

**MEMORANDUM OF UNDERSTANDING
ON THE CONSERVATION OF HIGH ANDEAN FLAMINGOS
AND THEIR HABITATS**

(November 2008)

The National Directorate for Environmental Management and Conservation of Biodiversity of the Republic of Argentina,

The Vice Ministry of Biodiversity, of the Republic of Bolivia,

The Government of the Republic of Chile,

The National Institute for Natural Resources of the Republic of Peru,

Conscious that the populations of high Andean flamingos have been subject to a reduction and fragmentation of their habitats and given their poor state of conservation;

Aware that, according to IUCN, the global conservation status of *Phoenicoparrus andinus* is “Vulnerable” and that of *Phoenicoparrus jamesi* is “Near Threatened”;

Noting also that the species *P. andinus* and *P. jamesi* have been included on Appendix I of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) in order to consider them endangered and, consequently, that CMS Parties, that are Range States of these migratory species are required to take steps for their protection pursuant to Article III of the Convention;

Recognizing that the high Andean flamingos undertake continuous migrations among the wetlands of Argentina, Bolivia, Chile and Peru to forage, roost and reproduce, and that they depend on the conservation and integrity of those habitats;

Emphasizing that the major threats that cause the population reduction of the above mentioned species are among others the fragility of the high Andean wetlands and the impact caused by human activities such as fresh water contamination caused by the mining industry, the overexploitation of ground water, water treatment projects, the modification of natural river courses for agricultural purposes, unregulated tourism, the extraction of eggs and destruction of colonies as well as inadequate management of grazing on the flood plains of the high Andean steppes ; and

Acknowledging that, on a regional scale, the Range States, in form of the Conservation Group for High Andean Flamingos (GCFA), are taking efforts through governmental organisations, which are responsible for the administration of the national system of protected areas and the conservation and sustainable use of the wild species in order to ensure these species’ conservation, coordinated and concerted actions across the migratory range of these species are still required to prevent the last populations of these birds from disappearing and to improve their conservation status; and

Adding authority to the role that the Memorandum of Understanding plays in this process for constituting an administrative instrument without being legally binding as foreseen in Resolution 2.6, which was adopted during the Second Conference of the Parties (Geneva, 1988);

AGREE to work together to improve the conservation status of the high Andean flamingos (*Phoenicopterus andinus* and *Phoenicopterus jamesi*) and their habitats .

To this end, in a spirit of mutual understanding and cooperation, they will:

1. Provide effective protection for the populations of the above-mentioned high Andean flamingos , and for the habitats upon which they depend to complete their entire life-cycle..
2. Develop an Action Plan to protect the species and their habitats, which should guide the conservation actions of the signatories and, which should *inter alia* include measures to promote co-ordination of these actions, international cooperation, improving the knowledge on these species, management, research, awareness and the exchange of information among the signatories. The responsibility for the Action Plan's elaboration will be assumed by the public services of each signatory country with competence over the issue. Doing this, they can make use of the technical assistance provided by the GCFA and other public and/or private authorities.
3. Designate in each country a focal point responsible for communicating with the other signatories and to guide the implementation of activities under this Memorandum of Understanding and the Action Plan as well as communicate the full contact details of this person to the Secretariat;
4. Assess the implementation of this Memorandum of Understanding and the Action Plan at regular meetings of representatives of each of the signatories, and persons or organisations technically qualified in the conservation of the species high Andean flamingos. Such meetings shall be convened by the Secretariat, and hosted by and organised in collaboration with one of the undersigned authorities or a co-operating organisation; and
5. Provide the Secretariat with a regular report on their implementation of this Memorandum of Understanding. The format and the frequency for this report will be determined at the first meeting of the signatories. The Secretariat will make available to the signatories the reports received, together with an overview report of progress made to implement the Memorandum of Understanding and the Action Plan. This will be compiled on the basis of all information available.

Basic Principles

6. This Memorandum of Understanding is an agreement (in lower case) under Article IV, paragraph 4, of CMS. It is not an agreement under Article I, paragraph 1, subparagraph j of the CMS, but under Resolution 2.6 of the Second Conference of the Parties to CMS and it should be considered as administrative measure, which will lead to the potential conclusion of an agreement. This Memorandum of Understanding is

not legally binding and should not be considered as an international convention under the Vienna Convention of 1969 on the law of international contracts.

7. During the first meeting of the parties which are signatories to this Memorandum of Understanding, the signatories shall determine the period in which they will elaborate the Action Plan as well as the date of its completion, from which the public services of each country, having competence of this matter, should begin with its implementation.
8. This Memorandum of Understanding is open for signature by representatives of the signing countries listed above. Giving their signature, they make up the distribution area of the species included in the Memorandum. It will take effect with three signatures and will enter into force when the signature of the third country has been obtained.
9. As soon as the third signature has been obtained, the Memorandum of Understanding will enter into force for each state that adheres to the Memorandum upon its signature.
10. 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.
11. The Memorandum of Understanding, including the Action Plan, may be amended by a consensus of the signatories.
12. The original text of this Memorandum of Understanding, in the Spanish and English languages, shall be deposited with the CMS Secretariat, which will act as the depositary. In the event of any discrepancies, the Spanish version will be considered definitive. The working language for all matters related to this Memorandum of Understanding will be Spanish and, for purposes of paragraph 5, English, depending on the Spanish language capacity of the Secretariat.
13. The CMS Secretariat will act as the Secretariat to this Memorandum of Understanding. It may use the services of any reliable organisation to support the Memorandum's coordination.
14. The implementation of the Memorandum of Understanding and the Action Plan will be subject to the availability of human and financial resources within the relevant countries.