



**Convention on the
Conservation of Migratory
Species of Wild Animals**

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REVIEW OF ARTICLE IV AGREEMENTS UNDER DEVELOPMENT

(Prepared by the Secretariat)

1. Agreements represent one of the key operational tools of the Convention on Migratory Species. This report reviews the current status of Article IV Agreements that are under development, and is linked to document UNEP/CMS/Conf.7.9. In considering this note, the Conference of the Parties may wish to consider also the Report of the Working Group on the Development of CMS Regional Agreements (UNEP/CMS/Inf.7.16), which was reviewed by the CMS Standing Committee at its 23rd meeting in Bonn, December 2001.

BIRDS

Houbara Bustard

2. The Houbara bustard (*Chlamydotis undulata*) was recommended for concerted action by way of Resolution 3.2 (Geneva, 1991). Under the lead of the National Commission for Wildlife Conservation and Development (NCWCD) of the Kingdom of Saudi Arabia, and with the support of the IUCN Environmental Law Centre as well as an IUCN Working Group on the Houbara Bustard under the IUCN Bustard Specialist Group, a draft Agreement on the Conservation of Asiatic Houbara Bustard (*Chlamydotis [undulata] macqueenii*) was developed prior to the Sixth Meeting of the Conference of the Parties to CMS.

3. At its sixth meeting, the Conference of the Parties recommended in Recommendation 6.4 that the Scientific Council mandate the *Chlamydotis undulata* Working Group “to complete an action plan on eastern populations of the species compatible with the efforts already undertaken in the preparation of an Agreement” and to initiate its implementation. It further requested the Working Group to consider the possibilities of extending the action plan to other populations of the species. The recommendation encouraged Saudi Arabia to continue its efforts with respect to an Agreement on *Chlamydotis undulata* and asked the Scientific Council to report to the Conference of the Parties, at its seventh meeting, on progress made with respect to Recommendation 6.4.

4. Since the 10th Scientific Council meeting (Edinburgh, May 2001), the Secretariat has been in contact with the lead country. The Secretariat thoroughly reviewed the draft Agreement and action

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plan of 1998 and provided extensive comments to the NCWCD. The Secretariat also offered the possibility of further consultations, dissemination of the draft instruments to the Range States, as well as the holding of an informal Range State meeting in the margins of COP7. By verbal communication on 24 July 2002, a representative of Saudi Arabia indicated that a new version of the Agreement text is being developed in conjunction with the United Arab Emirates.

Action requested:

The Conference of the Parties is invited to consider the progress made since COP6 on the development of an Agreement/Action Plan for the Houbara bustard, and to provide appropriate advice to the principals involved, with a view to having this instrument finalised as soon as possible.

Aquatic Warbler

5. The Aquatic warbler (*Acrocephalus paludicola*) is listed in CMS Appendix I. It was identified as a priority species for concerted action by the Sixth Meeting of the Conference of the Parties (Resolution 6.1, Cape Town, 1999).

6. During 2001, BirdLife International worked closely with the Secretariat to develop a draft Memorandum of Understanding concerning Conservation Measures for the Aquatic Warbler. The draft MoU was circulated to Range States for comments in October 2001. A reminder was sent out 11 February 2002. As of the time of writing, thus far 10 of the 15 Range States have responded to the mailing, six of them favourably. Comments are still awaited from Belarus, Belgium, France, Lithuania and the Netherlands.

7. A complementary action plan for the MoU has yet to be developed. It is expected that a draft action plan will be developed in conjunction with a negotiation session to finalise the MoU. A negotiation session on the MoU is tentatively scheduled before the end of 2002.

Action requested:

The Conference of the Parties is invited to acknowledge the work of BirdLife International to prepare a memorandum of understanding on the Aquatic warbler in close cooperation with the Secretariat, as well as the results already achieved; to endorse preparations for a Range State meeting before the end of 2002; and to express agreement with the intentions of the Secretariat to continue cooperation with BirdLife, including providing financial support for the development of an action plan and the holding of the negotiating meeting.

Sand Grouse

8. This species moves nomadically between regions in Botswana, Namibia and South Africa, and is subject to growing hunting pressure. South Africa decided in 1997 to take the lead in the development of a draft MoU and action plan among the Range States. The MoU, among other things, would formalise co-operation in the collection of more scientific data on the bird's biology, the threats affecting it and the potential of using it in a sustainable manner. The Secretariat is at present unaware of further progress made in its elaboration in recent years.

9. In February 2002, the Secretariat contacted the South African Ministry of Environment Affairs and Tourism to inquire as to whether the MoU project would be taken forward and when a successful completion of the accord could be expected. The Secretariat has received no official indication from the Government of South Africa to date.

Action requested:

South Africa is invited to provide an update on its progress and future intentions with respect to the pending memorandum of understanding on the Sand grouse. The Conference of the Parties is invited to welcome the South African initiative and to consider any requests that might be forthcoming for resources needed to conclude and effectively implement the instrument.

FISH

Sturgeons

10. On the proposal of the German Government, CMS COP 6 decided to list all migratory sturgeon species on Appendix II. Thereafter the German Government undertook to act as the lead country to develop a memorandum of understanding among the relevant Range States. At least for an initial phase, it was envisioned that the MoU should coordinate globally the collection, dissemination and stimulation of further research, biological monitoring of the respective species and their habitat, as well as all scientific aspects of the species' breeding and re-establishment in their former habitat.

11. Acknowledging that there were various, mostly isolated and scattered activities under way, Range States and various NGOS agreed during a half-day symposium in the margins of CITES COP11 (Nairobi, April 2000) that such an MoU would be favourable for the species. The CITES Secretariat agreed to a joint CMS-CITES undertaking. The German Government agreed to act as the lead country under the CMS Article III provisions.

12. The IUCN Environmental Law Centre was contracted to develop a policy paper and, thereafter, a draft MoU. The CMS Secretariat also had in mind to pre-consult the first draft with *inter alia* the Chairman of the IUCN SSC Sturgeon Specialist Group and to invite him to establish a voluntary working group of experts to develop an action plan to accompany the MoU.

13. In the course of the consultations between the German Government, IUCN-ELC and the CMS and CITES Secretariats, it emerged that the CITES Secretariat would not be in a position to continue with the joint venture. Among other reasons it indicated that lacked resource capacity to implement all the instructions received by the CITES COP.

14. It was clear that an isolated action by CMS would not be productive, owing to the fact that CITES had, and continues to have, a strong position and role in all aspects of the international sturgeon and caviar trade, as well as the management requirements in conjunction with it. In agreement with the German Government, the CMS Secretariat therefore decided to postpone further work until, perhaps, the possibilities for cooperative activities with CITES have improved.

Action requested:

The Conference of the Parties is invited to take note of the activities to date on sturgeons; to urge the resumption of cooperative activities among the lead country, IUCN, the CMS Secretariat and the CITES Secretariat, as appropriate; and to invite the CITES Conference of the Parties to encourage closer collaboration between the CMS and CITES Secretariats with respect to sturgeon conservation in view of the strategic priorities of the two complementary conventions.

MARINE TURTLES

15. Six species of Marine turtles are listed in Appendix I of CMS. In 1991, the Conference of the Parties designated Marine turtles collectively as "concerted action" species within the framework of Resolution 3.2 (Geneva, 1991). Two memoranda of understanding, each including a

comprehensive conservation plan, have been developed under CMS auspices: one for Marine turtles of the Atlantic coast of Africa, concluded in 1999, with a potential membership of at least 25 countries; and a second MoU covering the Indian Ocean - South-East Asia region, concluded in 2001, with a potential membership of at least 40 countries. Meanwhile, the *Inter-American Convention for the Protection and Conservation of Sea Turtles*, an independent initiative in the Americas, entered into force in May 2001. In the South Pacific, conservation measures were initiated in the 1990s within the framework of the South Pacific Regional Environment Programme, however the early momentum of that successful initiative appears to have diminished in recent years.

16. In response to mounting concern about the plight of Marine turtles in the Pacific Ocean – particularly the alarming decline in Leatherback turtle populations – the time may be opportune to consider developing an appropriate instrument for marine turtles of that region, which would complement those already established elsewhere. Indeed, the Secretariat has been approached to participate in exploratory discussions to examine various options for enhancing international cooperation in the region. These preliminary consultations are expected to materialise in the latter part of 2002 or early 2003.

Action requested:

The Conference of the Parties is invited to endorse the proposal of the Secretariat to explore, by the most appropriate means, the possible development of an instrument for Marine turtles in the Pacific Ocean, within the context of the CMS Strategic Plan and the existing CMS Indian Ocean -South-East Asian Marine turtle MoU, and to allocate sufficient resources for this purpose.

MARINE MAMMALS

17. There exists potential to develop CMS Agreements for marine mammals in regions other than those in which three Agreements have been concluded to date under CMS auspices, namely those concerning seals of the Wadden Sea, small cetaceans of North and Baltic Seas (ASCOBANS) and cetaceans in the Mediterranean and Black Seas (ACCOBAMS). Progress in the implementation of these Agreements is reported in document UNEP/CMS/Conf.7.9.1.

Small cetaceans and manatees in tropical West Africa

18. Since 1998, CMS has sponsored several initiatives aimed at the conservation and sustainable use of marine mammals along the West African coast. Within a coordinated programme called “West African Cetacean Research and Conservation Projects (WAF CET)”, two CMS-sponsored projects have already been completed (Survey of the Conservation Status of Cetaceans in Senegal, the Gambia and Guinea-Bissau (WAF CET-I) and Survey of the Conservation Status of the Atlantic humpbacked dolphin and other cetaceans in Senegalese and Gambian waters (WAF CET-II)). A third project (Survey of the Exploitation, Distribution and Natural History of Cetaceans in Ghana and Togo (WAF CET-III)) is currently underway. A CMS-sponsored workshop titled “Conservation and Management of Small Cetaceans of the Coast of Africa” was held in Conakry, Guinea, from 8-12 May 2000. The workshop recommended *inter alia* the development of an action plan for the conservation and management of small cetaceans of West Africa.

19. A first outline of the action plan was prepared by Dr. Koen Van Waerebeek, principal investigator of the WAF CET projects, in consultation with Dr. Bill Perrin, appointed CMS Scientific Councillor for cetaceans. A preliminary list of Range States of the action plan includes 25 countries, 18 of which are CMS Parties (Benin, Burkina Faso, Cameroon, Chad, Democratic Republic of the Congo, Gambia, Ghana, Guinea, Guinea-Bissau, Mali, Mauritania, Morocco, Niger, Nigeria, Republic of Congo, Sao Tomé and Príncipe, Senegal, and Togo) and 8 non-party countries (Angola,

Cape Verde, Côte d'Ivoire, Equatorial Guinea, Gabon, Liberia, and Sierra Leone). The taxonomic scope includes small cetaceans (defined as all Odontocetes minus the sperm whale *Physeter catodon*) and the West African manatee *Trichechus senegalensis*.

20. The document was presented to the 10th Meeting of the CMS Scientific Council (Edinburgh, May 2001), where it was well-received by the Councillors from the Range States present, who expressed in general their support towards the continuation of the initiative.

Action requested:

The Conference of the Parties is invited to express its support for the continuation of the initiative to develop an appropriate instrument for marine mammals along the West African coast, by allocating sufficient funds for a lead country and consultant to finalise the instrument in consultation with the Range States concerned.

Small cetaceans in South-East Asia

21. As a follow-up of the first Conference on Biology and Conservation of Small Cetaceans of Southeast Asia (Dumaguete, Philippines, June 1995) CMS has supported several research and conservation initiatives on small cetaceans in the region. These include training workshops and census surveys in Philippine and Malaysian waters and the Gulf of Tonkin (already completed), and a pending project in the Timor and Arafura seas between Australia and Indonesia. A similar initiative is planned in the sea area between the Philippines and Indonesia.

22. A Second Conference on Biology and Conservation of Small Cetaceans of Southeast Asia was convened in July 2002 in Dumaguete (Philippines) with financial support from CMS and under the co-ordination of Dr. William Perrin, appointed Scientific Councillor for cetaceans. The conference, just concluded at the time of this writing, included in its programme a three-day workshop aimed *inter alia* at exploring the potential for the developing formal regional cooperation, including the review of a draft CMS regional Agreement. Details on the outcomes of the Conference are expected to be given at the COP by Dr. Perrin.

Action requested:

The Conference of the Parties is invited to consider its support for the development of an appropriate instrument in the region and, if the signals from Range States are positive, to allocate sufficient funds for this purpose.

Cetaceans in the Indian Ocean

23. The Secretariat has been informed of a non-governmental initiative, promoted by the Whale and Dolphin Conservation Society, aimed at exploring the potential for developing an agreement for small cetacean conservation in the Indian Ocean under the aegis of the CMS. Further details of this initiative may be provided by the proponents at COP7.

Action requested:

The Conference of the Parties is invited to consider this NGO-facilitated initiative in the context of the CMS Strategic Plan and to instruct the Secretariat on the possible further exploration of this initiative as appropriate.

TERRESTRIAL MAMMALS

Sahelo-Saharan Antelopes

24. Six species of Sahelo-Saharan antelopes are listed in Appendix I of CMS and are the subject of a concerted action guided by the Scientific Council. An action plan, developed under the auspices of CMS, was adopted by the Range States pursuant to the Djerba Declaration of February 1998.
25. The sixth meeting of the Conference of the Parties (Recommendation 6.3, Cape Town, 1999) urged the Range States to implement the action plan without delay, with the assistance of the Scientific Council and in the spirit of the Djerba Declaration, and to seek to that effect all possible bilateral and international cooperation.
26. During the 10th Scientific Council Meeting (Edinburgh, May 2001), the representative of Belgium reported that a project submitted for funding to the French GEF programme (*Fonds Français pour l'Environnement Mondial* - FFEM) had been accepted in November 2000. The first phase involved implementing elements of the 1998 Djerba Action Plan using Tunisia, Niger and Mali as pilot countries for four years. Training and monitoring activities would involve four additional Range States, namely Chad, Mauritania, Morocco and Senegal.
27. The project was subsequently approved in April 2002. The CMS Secretariat has been requested by the French authorities to act as the fund manager and administrator for the implementation of the project. UNEP and UNON have in principle agreed to this arrangement, with some details still to be worked out and agreed.
28. Work has not yet started on developing a CMS Agreement as was requested by the Djerba Workshop. Subject to the COP's priority-setting in the Strategic Plan, and the capacity of the CMS Secretariat, it would be desirable to prepare for a meeting of the Sahelo-Saharan Working Group under CMS auspices in 2003. This meeting could develop the possible elements for a future Agreement.

Action requested:

The Conference of the Parties is invited to acknowledge the progress made to date; to endorse the role of the CMS Secretariat as the fund manager and administrator for the FFEM project; and to support the work of the Secretariat and the Sahelo-Saharan Antelope Working Group to develop an Agreement as requested by the Djerba Workshop.

Saiga Antelope

29. The historical range of *Saiga tatarica tatarica* included the vast plains of the Central Asian and Pre-Caspian region. The numbers and the range of these animals have declined considerably in recent decades causing an unfavourable conservation status of the subspecies. Poaching and illegal trade in horns and other products, uncontrolled hunting, destruction of habitats, construction of irrigation channels and transportation routes are thought to have been responsible for the sharp decline of its numbers. Some of these threats derive from the poverty of the local population and land use mismanagement.
30. *Saiga tatarica* is included in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The Standing Committee of CITES recommended the development of a regional conservation strategy for the species. One of the operational objectives of the CMS Strategic Plan calls for the facilitation of the development and

implementation of regional Agreements to address the conservation needs of Appendix I and other terrestrial mammals. Though the species is not yet listed under CMS, the CMS Secretariat agreed to undertake work on the Saiga antelope as a contribution to the World Wide Fund for Nature's Large Herbivore Initiative (LHI).

31. In late 2001, the CMS Secretariat contracted with the Russian Man and Biosphere Reserve Programme to develop a draft memorandum of understanding (MoU) and action plan concerning conservation, restoration and sustainable use of the subspecies *Saiga tatarica tatarica*. The draft instruments were the subject of an international workshop on Saiga conservation held in Elista, Republic of Kalmykia, Russian Federation, from 5-10 May 2002. The meeting included representatives from the governments of the four Range States: Kazakstan, Russia Federation, Turkmenistan and Uzbekistan. The CMS and CITES Secretariats co-sponsored the workshop.

32. Comments made by the workshop participants have been incorporated into a revised draft MoU and action plan. The Secretariat will circulate the draft instruments to the Range States for official comments in late 2002.

33. A proposal submitted by the Government of Uzbekistan for the listing of *Saiga tatarica tatarica* in Appendix II of CMS will be considered by the Conference of the Parties at its present meeting.

Action requested:

The Conference of the Parties is invited to acknowledge the progress made to date; to encourage the early conclusion and opening for signature of the MoU by the Range States; and to request the CITES Conference of the Parties to acknowledge and endorse further cooperation between the CMS and CITES Secretariats.

Mongolian Gazelle

34. During the 2nd Meeting of the World Wide Fund for Nature's (WWF) Large Herbivore Initiative (LHI) Co-ordination Group, held in Lelystad, Netherlands, in November 1998, it was proposed that CMS undertake to contribute to the WWF LHI in relation to large herbivore species of transboundary importance. One of these species is the Mongolian gazelle (*Procapra gutturosa*), for which Mongolia, China and Russian Federation are Range States.

35. The Mongolian gazelle has suffered massive decline across its range. It is estimated that just 50 years ago, several million antelopes covered the steppe of Mongolia, whereas there are now no more than 500,000 to 1 million individuals, representing the last large population of wild herbivores in the plains of Asia. Considerable numbers of Mongolian gazelle migrate from Mongolia into China, while some smaller groups cross borders into Russia. Urgent action is required to counter the species' decline by approximately 90 percent over the last six decades, shrinkage of its habitat, continued overexploitation, barriers to migration such as fences, as well as the risk that extreme weather and diseases will cause further depletions.

36. The Secretariat will shortly contract a consultant to (1) review the conservation species' status; (2) develop a draft MoU and action plan aimed at coordinating and improving its conservation status; and (3) undertake preliminary planning for an expert workshop to provide inputs into the draft MoU and action plan and discuss further possible steps.

Action requested:

The Conference of the Parties is invited to endorse the intentions of the Secretariat with regard to the proposed work programme to develop an MoU for the Mongolian gazelle, and to provide sufficient funding for this purpose.

African Elephant

37. CMS Recommendation 6.5 (Cape Town, 1999) urges the Scientific Council and the Range States to establish a working group and initiate without delay cooperative action for African elephants in western and central Africa. Owing to the predominantly transboundary character of their seasonal movements, it was considered that these particular populations would benefit from concerted management.

38. At the 10th Scientific Council meeting (Edinburgh, May 2001) it was recounted that Burkina Faso had volunteered to take the lead in developing the exercise. A new focal point had recently been assigned to follow-up the issue. The lead country would identify the migratory populations, seek scientific data as the basis for an action plan and prepare a workshop. The Scientific Council also reviewed other ongoing and proposed actions within the region.

39. For its part, the CMS Secretariat secured some seed money from the French Government towards the organisation of a workshop, and made contact with the designated chairman of the CMS working group on elephants. It also tried to recruit, through UNEP, a Junior Professional Officer (JPO) from an African country to be responsible as secretary for a number of CMS projects in Africa, in particular to service the working group on elephants. Unfortunately, the JPO position did not materialise and, because of a lack of capacity, the Secretariat had to put this issue on hold.

Action requested:

The Conference of the Parties is invited to review Recommendation 6.5 (Cape Town, 1999) and to provide guidance to the Secretariat, the Scientific Council and its working group on elephants on how to proceed with the cooperative action.

Bats

40. Bats are key components of biodiversity throughout the world, especially in tropical and arid areas where they contribute to ecosystem structure and function. Bat species represent approximately 25 percent of all mammalian species. To date only one bat species, *Tadarida brasiliensis*, has been listed in CMS Appendix I. Despite this, of the approximately 1100 bat species in the world, about 22 percent are considered threatened, and a further 25 percent are considered near-threatened according to information received by the Secretariat.

41. Operational objective 1.5 (Bats) of the CMS Strategic Plan (2000-2005) is to “stimulate concerted actions in favour of any endangered bat species listed in Appendix I and identified as a priority for concerted action, and explore needs and opportunities to develop Agreements for the conservation of bats outside of Europe.” Accordingly, in early 2002, the Secretariat commissioned a study by Mr Tony Hutson, co-chair of the IUCN Chiroptera Specialist Group, to review the feasibility of developing additional CMS Agreements on bats. The objectives of the study were to: (a) identify at least one biogeographical area for a future CMS Agreement on bats (both migratory and non-migratory); (b) identify migratory bat species that could qualify for listing in CMS Appendices; and (c) identify experts and interested organisations that could support further work by CMS on possible bats Agreements.

42. At the time of this writing, the report was still in the early stages of completion. It is expected that it will be available for discussion at the 11th meeting of the CMS Scientific Council.

Action requested:

The Conference of the Parties is invited to take note of the study on the feasibility of developing additional CMS Agreements on bats, to consider the Scientific Council’s recommendations, and to instruct the Secretariat accordingly.