



## CONVENTION ON MIGRATORY SPECIES

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### IMPLEMENTATION OF EXISTING AGREEMENTS AND DEVELOPMENT OF FUTURE AGREEMENTS

Adopted by the Conference of the Parties at its Eighth Meeting (Nairobi, 20-25 November 2005)

*Recognising* that Objective 2 of the CMS Strategic Plan 2006-2011 is to “ensure that migratory species benefit from the best possible conservation measures”, and that migratory species can best be conserved through joint international cooperative efforts, linking species- and ecosystem-based approaches at national levels, coordinated across a migratory range;

*Emphasising* that Agreements, including Memoranda of Understanding (MoUs), are one of the key operational tools of CMS as recognised respectively by Article IV and Resolution 2.6 (Geneva, 1988) and that joint international cooperative efforts manifested by these instruments will contribute to achieving Objective 2 of the Strategic Plan;

*Noting with satisfaction* the progress made since the Seventh Meeting of the Conference of the Parties (Bonn, 2002) with regard to the conclusion and implementation of Agreements under CMS auspices;

*Conscious* that the Convention’s support for these initiatives assists not only the species targeted and their habitats, but demonstrates CMS’s commitment to the region in which the instrument will be implemented, raises CMS’s profile as a practical and operationally-oriented framework convention and introduces non-Parties to the benefits of membership in the Convention;

*Recalling* Strategic Plan Resolutions 4.4 (Nairobi, 1994), 5.4 (Geneva, 1997) and 6.4 (Cape Town, 1999) that *inter alia* stimulate the conclusion of Agreements and MoUs to conserve migratory species listed in the Convention’s appendices, call for Parties to take the lead and, where applicable, establish partnerships between developing and developed Party countries and that the CMS Strategic Plan 2006-2011 builds further on these precedents;

*Welcoming* the Secretariat’s increased efforts pursuant to Resolution 7.7 (Bonn, 2002) to foster partnerships with collaborating organisations and governments to support the coordination of MoUs concluded under CMS auspices;

*Recognising* that effective coordination to support the implementation of MoU action plans, and regular Range State meetings to monitor MoU implementation and conservation outcomes, are cost effective means that will make a significant contribution to the Convention’s achievement of the 2010 biodiversity targets;

*Further recognising* that Agreement development and servicing under the Convention will be subject to the availability of necessary funds;

*Acknowledging* with gratitude the generous financial and in-kind contributions made, as well as developmental support provided, in the last triennium by a number of Parties, non-Parties and organisations to support Agreement development, the establishment of MoU coordinators and regular meetings of MoU Range States as noted in document UNEP/CMS/Conf.8.10; and

*Referring* to the report of the Secretariat as reflected in document UNEP/CMS/Conf.8.10, as well as the reports\* of the Secretariats of the various Agreements concluded under CMS auspices;

*The Conference of the Parties to the  
Convention on the Conservation of Migratory Species of Wild Animals*

1. With regard to Agreements already concluded:
  - (a) *Expresses* its satisfaction with the achievements made to conclude and implement CMS Agreements;
  - (b) *Endorses* the conclusion of the:
    - (i) Memorandum of Understanding concerning Conservation Measures for the West African Populations of the African Elephant (*Loxodonta africana*), and *welcomes* its signature by eleven Range States during this meeting as evidence of their strong commitment to elephant conservation efforts at regional and national levels; and
    - (ii) Memorandum of Understanding concerning the Conservation, Restoration and Sustainable Use of the Saiga Antelope (*Saiga tatarica tatarica*), *emphasises* the importance of its early entry into effect and *urges* all Range States to join the MoU and to implement its Action Plan as soon as possible;
  - (c) *Calls upon* Range States that have not yet done so, as appropriate, to sign, ratify or accede to CMS Agreements and to contribute to their implementation;
  - (d) *Invites* Agreements as a contribution to achieving Target 4.2 of the CMS Strategic Plan 2006-2011 to:
    - (i) Develop their own strategic or implementation plans linked, as far as possible, to the Convention's Strategic Plan through a system of cascading logical frameworks that show how their work contributes to the attainment of CMS objectives and targets;
    - (ii) Use an effective national reporting system fully harmonized with the system for the Convention;
    - (iii) Make their information available through the CMS Information Management System; and

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\* UNEP/CMS/Inf.8.14.1-5.

- (iv) Provide, in a timely manner, the information and inputs required for achieving the targets and milestones of the CMS Strategic Plan;
- (e) *Encourages* the Secretariat to continue exploring partnerships with interested organizations specialised in the conservation and management of migratory species for the provision of developmental support and coordination services for selected MoUs;
- (f) *Further encourages* Parties, non-Parties and organisations to work closely with the CMS Secretariat in the coming triennium and to generously contribute financial and in-kind resources beyond whatever funds may be provided in the core CMS budget to support:
  - (i) Conservation activities elaborated in the action plans of MoU's concluded under CMS auspices;
  - (ii) Coordination mechanisms for the following instruments: African Atlantic Coast Marine Turtles, Aquatic Warbler, Central Asian Waterbirds Flyway, Great Bustard, Indian Ocean - South-East Asia Marine Turtles, Saiga Antelope, Siberian Crane, Slender-billed Curlew and West African Elephants; and
  - (iii) Regular MoU Range State meetings for the following instruments: African Atlantic Coast Marine Turtles (2007), Aquatic Warbler (2006), Great Bustard (2007), Indian Ocean - South-East Asia Marine Turtles (2006-08), Saiga Antelope (2006/2008) and Siberian Crane (2007); and
- 2. With regard to Agreements under development, and in support of achieving Target 2.5 of the CMS Strategic Plan 2006-2011:

## **BIRDS**

- (a) ***Andean Flamingos***
  - (i) *Welcomes* the progress that has been made to draft a Memorandum of Understanding for the Conservation of Andean Flamingos and their Habitats in Argentina, Bolivia, Chile and Peru and *encourages* the Range States involved to conclude it expeditiously;
  - (ii) *Calls* on the Secretariat to support this initiative as appropriate; and
  - (iii) *Looks forward to* the early adoption and implementation of the MoU as a key initiative in the conservation of the three species of flamingos in the high Andes region of South America;
- (b) ***Grassland Bird Species in Southern South America***

*Supports* the development by the Range States in Southern South America of a Memorandum of Understanding on the conservation of grassland bird species and their habitats pursuant to Recommendation 8.26;

(c) ***Asian Houbara Bustard***

- (i) *Welcomes* the positive outcomes of the first meeting to conclude the Agreement on the Conservation of the Asian Houbara Bustard Agreement (*Chlamydotis undulata macqueenii*) (Nairobi, 23 November 2005);
- (ii) *Appreciates* the leading role played by the Government of the Kingdom of Saudi Arabia in developing a draft Agreement;
- (iii) *Welcomes* the offer of the lead country to host no later than mid-2006 a final meeting to conclude the draft Agreement and open it for signature; and
- (iv) *Urges* Party and non-Party Range States to ensure conclusion of the draft Agreement recognizing the urgent need for its subsequent rapid entry into force;

(d) ***Central Asian Flyway***

- (i) *Welcomes* the finalisation of the Central Asian Flyway Action Plan to Conserve Migratory Waterbirds and their Habitats in New Delhi (June 2005);
- (ii) *Urges* the Range States to officially adopt the Action Plan through a correspondence procedure initiated by the CMS Secretariat in collaboration with India, the lead country, if another intergovernmental meeting is found to be impractical;
- (iii) *Recognises* the need to establish an appropriate legal and institutional framework to support the Action Plan's implementation and *notes* the Range State participants' preference at the New Delhi meeting for the Action Plan to be appended to a legally binding instrument, and for this instrument to be the African-Eurasian Waterbirds Agreement (AEWA);
- (iv) *Requests* the Secretariat, in consultation with the lead country, to consider the most appropriate and cost effective means to solicit the official views of the Range State governments with regard to a legal and institutional option;
- (v) *Endorses* the establishment of a coordination mechanism to support the Action Plan's interim implementation until such time as a legal and institutional framework is concluded;
- (vi) *Appeals* to all Range States, other interested States, AEWA, other intergovernmental organisations and interested international non-governmental organisations to generously support these efforts by providing financial and in-kind resources; and
- (vii) *Encourages* Range States to provide an uninterrupted flow of water to downstream States to guarantee conducive habitat for migratory waterbird species;

(e) ***Raptors***

*Supports* the development of an appropriate CMS instrument on raptors for the African-Eurasian region pursuant to Recommendation 8.12;

**FISH**

(f) ***Sturgeons***

- (i) *Takes* note of the recommendations of the Scientific Council;
- (ii) *Invites* the lead country, Germany, in consultation with the Scientific Council and the Range States, to undertake a review of existing conservation initiatives to identify options for CMS's further action regarding an appropriate instrument;
- (iii) *Urges* the resumption of cooperative activities amongst the lead country, IUCN, the CMS Secretariat and the CITES Secretariat, as appropriate; and
- (iv) *Calls* on all CITES Parties to fully implement the provisions of CITES Resolution Conference 12.7 (Rev. CoP13) as a matter of urgency;

(g) ***Migratory Sharks***

- (ii) *Endorses* the development of a global instrument on migratory sharks under CMS auspices pursuant to Recommendation 8.16;
- (iii) *Notes* that a number of Range States including Australia, India, Philippines, Seychelles and the United Kingdom of Great Britain and Northern Ireland are willing to cooperate to support the instrument;
- (iv) *Urges* that the work to date on a Whale Shark cooperative action could continue in the form of the development by interested Range States of a species-specific action plan for the Indian Ocean and South-east Asia which could act as a possible contribution to the proposed global instrument; and
- (v) *Invites* Parties, interested States and organisations to generously support these efforts by providing financial and in-kind resources;

**MARINE REPTILES**

(h) ***Marine Turtles***

- (v) *Supports* the development of an appropriate CMS instrument on marine turtles for the Pacific Islands region pursuant to Recommendation 8.17;
- (vi) *Requests* a Range State Party to act as the lead country to support the instrument's preparatory phase as a threshold condition of CMS's continued support for the initiative; and

- (vii) *Urges* Parties, interested States and organisations to generously support this effort by providing financial and in-kind resources;

## **MARINE MAMMALS**

### (i) ***Small Cetaceans and Sirenians in West Africa***

- (i) *Reiterates* its support for the development of an appropriate CMS instrument on small cetaceans and sirenians in West Africa pursuant to Resolution 7.7 and Recommendation 7.3 if the region's Range States agree;
- (ii) *Acknowledging* the interest of Guinea to act as the lead country to support the instrument's preparatory phase; and
- (iii) *Urges* Parties, interested States and organisations to generously provide financial and in-kind support to these efforts, notably with a view to extending the existing CMS initiative to other West African riparian Range States;

### (j) ***Small Cetaceans in South-East Asia***

- (i) *Reiterates* its supports for the development of an appropriate CMS instrument on small cetaceans in South-East Asia pursuant to Resolution 7.7 and Recommendation 7.4 if the region's Range States agree;
- (ii) *Requests* Range States of the region to identify a lead country to support the instrument's preparatory phase as a condition of CMS's continued support for the initiative; and
- (iii) *Urges* Parties, interested States and organisations to generously provide financial and in-kind support to these efforts;

### (k) ***Dugong***

- (i) *Welcomes* the positive outcomes of the First Meeting on Dugong Conservation and Management in the Indian Ocean South-east Asia Region (Bangkok, Thailand 23-25 August), co-hosted by the Governments of Australia and Thailand, including the agreement to further develop and conclude under CMS auspices a Memorandum of Understanding and an associated Conservation Plan on Dugong conservation encompassing the Dugong's entire range;
- (ii) *Encourages* Parties to continue to cooperate amongst themselves and with other non-Party Range States to further develop and conclude the MoU and Conservation Plan; and
- (iii) *Urges* all partners, such as national governments, international and non-governmental organisations, including regional economic and environmental bodies to provide appropriate assistance towards the conclusion and subsequent implementation of the MoU;

- (l) ***Cetaceans of the Pacific Islands Region***
- (i) *Welcomes* the significant progress made to date to develop the Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region;
  - (ii) *Urges* Party and non-Party Range States to ensure its early conclusion and entry into effect as a key initiative to conserve cetaceans and their habitats in the Pacific Islands Region;
  - (iii) *Endorses* the joint approach by CMS and Pacific Regional Environment Programme (SPREP) to develop this instrument and *invites* their further close collaboration once the implementation phase begins;
  - (iv) *Supports* the Secretariat's commitment to work closely with the Range States and the SPREP Secretariat to revise the SPREP Whale and Dolphin Action Plan (2003-2007); and
  - (v) *Urges* Parties, interested States and organisations to generously support these efforts by providing financial and in-kind resources;
- (m) ***Monk Seal***
- (i) *Welcomes* and *endorses* the Action Plan for the Recovery of the Mediterranean Monk Seal in the Eastern Atlantic;
  - (ii) *Invites* the Range States under the leadership of Spain to consider developing an accompanying Memorandum of Understanding to support the Action Plan's implementation; and
  - (iii) *Supports* the Secretariat's intention to provide advice to the Range States if they decide to develop an MoU;

## **TERRESTRIAL MAMMALS**

- (n) ***Sahelo-Saharan Antelopes***
- (i) *Acknowledges* the progress made to date to implement the revised Action Plan adopted in Agadir (2003);
  - (ii) *Welcomes* the initiation of the first phase of the CMS/FFEM (Fonds Français pour l'Environnement Mondial) Sahelo-Saharan Antelopes Project described in document UNEP/CMS/Conf.8.24;
  - (iii) *Supports* the call of the Agadir Declaration for the Range States to develop and conclude an appropriate instrument under CMS auspices to provide a legal and institutional framework for the species' long-term conservation and management;
  - (iv) *Invites* the Range States to form a working group, as proposed in the Agadir Declaration, to support the preparation of the instrument; and

- (v) *Endorses* the creation of a WSSD Type II partnership and *invites* the Secretariat, the Sahelo-Saharan Working Group, Range States and other interested States and organisations to consider joining it;
  
- (o) ***Mongolian Gazelle***  
  
*Supports* the Secretariat's intention to continue to provide advice to the Range States as they develop an action plan and a cooperative arrangement for the Mongolian Gazelle;
  
- (p) ***Bats***
  - (i) *Welcomes* the study on the feasibility of developing appropriate instruments on bats presented to the 11<sup>th</sup> and 12<sup>th</sup> meetings of the Scientific Council;
  - (ii) *Notes* the interest expressed during the 13<sup>th</sup> meeting of the Scientific Council to develop an appropriate instrument for migratory bats in Africa under CMS auspices; and
  - (iii) *Invites* the Range States to form a working group in consultation with the Scientific Council, the EUROBATS Secretariat and the CMS Secretariat to explore how such an instrument could be prepared;
  
- (q) ***Gorillas***
  - (i) *Endorses* the outcomes of the First Intergovernmental Meeting on Great Apes and the First Council Meeting of the Great Apes Survival Project (Kinshasa, September 2005), including the Global Strategy for the Survival of Great Apes and their Habitat; and
  - (ii) *Notes* the progress made by the CMS Secretariat to develop a jointly funded project within the framework of the GRASP Partnership by preparing an appropriate instrument on gorilla survival and conservation under CMS auspices in conjunction with the species' ten Range States as a contribution to the CMS concerted action for *Gorilla gorilla*.