iosea_meeting.php?id=15. For more detailed information on the achievements and work of IOSEA and its secretariat, it is recommended to study the sophisticated IOSEA website: <http://www.ioseaturtles.org/>.

Memorandum of Understanding on the Conservation and Management of the Middle-European Population of the Great Bustard – 2000

32. The Great Bustard MoU was opened for signature on 27 June 2000 and entered into effect on 1 June 2001. Twelve of sixteen Range States, three participating organisations (BirdLife, CIC, and IUCN) and the CMS Secretariat have since signed the instrument.

33. Since 2004, the Government of Austria has provided the coordination of the MoU through the recruitment of two part-time coordinators and some funding for MoU implementation. At the second meeting of the Signatory (Feodosia, Ukraine, Nov. 2008) the Government of Hungary offered to take over the role of coordinator of the MoU for the period 2009-2012.

34. The Second Meeting of Signatory States was held on 11-12 November 2008. Delegates adopted, *inter alia*, an updated Medium-Term International Work Programme for 2009-2012, as well as guidelines on capturing and radio-tracking of the species. A one-day Symposium of Great Bustard Experts from all over Europe and Part of Asia preceded the meeting on 9 November 2008. The Symposium focused on reviewing the results of various projects aimed at the conservation of the remaining populations of Geat Bustard in several range states.

35. The next meeting of Signatory States is expected to be held in 1012 in Hungary, at the invitation of the Hungarian Government.

Memorandum of Understanding concerning Conservation and Restoration of the Bukhara Deer (*Cervus elaphus bactrianus*) -

36. Little information has been received from stakeholders involved in the protection of the Bukhara deer including implementation of the CMS MOU and Action Plan. According to reports of WWF-Central Asia Programme: (1) In 2005 and 2007 each one group of captive bred Bukhara deer was released from pens in the Zarafshan nature reserve, Uzbekistan. The 2005 release was successful. The release of captive bred animals of this endangered species into the wild is an important milestone on the WWF Bukhara deer project in Central Asia. (2) Also in the framework of the WWF project, Bukhara deer were reintroduced in Kazakhstan in 2007. (3) In Tajikistan WWF supported several small projects, namely to stabilize the small population in the “Tigrovaya Balka” reserve.

37. The MoU is expected to be integrated into the Concerted Action on Central Eurasian Aridland Mammals.

Memorandum of Understanding concerning Conservation, Restoration and Sustainable Use of the Saiga Antelope (*Saiga tatarica tatarica*) - 2002

38. The MOU was developed by the CMS Secretariat in cooperation with IUCN Russia and the CITES Secretariat in 2002.

39. The First Meeting of the CMS Signatory States of the Memorandum of Understanding on the Conservation and Management of the Saiga Antelope (*Saiga tatarica tatarica*) took place in Almaty, Kazakhstan, 25-26 September 2006 and was attended by representatives from Kazakhstan, Turkmenistan, Uzbekistan, Mongolia, Russia and China, and many NGOs.

40. At the meeting, the Government of Kazakhstan signed the MoU, which thereby finally entered into effect with three of the five Range States (including China) being signatories. The CMS Secretariat and representatives of three international NGOs, Fauna and Flora International, Frankfurt Zoological Society, and Wildlife Conservation Society, also signed the MoU as Collaborating Institutions.

41. A technical meeting on Saiga antelope conservation in Kazakhstan was held in Almaty from 29 to 31 October 2008. Scientists, conservationists and representatives from national implementing bodies, GOs and NGOs assessed the status implementation of the medium-term work programme 2007-2011 of the MOU. The workshop assessed how individual saiga populations are currently being monitored, what optimal methodology should be used and how such methods could be practically implemented. Moreover, information was provided on an ongoing anti-poaching project in Kazakhstan and a plan for a captive breeding programme in Mongolia.

42. A report of the results of the meeting is under preparation.

43. The second Meeting of the Signatories is planned to be held in 2009 as an activity of the Signatories under the aegis of both CITES and CMS.

Memorandum of Understanding concerning Conservation Measures for the Aquatic Warbler (*Acrocephalus paludicola*) - 2003

44. The Aquatic Warbler MoU was concluded, signed and entered into effect on 30 April 2003. To date it has been signed by 12 of the 15 officially recognised range states, with an additional one, France, having declared its intention to sign it soon.
45. In the reporting period, the first Meeting of Signatory states took place in June 2006 in Germany. The second Meeting of Signatory is expected to be convened in 2009.
46. An Aquatic Warbler Flyway Officer is being employed based at the BirdLife partner organisation in Belarus. His task is to assist the implementation of the MoU. The costs of his employment are shared equally between CMS and BirdLife International.
47. CMS funding significantly contributed to the discovery of the first important wintering site of the species in Africa, in and around the Djoudj NP in NW-Senegal. Further work is underway to determine the complete wintering range of the species and to initiate the urgently needed protection of these sites.
48. Following these discoveries and improved knowledge about migratory routes, a number of additional countries should be recognised as Range States (e.g. Mauritania, Morocco, Portugal, Switzerland, Slovak Republic).
49. A number of small, medium and large scale conservation projects are being implemented to protect Aquatic Warbler breeding and stop-over sites, especially in Belarus, Poland, France and Spain.
50. The rapid decline of the species' population due to large-scale drainage has been stopped, but a slow decline due to gradual overgrowth of breeding sites continues. Due to its restricted area of occupancy (fewer than 40 regular breeding sites with a joint area of <math><1,500\text{km}^2</math>), the species remains globally threatened in the category "vulnerable".
51. An updated version of the International Aquatic Warbler Species Action Plan is currently being prepared by BirdLife International and its acceptance as CMS Action Plan annexed to the MoU should be discussed during the next Meeting of Signatory States.

Memorandum of Understanding concerning Conservation Measures for the West African Populations of the African Elephant (*Loxodonta africana*) - 2005

52. The Memorandum of Understanding concerning Conservation Measures for the West African Populations of the African Elephant (*Loxodonta africana*) was signed on 22 November 2005 by eleven of the thirteen range states. All thirteen have now signed (Benin, Burkina Faso, Cote d'Ivoire, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo). CMS and the IUCN's Species Survival Commission (SSC) also signed the Memorandum.
53. The MoU is coordinated by the IUCN SSC African Elephant Specialist Group under the terms of a letter of agreement between CMS and IUCN dating from July 2006.
54. The MoU has helped to foster cross-boundary collaboration, with examples being in Wegenesi-Ziama (Liberia and Guinea), Nazinga-Kabore (Ghana and Burkina Faso) and Bia-

Goaso-Bossamatie (Ghana and Cote d'Ivoire). It has also helped attract funding from sponsoring bodies such as the US Fisheries and Wildlife Service and IUCN Netherlands to fund national strategies and conservation projects. Technical assistance has also been provided to help with elephant population surveys and mitigating human-elephant conflict.

Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region - 2006

55. On 15 September 2006, the Memorandum of Understanding for the Conservation of Cetaceans and their Habitat in the Pacific Islands Region came into effect. On this date, nine range states signed the MoU, which has been developed, and is being implemented, in close cooperation with SPREP. There are now 11 Signatories who have agreed to cooperate and reinforce efforts to protect and conserve all cetaceans that occur in the Pacific Islands Region, including the coastal and high seas habitats. The accompanying Action Plan, which is shared with SPREP, invites signatories to reduce threats; respond to strandings and entanglements; and to protect habitat, including migratory corridors. Cooperation, information exchange, education and public awareness activities are also significant components of the Action Plan. In addition, signatories need to undertake more training, research and monitoring. Working towards sustainable and responsible cetacean-based tourism is another objective.

56. The First Meeting of Signatories to the Pacific Cetaceans MoU was held in March 2007. The Action Plan was endorsed by the 18th SPREP meeting in September 2007. Two Pacific Cetaceans MoU Capacity Building Workshops have been held in Fiji and Papua New Guinea, and a research programme to implement to Pacific Cetaceans MoU in the Micronesian region has commenced. A Second Meeting of Signatories to the Pacific Cetaceans MoU is planned for the first half of 2009.

Memorandum of Understanding concerning Conservation Measures for the Eastern Atlantic Populations of the Mediterranean Monk Seal (*Monachus monachus*) - 2007

57. During the West African Talks on Cetaceans and their Habitats (WATCH) held in Adeje, Canary Islands, Spain in October 2007, representatives of the four range states (Mauritania, Morocco, Portugal and Spain) signed the Memorandum of Understanding concerning Conservation Measures for the Eastern Atlantic Populations of the Mediterranean Monk Seal (*Monachus monachus*). The MoU aims at providing a legal and institutional framework for the implementation of the Recovery Plan for the Eastern Atlantic population of the monk seal. The MoU came into effect on the day of signature, 18 October 2007.

58. The Mediterranean Monk Seal is one of the world's rarest marine mammals with only 500 individuals left in the wild. There are two breeding colonies on the Eastern Atlantic coastlines – one on the Desertas Islands (Madeira) and the other at the Cabo Blanco peninsula in Mauritania.

59. In September 2006, an international conference was convened in Antalya, Turkey jointly by the Barcelona, Bern and Bonn Conventions to discuss the conservation status of the Mediterranean Monk Seal and agree on how to improve coordinated actions, such as harmonising action plans, establishing a finding mechanism reducing mortality and improving habitat protection.

60. Implementation of the Recovery Plan is overseen by a steering group composed of experts from the four range states, which meets periodically. The group held its last meeting

in May 2008. The Government of Spain, which led the preparation of the recovery plan and the MoU, continues to support the implementation of these instruments.

The Memorandum of Understanding on the Conservation and Management of Dugongs (*Dugong dugon*) and Their Habitat throughout Their Range - 2007

61. The Memorandum of Understanding on the Conservation and Management of Dugongs (*Dugong dugon*) and Their Habitats throughout Their Range was signed by seven of the forty-two range states on 31 October 2007. The number of signatories has risen to 11 at the time of writing, namely: Australia, Comoros, Eritrea, France, India, Kenya, Madagascar, Myanmar, Philippines, the United Arab Emirates and the United Republic of Tanzania. The MoU stems from an initiative led by the governments of Australia and Thailand.

62. The Environment Agency of Abu Dhabi made an offer during a meeting of the signatories in Bali in August 2008 to fund a coordination unit for CMS initiatives in the region which will apply to the Dugong MoU, one of three CMS instruments to benefit.

63. As dugongs reach maturity late and are slow breeders, they are particularly vulnerable to anthropogenic influences, such as coastal development which destroys their habitat and agricultural run-off leading to eutrophication which damages the sea grass pastures where the dugongs feed. Bycatch, ship strikes and direct hunting are also contributing to the species' decline.

Memorandum of Understanding concerning Conservation Measures for the Ruddy-headed Goose (*Chloephaga rubidiceps*) - 2006

64. The Memorandum of Understanding concerning Conservation Measures for the Ruddy-headed Goose (*Chloephaga rubidiceps*) is a bilateral Article IV (4) Agreement between Argentina and Chile. The MoU was signed in November 2006 and forms part of the bilateral wildlife conservation protocol agreed between the two countries in May 2002. It applies to the continental population of the Ruddy-headed Goose, a CMS Appendix I species designated for Concerted Action, which numbers approximately 1,000 individuals which breed in southern Patagonia and overwinter in the south of Buenos Aires province.

65. The introduction of the Patagonian fox (*Lycalopex griseus*) to the island of Tierra del Fuego has led to increased depredation of the goose's nests. The species' wintering grounds are in wheat growing areas of Argentina, where farmers consider the similar looking sheldgeese as pests. Sports hunting, habitat modification and chemical poisoning are among the other threats.

66. With financial support from the Danish Agency for Spatial and Environmental Planning, CMS supported a conservation project targeting the ruddy-headed goose, which was approved by the Scientific Council in 2005 under the Small Grant Programme. The project was coordinated by the Fundación para la Conservación y el Uso Sustentable de los Humedales, the Wetlands International partner in Argentina. Local researchers and the government also participated.

67. The project's aims were:

- Survey and monitoring of the Ruddy-headed Goose Mainland/Tierra del Fuego population in Argentina and Chile, to assess changes in distribution and population trends in both main breeding and wintering areas.

- Work in partnership with local farmers, governmental officers, NGOs and other local stakeholders to reduce the persecution and hunting pressure during the wintering season in southern Buenos Aires province.
- Education/awareness-raising activities in cooperation with local stakeholders, to inform local communities, hunters and farmers about this Goose conservation needs.

Memorandum of Understanding on the Conservation of Southern South American Migratory Grassland Birds Species and Their Habitats - 2007

68. The Memorandum of Understanding on the Conservation of Southern South American Migratory Grassland Birds Species and Their Habitats came into effect on 26 August 2007. It has been signed by four of the five range states (Argentina, Brazil, Paraguay and Uruguay) with Bolivia expected to sign in due course.

69. The MoU aims to address the sharp decline in numbers of characteristic grassland bird species in the region, many of which are now categorised as Critically Endangered on the IUCN “Red List”, including the Marsh Seedeater (*Sporophila pallustris*) and the Buff-breasted sandpiper (*Tryngites subruficollis*). Main causes of the decline are habitat fragmentation and illegal trade.

70. The first Regional Workshop “MoU for Grassland Birds. Research, Management and Conservation Priorities towards an Action Plan” took place in Foz do Iguazú, Brazil, 6-10 October of 2008. The workshop was organized by the CMS Secretariat in collaboration with the Chico Mendes Institute of Brazil and with financial support from the Government of Spain.

71. The main objective of the workshop was the promotion of the implementation of the Memorandum of Understanding. A draft Action Plan was produced for circulation among the governmental delegates and stakeholders to prepare a final version to be discussed during the CMS Conference of the Parties in Rome.

The Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia - 2008

72. The Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia, an Article IV (4) agreement under the Convention, was signed by twenty-eight states on 22 October 2008 at the concluding negotiation meeting hosted by the United Arab Emirates in Abu Dhabi. It entered into force on 1 November 2008. The ground for the rapid adoption of the MoU was prepared at the first negotiation meeting, which took place at Loch Lomond, Scotland, UK in October 2007.

73. The Memorandum applies to migratory species of birds of prey belonging to the orders Falconiformes (such as hawks, eagles, kites and harriers) and Strigiformes (owls) occurring across Africa and Eurasia, a range covering 138 countries and territories.

74. The CMS Secretariat acts as Secretariat of the MoU, as provided for in article 11. The Secretariat also serves as depositary. There is a strong possibility that the administration of the MoU will be conducted from a coordination unit, the establishment of which is being made possible through the generous support of the United Arab Emirates.

Memorandum of Understanding Concerning the Conservation of the Manatee and Small Cetaceans of Western Africa and Macaronesia - 2008

75. This new CMS instrument for the conservation of aquatic mammals was signed by 15 range states on 3 October 2008, and entered into force on the same day. The Memorandum of Understanding Concerning the Conservation of the Manatee and Small Cetaceans of Western Africa and Macaronesia was thus concluded at the end of the second negotiation meeting; within a year of the first, held in Adeje, Canary Islands, Spain (October 2007). The need for such an agreement, however, had already been recognised during a workshop on Conservation and Management of small cetaceans of the coast of Africa held in Conakry, Guinea, in May 2000. The successful conclusion of this new MoU directly follows the instructions of the CMS COP in Resolutions 7.7 and 8.5 and Recommendation 7.3.

76. The new MoU is accompanied by two separate Action Plans. Annex 1 to the MoU is the Action Plan for the Conservation of the West African Manatee. This strategic document aims to significantly improve the conservation status of the West African manatee across its range through the implementation of strategic policy, research, conservation and awareness actions. Annex 2 is the Action Plan for the Conservation of Small Cetaceans of Western Africa and Macaronesia, the goal of which is to conserve small cetaceans and their habitats in the African eastern Atlantic basin and Macaronesia by reducing the negative effects of human activities on cetaceans.

77. The CMS Secretariat currently functions as the Secretariat to this MoU, but it may use the services of any competent organisation to support the coordination. 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.

Part II: Review of Article IV Agreements under Development

78. Resolution 8.5 (Implementation of Existing Agreements and Development of Future Agreements) provided an outline of many Agreements that at the time of the Eighth Meeting of the Conference of the Parties were being developed, or were foreseen to be developed, under CMS auspices.

79. Draft Resolution on Priorities for CMS Agreements (document UNEP/CMS/Resolution 9.2) lists Agreements presently under development or discussion and provides proposals for decisions of the COP.

80. Of the large number of drafts or ideas four Agreement proposals are being presented hereafter for different reasons.

Agreement on the Conservation of the Asian Houbara Bustard (*Chlamydotis undulata macqueenii*)

81. The Houbara Bustard (*Chlamydotis undulata*) was recommended for Concerted Action by Resolution 3.2 (Geneva, 1991). The efforts since that time to conclude a formal Agreement under CMS Article IV (4) for the Asiatic subspecies (*Chlamydotis undulata macqueenii*) were reported on for the Seventh Meeting of the CMS COP in document UNEP/CMS/Conf.7.9.2. Also, reference is made to document UNEP/CMS/Conf. 8.10 and

Resolution 8.5 (Nairobi, 2005) paragraph 2 (c).

82. The Secretariat notes that there is a draft Agreement duly consulted among the Range States, in principle ready for conclusion. An approach towards the conclusion of this Agreement is suggested in document UNEP/CMS/Res 9.2, paragraph 2 (b).

Memorandum of Understanding on the Conservation of High Andean Flamingos and Their Habitats – 2008

83. The populations of the two species of Andean Flamingos *P. andinus* and *P. jamesi* have been included in Appendix I of the Convention on the Conservation of Migratory Species of Wild Animals (CMS). An MoU aimed at improving the conservation status of the species and their habitats is expected to be concluded among the range states during the COP 9 on four December.

84. The high Andean flamingos undertake continuous migrations between the South America wetlands of Argentina, Bolivia, Chile and Peru to forage and to search for breeding sites. The populations of high Andean flamingos have been subject to a drastic reduction and fragmentation of their habitats. According to IUCN, the global conservation status of the Andean flamingo (*Phoenicopterus andinus*) is “Vulnerable” and that of James’s flamingo (*Phoenicopterus jamesi*) is “Nearly Threatened”.

85. The flamingos’ habitat is found in the Central Dry Puna of the Andes, an eco-region absolutely unique in the world. Its altitude ranges between 2,300 and 4,800 metres above sea level (with the exception of Laguna Mar Chiquita in Argentina at only 66 metres above sea level). It is populated by biota well adapted to high elevations and climatic extremes. The High Andean wetlands are mostly saline in nature. They are home to several endemic and migratory, as well as nomadic, bird species and other wildlife dependent on these wetlands. The Andean Puna is dry and cold and has a limited capacity to support agriculture and classical cattle ranching, and therefore it can only sustain relatively low numbers of people.

Sharks

86. A wide range of human activities directly and indirectly affect shark populations around the world, especially fishing. The life cycle of sharks - slow growth, late maturity, production of small numbers of large well-developed young, longevity and low natural mortality is typical of species with few natural predators, but also make them vulnerable to population depletion if mortality rates increase, and slow to recover. Many stocks are now depleted and some species are now considered to be at risk of extinction, mostly as a result of the rapid and largely unregulated growth of target and bycatch fisheries. Other threats to shark stocks include depletion of their prey species and habitat loss or degradation through coastal development and pollution.

87. The white shark (*Carcharodon carcharias*), whale shark (*Rhincodon typus*) and basking shark (*Cetorhinus maximus*) are already included in Appendices of CMS as well as in Annex I of UNCLOS and Appendix II of CITES.

88. The first meeting to identify and elaborate an option for international cooperation on migratory sharks under the Convention on Migratory Species (CMS) took place in Mahé, Seychelles from 11-13 December 2007. The intergovernmental meeting was hosted by the Ministry of Environment, Natural Resources and Transport, Government of Seychelles, with

the objective to identify and elaborate an option for international cooperation on migratory sharks under CMS. The meeting brought together some 70 participants from 40 countries, representing governments, intergovernmental and non-governmental organizations (NGOs), and scientific and academic institutions.

89. The second meeting which will be held in conjunction with the CMS COP 9, Rome, Italy, 6-8 December 2008 will consider drafts of possible instruments.

Bats of Africa

90. An agreement for bats in Africa has been under consideration for some time. Resolutions 7.7 (Bonn, 2002) and 8.5 (Nairobi, 2005) as well as document UNEP/CMS/Conf. 8.10 are relevant.

91. The CMS Scientific Council discussed the matter in its 14th meeting (Bonn, May 2007) with the conclusion that the arrangements agreed upon at the last Council meeting remain pertinent. These were: support of the proposal of the working group on terrestrial mammals that the COP be requested to take the measures necessary to formally establish a new action for common and coordinated conservation of sub-Saharan and African bats.

92. A meeting of the CMS Parties which are Range States to African bats will be held in the margins of the 9th meeting of the Conference of the Parties to discuss the issue of a new CMS instrument.