



Agreement on the Conservation of Gorillas and their Habitats of the Convention on Migratory Species

Distribution: General

UNEP/GA/MOP3/Doc.15/Rev.1

12 June 2019

Original: English

THIRD MEETING OF THE PARTIES
Entebbe, Uganda, 18-21 June 2019
Agenda Item 15

PROPOSAL FOR COOPERATION BETWEEN GRASP AND THE CMS GORILLA AGREEMENT

(Prepared by the Interim Secretariat)

Background

1. This document was jointly prepared between the Secretariat of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) and the Secretariat of the United Nations Environment Programme Great Apes Survival Partnership (GRASP).
 - a. **Agreement on the Conservation of Gorillas and Their Habitats**
2. The Agreement on the Conservation of Gorillas and their Habitats (Gorilla Agreement) was concluded as an Article IV (3) AGREEMENT under the Convention on the Conservation of Migratory Species of Wild Animals (CMS) in 2007.¹ It is open to accession of all Gorilla Range States.² However, Angola, Cameroon and Equatorial Guinea are not yet Parties.³
3. The Meeting of the Parties (MOP) is the highest decision-making body of the Gorilla Agreement.⁴ It meets ordinarily at least every three years to review progress in implementation and to set policies for the new reporting period. Since the Agreement's entry into force, the MOP has met twice.
4. The MOP is advised by a Technical Committee consisting of one representative of each Range State with expertise in Gorilla conservation; one representative from GRASP; and one expert from each of the following fields: forest management and conservation; environmental law; and wildlife health.⁵
5. The Secretariat to the Gorilla Agreement is provided by the Secretariat of the Convention on Migratory Species on an interim basis.

¹ http://www.cms.int/gorilla/sites/default/files/document/GA_MOP2_Inf_08_Agreement_Text_E_0.pdf

² Angola, Cameroon, Central African Republic, Congo Republic, Democratic Republic of Congo, Equatorial Guinea, Gabon, Nigeria, Rwanda and Uganda

³ Angola had informed the CMS Secretariat that its parliament had ratified the Agreement on 25 April 2013, but no document of accession has yet been received by the CMS Secretariat.

⁴ For list of Focal Points see:

http://www.cms.int/manage/sites/default/files/document/Gorilla%20National%20Focal%20Points%20list_July15.pdf

⁵ For current membership see:

http://www.cms.int/manage/sites/default/files/document/Gorilla%20Technical%20Committee%20members_July15.pdf

6. The Meeting to negotiate the Gorilla Agreement in 2007 requested the CMS Secretariat “to provide interim secretariat services to the Gorilla Agreement, in close co-operation with the UNEP/UNESCO/GRASP Secretariat and other institutions of GRASP”.⁶
7. The implementation of the Gorilla Agreement is guided by the Agreement text itself⁷, as well as the Action Plans adopted by MOP1 on the: Western Lowland Gorilla⁸; Cross River Gorilla⁹; Eastern Lowland Gorilla¹⁰; and Mountain Gorilla.¹¹

b. Great Apes Survival Partnership

8. The Great Apes Survival Partnership (GRASP) was founded in 2001 at the World Summit on Sustainable Development, as a ‘Type II Partnership’, in response to the need to address critical threats facing great apes and the forest ecosystems on which they depend to survive.¹² GRASP is a unique partnership comprised of six categories (A-F) of partners: Range States (A), non-Range States (B), Intergovernmental Organizations (D), Conservation Organizations (E), and private companies (F) with the GRASP Secretariat co-hosted between the UN Environment Programme (UNEP) and the UN Educational, Scientific and Cultural Organization (UNESCO) and forming category (C). Altogether, GRASP includes 105 partners.¹³ All 10 gorilla Range States¹⁴ are members of the Partnership.
9. GRASP is governed by a Council and an Executive Committee. The Council consists of all partners, with each partner of categories A-E holding an equal vote. Its meetings occur every four years, when it reviews and guides the work of the partnership. The Executive Committee consists of representatives of the following partner categories: four representatives of Range States; two representatives of each: non-Range States, GRASP Secretariat, Intergovernmental Organizations (one of them being CMS), and Conservation Organizations.¹⁵ It is the intersessional body of the Council and meets every quarter of a year. Except for one of these quarterly meetings at which members meet physically, all others are conducted by teleconference. Each member serves four years on the Committee.
10. The GRASP Scientific Commission provides independent and scientifically sound advice to GRASP and its projects, including publications, surveys, and fieldwork. It includes experts from each region, the International Union for the Conservation of Nature (IUCN)/Species Survival Commission – Section on Great Apes, the International Primatological Society, and experts of special disciplines such as zoonotic disease, economics, and forestry. The Commission also holds a non-voting seat on the GRASP Executive Committee.

⁶ See Resolution on Interim Arrangements for the CMS Gorilla Agreement
http://www.cms.int/gorilla/sites/default/files/document/Gor_Res_E_0.pdf

⁷ Ibid.

⁸ http://www.cms.int/gorilla/sites/default/files/document/GA_MOP2_Inf_7_1_AP_Ggg_postMoP1_E_0.pdf

⁹ http://www.cms.int/gorilla/sites/default/files/document/GA_MOP2_Inf_7_2_AP_Ggd_postMoP1_E_0.pdf

¹⁰ http://www.cms.int/gorilla/sites/default/files/document/GA_MOP2_Inf_7_3_AP_Gbg_postMoP1_E_0.pdf

¹¹ http://www.cms.int/gorilla/sites/default/files/document/GA_MOP2_Inf_7_3_AP_Gbg_postMoP1_E_0.pdf

¹² Rules for the Organization and Management of the GRASP Partnership

<https://dl.dropboxusercontent.com/u/13973491/grasp/Documents/Rules%20for%20Management%20of%20GRASP.pdf>

¹³ A full list of all partners can be found at <http://www.un-grasp.org/the-partnership/partners/>

¹⁴ Angola, Cameroon, Central African Republic, Congo Republic, Democratic Republic of Congo, Equatorial Guinea, Gabon, Nigeria, Rwanda and Uganda

¹⁵ For current representatives see: <http://www.un-grasp.org/the-partnership/governance/excom/>

11. The Secretariat is physically hosted by the UN Environment Programme (UNEP) at its headquarters in Nairobi, Kenya. GRASP's work is guided by its objectives as set out in the Rules for the Organization and Management of the GRASP Partnership;¹⁶ the Global Strategy for the Survival of Great Apes and Their Habitat - both of which were drafted in 2005 but updated in 2012 - and the 2013-2016 GRASP Priority Plan.¹⁷

Status quo: Concurring objectives, differing bases

12. While GRASP is concerned with all Great Apes, the Gorilla Agreement only deals with Gorillas. Hence, this analysis and proposals for cooperation will only consider the objectives and activities of GRASP related to Gorillas.
13. The overarching aim of GRASP is to “stop any further decline of great ape populations and their habitat”.¹⁸ The types of activities under GRASP can roughly be categorised as:
- Scientific work, such as research into population distributions and abundance;
 - Conservation, such as supporting Range States in the drafting of laws, national and regional management plans and conservation tools; establishing innovative conservation approaches, through community participation and income-generating and sustainable use of resources derived from gorilla habitats;
 - Education, information and outreach, such as raising awareness of different audiences on gorillas at the local, regional and global level through appropriate media;
 - Cooperation with global and regional initiatives and organizations, such as UN REDD or CITES, that are concerned with issues related to the conservation of gorillas and their habitats;
 - Coordination and information exchange among stakeholders, such as assessing gaps and overlaps in activities and sharing best practices;
 - Fundraising for any of the above activities, as well as the organization of the Partnership as such.
14. The GRASP 2013-2016 Priority Plan¹⁹ focuses the partnership's work in six priority areas:
- Illegal wildlife trade;
 - Political advocacy;
 - Disease monitoring;
 - Habitat protection;
 - Conflict-sensitive conservation; and
 - Green Economy.
15. The overarching principle of the Gorilla Agreement is that Parties “shall coordinate measures to maintain gorillas in a favourable conservation status or to restore them to such status”²⁰ and that they “shall prohibit the taking of animals” without any of the exceptions provided under Article III of the CMS text being available.²¹ Furthermore, the list of measures to be taken by Range States and provided in Article III (a) – (q) covers all the objectives set out in the GRASP Rules for the Organization and Management of the GRASP Partnership and the GRASP Global Strategy for the Survival of Great Apes and Their Habitat. In addition, Range States to the Gorilla Agreement shall “identify sites and habitats for gorillas occurring within their territory and ensure the protection,

¹⁶ Ibid.

¹⁷ <https://dl.dropboxusercontent.com/u/13973491/grasp/Documents/Priority%20Plan%20.pdf>

¹⁸ Global Strategy for the Survival of Great Apes and Their Habitat

¹⁹ Ibid.

²⁰ Article II

²¹ Article III

management rehabilitation and restoration of these sites [...]”²² as well as “coordinate their efforts to ensure that a network of suitable habitats is maintained or re-established throughout the entire range of all species and sub-species, in particular where habitats extend over the area of more than one Party to this Agreement”.²³ The Action Plans for each of the four sub-species, i.e. Cross River Gorilla, Eastern Lowland Gorilla, Mountain Gorilla and Western Lowland Gorilla that have been adopted by the Second MOP, provide further detail to the conservation actions for each sub-species.²⁴ They cover the following issues:

- conservation of all species and sub-species of gorilla;
 - habitat conservation;
 - management of human activities;
 - research and monitoring;
 - education and information;
 - implementation and enforcement of gorilla conservation policies;
 - reduction of the impact of disease;
 - contribution to the sustainable development of local communities; and
 - reduction of human-gorilla conflicts.
16. There are, thus, substantial overlaps between the GRASP objectives and the provisions of the Gorilla Agreement. In fact, two parallel processes have been created. GRASP, on the one hand, brings together virtually all organisations and specialists working on Gorilla conservation in a partnership, where each partner has an equal voice, allowing policies to be developed that reflect the majority of expert opinion. Through the multifaceted partnership GRASP constitutes a powerful implementation mechanism. Yet it has no legal basis by which Range States could be held accountable for their activities. The Gorilla Agreement, on the other hand, provides a solid legal foundation and policy instrument to the conservation activities undertaken by all Range States that have joined the Agreement and those that are not complying with the Agreement, can be held accountable for the actions.
17. The two bodies can therefore complement each other very well and, if cooperating by formal resolution/decision of its partners, Parties and members, could achieve more collectively than either can achieve individually.

²² Article III (b)

²³ Article III (c)

²⁴ <http://www.cms.int/gorilla/en/meeting/2nd-meeting-parties-1>

Proposal for cooperation

18. The following measures provide a list of possibilities for GRASP and the Gorilla Agreement to cooperate. As stated earlier, they will only consider the objectives and activities of GRASP related to Gorillas. A separate Memorandum/Letter of Understanding should be signed between the GRASP and the CMS Gorilla Agreement Secretariats on the exact division of duties and responsibilities in relation to the points set out below.
- a) Joint Focal Points
In order to ensure consistency and continuation of actions by Range States of GRASP and Parties to the Gorilla Agreement, it is desirable that countries appoint the same person as Focal Point to both bodies.
 - b) Joint Meetings - Hold GRASP Council together with Gorilla Agreement MOP
In order to maximize efficiency and cost-effectiveness, the GRASP Council and Gorilla Agreement MOP could decide to hold their meetings every three/four years together. The effectiveness of this proposal is dependent on the appointment of only one Focal Point to both bodies by each Range State.
 - c) Joint Work Programme – Gorilla Agreement MOP to adopt GRASP Programme of Work
To avoid duplication and give legal weight to the policy and implementation work done by GRASP, the GRASP Council and MOP of the Gorilla Agreement could adopt the same Programme of Work and Action Plans. It could be set up so that after jointly discussing the work and documents by both bodies, the Gorilla Agreement MOP formally adopts the documents. A pre-condition for this arrangement is that GRASP separates gorillas from its Work Programme so that the two bodies can adopt one distinct Joint Work Programme for Gorillas. Alternatively, the Gorilla Agreement MOP may adopt the elements of the GRASP workplan which make specific reference to gorilla conservation as their Programme of Work.
 - d) Joint Scientific Advice – Utilise Scientific Commission of GRASP as advisory body for Gorilla Agreement
Given the lack of financial means of the Gorilla Agreement, as well as to maximise efficiency and technical expertise provided to gorilla conservation, the Parties to the Gorilla Agreement could adopt a resolution requesting the Scientific Commission of GRASP to provide its services to the Agreement temporarily. The Technical Committee would remain dormant until the MOP decided to reactivate its service. Utilizing the Scientific Commission for the Gorilla Agreement could occur on a cost-sharing basis between the Gorilla Agreement and GRASP, allowing a meeting to be convened at half of the costs budgeted for the Gorilla Agreement Technical Committee.

e) CMS Gorilla Agreement to provide secretariat services to GRASP

If the GRASP Council and Gorilla Agreement MOPs were being merged, the CMS Gorilla Agreement Secretariat could, for the preparation of their joint meetings as well as in preparation of GRASP Executive Committee and Scientific Commission meetings, where documents adopted by/requested from the Gorilla Agreement MOP are being discussed, provide secretariat services, such as document management and logistical arrangements by supporting the GRASP Secretariat. The Chairperson of the Gorilla Agreement MOP could participate in the GRASP Executive Committee meetings to ensure collaboration during the intersessional period. The Rules of Procedure of the Gorilla Agreement MOP would require the extension of the role of the Chairperson as representative of the MOP during the intersessional period. Costs associated with the Chairperson participating in GRASP Executive Committee Meetings would have to be borne by the Gorilla Agreement while the organization and financing of the Executive Committee meetings would continue to be borne by GRASP.

f) Joint outreach / information

With both bodies sharing the same objectives, a joint outreach and communication strategy could be developed. In addition, an agreement between the Secretariats of both bodies could be reached to represent each other (and gorilla conservation as such) as one joint objective at any meeting or in any forum attended by either of the Secretariats. This would allow maximum exposure and a cost-effective way of conducting outreach.

g) Joint fundraising

Fundraising for specific projects could be conducted jointly between the GRASP Secretariat and the CMS Gorilla Agreement Secretariat where appropriate. These activities could be developed to implement the joint work programme.

Recommended actions

19. Parties are invited to:

- a) Discuss possible cooperation between the Gorilla Agreement and GRASP as outlined in this document;
- b) Consider adopting the draft Resolution contained in Annex I of this document.

ANNEX I

**DRAFT RESOLUTION 3.X:
Strengthening cooperation between the Gorilla Agreement and the
Great Apes Survival Partnership (GRASP)**

Recalling that the Gorilla Agreement aims to maintain gorillas in a favourable conservation status or to restore them to such a status through coordinated measures by Parties;

Also recalling that the Great Apes Survival Partnership (GRASP) aims to ensure the survival of wild populations of great apes in their natural habitats through a coherent partnership;

Noting the complementarity of the mandates of the Gorilla Agreement and GRASP as described in document UNEP/GA/MOP3/Doc.15, while respecting the unique character and legal personality of each body;

Recalling that Article IX of the Gorilla Agreement mandated the Agreement secretariat to work and consult with international bodies dealing with Gorillas and their Habitats including the GRASP;

Recalling Resolution 2.4 which instructed the Interim Secretariat²⁵ to work closely with GRASP and IUCN to utilize information in an efficient manner;

Welcoming the increased efforts to enhance cooperation between the Gorilla Agreement and GRASP concerning the conservation of gorillas and their habitats;

*The Meeting of the Parties to the
Agreement on the Conservation of Gorillas and their Habitats*

1. *Instructs* the Interim Secretariat and *calls on* the GRASP Secretariat to enhance their cooperation and coordination on common areas of work relevant to gorilla conservation;
2. *Encourages* Parties to strengthen coordination among its relevant national authorities and appoint the same national focal points for the Gorilla Agreement and the GRASP;
3. *Agrees* that the Chairperson of the Gorilla Agreement Meeting of Parties also serves as representative of the Meeting of the Parties during the intersessional period;
4. *Instructs* the Interim Secretariat and *calls upon* the GRASP Secretariat to work together to organize the Fourth Meeting of the Parties in conjunction with the Third GRASP Council meeting, subject to the availability of financial resources;
5. *Requests* the GRASP Scientific Commission to provide scientific advice on the implementation of the Gorilla Agreement in accordance with Article VI, paragraphs 4 and 5 of the Gorilla Agreement and continue its service unless otherwise decided;
6. *Instructs* the Interim Secretariat and *calls upon* the GRASP Secretariat to develop joint activities relevant to gorilla conservation to be presented as the proposed programme of work of the Gorilla Agreement at the Fourth Meeting of the Parties and the Third GRASP Council meeting;

²⁵ Pursuant to [Resolution 2.3 Operative Paragraph 1](#), the CMS Secretariat serves as the Interim Secretariat

7. *Instructs* the Interim Secretariat to engage in joint outreach and fundraising activities with the GRASP Secretariat as well as in cooperation with other relevant partners to enhance conservation of Gorillas for implementation of the programme of work adopted by the Parties to the Gorilla Agreement;
8. *Instructs* the Interim Secretariat to make all necessary amendments reflecting this resolution to the Gorilla Agreement Rules of Procedure for submission and approval by the Fourth Meeting of the Parties;
9. *Instructs* the Interim Secretariat to work with the GRASP Secretariat to formalize cooperation through a Memorandum of Understanding or other collaborative arrangements, as appropriate.