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ANALYSING GAPS AND OPTIONS FOR ENHANCING ELEPHANT CONSERVATION IN CENTRAL AFRICA

(Prepared jointly by The Environment and Development Group and The Migratory Wildlife Network)

1. Attached to this note is the Report: Analysing Gaps and Options for Enhancing Elephant Conservation in Central Africa, prepared by *The Environment and Development Group,* and *The Migratory Wildlife Network,* for CMS. An executive summary is also provided as document UNEP/CMS/Conf.10.46.

2. The analysis was commissioned, after a tender process, in response to Recommendation 9.5 in which the Secretariat was requested to "include in its programme of work the development of an appropriate instrument on the conservation of elephants in Central Africa and to engage in relevant consultations with range states".

3. Given the number of existing instruments, programmes and projects to conserve African elephants, it was felt that a survey and gap analysis should be undertaken prior to considering the development of a CMS instrument, to establish whether such an instrument would be the most effective intervention.

4. The analysis examines the situation of African elephants in Central Africa, actions attempted for reducing threats to elephants and their effectiveness, CMS involvement in the region, and options for determining the role of CMS in Central African elephant conservation.

Analysing gaps and options for enhancing elephant conservation in Central Africa

Final report for the Secretariat of the Convention for the Conservation of Migratory Species of Wild Animals
October 2011

The Environment and Development Group

This document has been prepared for the The Convention on the Conservation of Migratory Species of Wild Animals (CMS), Bonn, Germany by Dr Keith Lindsay, Chloé Joyeux, Dr Margi Prideaux and Dr Stephen Cobb.

About The Environment and Development Group
EDG is an international consulting company working in the field of policy-relevant research and consultancy. From its base in Oxford, UK, EDG provides advisory and project management services in relation to rural development, the natural environment, and the people who depend on it for their livelihoods

About the Migratory Wildlife Network
The Migratory Wildlife Network is a collaborative civil society partnership to coordinate and progress migratory wildlife conservation through international processes. The Network supports non-governmental organizations (NGOs), wildlife scientists and wildlife policy experts from around the world, to coordinate and progress migratory wildlife conservation, with specific attention to progressing policy and conservation through the Convention on Migratory Species (CMS).

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Abbreviations and Acronyms

AALF	Assistance to the Application of Law for Fauna
AESR	African Elephant Status Report
AFD	Agence Française de Développement (French Development Aid)
AfESG	African Elephant Specialist Group
CAR	Central African Republic
CARPE	Central African Regional Program for the Environment
CAWHFI	Central Africa World Heritage Forest Initiative
CAWTLEAP	Central African Wildlife Trade Law Enforcement Action Plan
CBD	Convention on Biological Diversity
CBFP	Congo Basin Forest Partnership
CBNRM	Community-Based Natural Resource Management
CEEAC	Communauté Économique des Etats de l'Afrique Centrale
CIB	Congolaise Industrielle du Bois
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMS	Convention on the Conservation of Migratory Species of Wild Animals
COMESA	Common Market for Eastern and Southern Africa
COMIFAC	Central African Forest Commission
CoP	Conference of the Parties
DRC	Democratic Republic of the Congo
EAC	East African Community
ECOWAS	Economic Community of West African States
EDG	The Environment and Development Group
ERS	Elephant range states
ETIC	European Trade Information System
ETIS	Elephant Trade Information System
FLEGT	Forest Law Enforcement, Governance and Trade
FSC	Forest Stewardship Council
GAPIN	Great APes and INtegrity
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (German Society for International Cooperation)
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit (German Society for Technical Cooperation), now part of GIZ
HEC	Human-Elephant Conflict
ICCN	Institut Congolais pour la Conservation de la Nature
IUCN	International Union for the Conservation of Nature
ISWGoFS	Intersessional Working Group of the Future Shape of CMS
KfW	Kreditanstalt für Wiederaufbau (German Development Bank)
km	Kilometres
LAGA	Last Great Ape Organization
MEA	Multilateral Environment Agreement
MIKE	Monitoring the Illegal Killing of Elephants
MIST	Management Information System
MoP	Meeting of the Parties
MoU	Memorandum of Understanding
MWN	Migratory Wildlife Network
NGO	Non-Governmental Organisation
OCAW	Organization for Conservation of African Wildlife
OCFSA	Organisation pour la Conservation de la Faune Sauvage en Afrique
PACEBCo	Programme d'Appui à la Conservation des Ecosystèmes du Bassin du Congo
PALF	Projet d'Appui à l'Application de la Loi sur la Faune
PIKE	Proportion of Illegally Killed Elephants
RALF	Reinforcement of the Application of Law for Fauna
RAPAC	Réseau des Aires Protégées d'Afrique Centrale
REDD	Reducing Emissions from Deforestation and Forest Degradation
SADC	Southern African Development Community
ScC	Scientific Council
SSC	Species Survival Commission
TAF	The Aspinall Foundation
TNS	Tri-National de la Sangha
TRAFFIC	The wildlife trade monitoring network

UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
USAID	United States Agency for International Development
USLAB	Unité de Surveillance et de Lutte Anti Braconnage
VPA	Voluntary Partnership Agreement
WCO	World Customs Organization
WCS	Wildlife Conservation Society
WWF	World Wide Fund for Nature or World Wildlife Fund

Executive summary

1. Introduction and purpose of the review

1. The Convention on the Conservation of Migratory Species of Wild Animals (CMS) has a unique role to play in focusing attention on migratory species that cross national borders, and in coordinating action between countries. It provides a comprehensive package of tools to conserve migratory species and the habitats on which they depend.

2. In 1999, the CMS CoP6 agreed to a proposal brought forward by the African States that CMS should support African elephant (*Loxodonta africana*) range States in Western and Central Africa to develop one or more agreements and associated action plans, in order to improve the conservation status of elephants in these regions (CMS Rec. 6.5). African elephants were also identified by the CMS Scientific Council as needing urgent cooperative action, placing an additional emphasis on agreement development.

3. The main objective of this study is to address the following questions, among others:
- What current agreements, initiatives, and instruments (national level/ regional/ international; formal/ informal; government/ non-governmental) exist for the conservation of elephants and their habitat in Central Africa?
- How well are these agreements, initiatives, and instruments working and what gaps are there?
- How might an additional agreement within the CMS framework address the identified gaps and contribute effectively to elephant conservation in Central Africa?
- What would be the anticipated operational costs of such an agreement?
- Are there any alternative international or regional collaborative arrangements that might be more effective than a multilateral agreement?

4. This review was carried out by The Environment and Development Group (EDG) and the Migratory Wildlife Network (MWN), who took a team approach to the study. The options and recommendations put forward may be used to inform discussions concerning Central African elephants during the CMS CoP10 in November 2011.

2. Methodology

5. The methodology of this desk-based study included:
- A literature and knowledge review
- Stakeholder consultation, including questionnaires and telephone contacts
- Review and analysis of the collected information.

6. A fully participatory consultation, including direct in situ interviews with officials in Central African governments and regional offices, was beyond the scope of this review.

3. Situation of African elephants in Central Africa

International elephant status

7. The ranges of certain populations of the African elephant cross national borders and the species was included on the original Appendices to the Convention on Migratory Species, when it was concluded in 1979. The Convention notes that the species requires range State cooperation for its survival and the protection of its habitat.

8. All African elephant populations have been listed on Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Appendix I since 1989, with the exception of

four national populations later transferred to Appendix II (Botswana, Namibia, Zimbabwe and South Africa).

Numbers and trends

9. Data on the population numbers of elephants in the Central Africa region are not easy to determine because of limited capacity and methodological challenges in forests

10. The African Elephant Status Report (AESR) 2007 noted concerns about the considerable pressure on elephant populations in the region. These concerns are borne out in the responses to questionnaires in the current study, from survey results in a report released for the 3rd CITES-MIKE (Monitoring the Illegal Killing of Elephants) African Elephant Meeting (Nov. 2010) and additional, very recent, survey results (in press) indicating further drastic declines in populations in all the forested countries in the Congo Basin

Factors determining elephant numbers

11. Direct factors affecting elephant numbers in the short term reportedly include:

- Ivory demand
- Bushmeat demand
- Human-elephant conflict
- Habitat and range loss

12. Infrastructure development across Central Africa contributes strongly to threats in both the short term, by accelerating access by illegal hunters, and longer term through habitat fragmentation.

13. Indirect factors affecting numbers in countries across the region include governance and government effectiveness, law enforcement shortcomings and judicial action/ inaction in prosecution of violations, and the relative shortage of resources for elephant conservation. There is a general consensus that many Central African elephant range States have adequate legislation in place, but that it is seldom effectively enforced.

4. Mechanisms and activities for conservation of elephants in Central Africa

14. The review of existing regional instruments reveals that there are significant conservation activities in the region, although there are gaps in elephant-focused activities, which are dominated by trade, which clearly falls under the remit of CITES. There is significant forest conservation-related activity, which might benefit elephants through preservation of their habitat but is not directly focused on elephants. It is generally agreed that CMS might have a useful role to play, but given the low level of Government and regional responses to the study, the review has not be able to generate a clear indication if CMS's involvement is a priority, or if regional mechanisms might be better placed to assist.

National and regional activities

15. There are significant governmental, donor-funded and NGO-driven activities, often interlinked, undertaken within countries and at the regional level. These include:

- COMIFAC (Central African Forest Commission): Its Convergence Plan has 10 strategic axes, including (3) ecosystem management, (4) biodiversity conservation, (7) capacity development and training, (I0) regional cooperation and partnerships. It has finalised a Central African Wildlife Trade Law Enforcement Action Plan (2011-2016).
- RAPAC (Réseau des Aires Protégées d'Afrique Centrale): Mandated by COMIFAC to provide harmonization, coordination, exchange and support for the management of (wildlife habitat in) protected areas
- OCFSA-OCAW (Organisation pour la Conservation de la Faune Sauvage en Afrique/ Organization for Conservation of African Wildlife): Aimed at providing a forum and harmonizing anti-poaching laws and strategy, but thought to be relatively inactive.

- CAECS (Central African Elephant Conservation Strategy): Developed in Central Africa with help from AfESG (IUCN-SSC African Elephant Specialist Group) and intended to be integrated into the COMIFAC Convergence Plan.
- Trans-national cooperation on illegal trade and protected areas: USAID-CARPE (Central African Regional Program for the Environment), CBFP (Congo Basin Forest Partnership) and UNESCO-CAWHFI (Central Africa World Heritage Forest Initiative).
- NGO support for wildlife conservation and law enforcement: regional offices of WWF (World Wildlife Fund), WCS (Wildlife Conservation Society), TRAFFIC (the wildlife trade monitoring network), LAGA (Last Great Ape Organization) and other NGOs

16. Each of these activities plays an important and potentially useful role, but there are gaps in conservation cover – from research and monitoring, through to decision making and implementation - for Central African elephants from the full range of threats they face. Cross-border issues, a key focus of CMS action, are incompletely addressed under current arrangements.

International instruments

17. Initiatives at an Africa-wide or broader scale include:

- CITES – MIKE and ETIS (Elephant Trade Information System): Supporting capacity for monitoring illegal trade and illegal killing of elephants.
- African Convention on Conservation of Nature and Natural Resources: Promoting conservation and wise use of wildlife and their environment through management and legislation (Not yet ratified).
- African Elephant Action Plan: Established by the African elephant range states and expected to be supported by the African Elephant Fund. This could be linked operationally to the CAECS to improve its effectiveness as a regional instrument.
- Lusaka Agreement: Intended to coordinate information sharing on ivory trade enforcement, arguably effective in some areas, but limited in CA as only Republic of Congo is a party to it.
- FLEGT (Forest Law Enforcement, Governance and Trade): An EU-funded programme to support effective management of the forest timber trade, influencing elephant conservation through habitat protection and improved trade enforcement.
- CBD (Convention on Biodiversity): Requires National Biodiversity Strategies and Action Plans and has a joint programme of work with CMS.
- International organisations aimed at working with and strengthening national law enforcement, including INTERPOL, the WCO (World Customs Organisation) and its project GAPIN (Great Apes and Integrity); and UNODC (United Nations Office on Drugs and Crime) which – together with CITES, INTERPOL, WCO and the World Bank) is a member of the ICCWC (International Consortium on Combating Wildlife Crime).

18. As with the regional activities, each of these plays an important and useful role; in particular CITES, MIKE and ETIS perform fundamental roles in address some aspects of illegal hunting and trade, but none offer integrated, coordinated conservation cover for Central African elephants, leaving gaps within and between national structures for protection of elephant populations and their habitats.

Research, monitoring and information flow

19. Research and monitoring of elephant populations is done on a country by country basis; results are compiled by AfESG and reported in their periodic Status Reports. Much work is undertaken and coordinated by national government agencies, but much is also being done by international NGOs, such as WCS and WWF, and independent researchers.

20. Information sharing occurs in Central Africa through regional bodies such as COMIFAC, RAPAC, CITES-MIKE and conservation NGOs. CBFP supports coordination through COMIFAC and other actors. Information flow is not a significant impediment to elephant conservation activity but an increase in research and monitoring will always be sought and welcomed.

5. CMS involvement in the region and implications of CMS Recommendations and Resolution(s)

History of CMS deliberations on African elephants

21. The history of seeking conservation support for Central African elephants has been consistent and sustained with the original listing of elephants on the CMS Appendices in 1979, through to discussions in CMS Scientific Council in 1993 and 1999, the conclusion of an agreement for the West African populations of the African elephant in 2005, and the most recent request from Central African Governments to extend the conservation focus to Central African populations of elephants during CMS CoP9.

The intent of CMS and CITES to collaborate on Central African elephants

22. During the recent 61st CITES Standing Committee, CMS and CITES presented their Joint Activities 2008-2011 and proposed a Draft Joint Work Plan 2012-2014. It is proposed that this Joint Plan will be submitted for adoption to the next CMS Standing Committee in November 2011, with specific actions focused on African elephant, which builds on the close collaboration between CMS and the CITES MIKE programme.

23. The existing collaboration between CITES and CMS and the envisaged closer collaboration between CMS and the CITES MIKE programme in the region benefits elephant conservation and ensures complementarity between the two Conventions.

Recent CMS deliberations on agreement development

24. In 2005 CoP8 adopted the CMS Strategic Plan 2006-2011, which established objectives in conservation and engagement. The 2008 CMS 9th Conference of the Parties also embarked upon a process to consider various options regarding the potential strategic evolution of CMS and the CMS Family, which will be considered at the CoP10 in 2011.

25. The results of a UNEP/WCMC Review of existing instruments and projects on terrestrial mammals (UNEP/CMS/Conf..10.44) echoes the results of the present study, noting that CMS instruments can play an important role in conservation of migratory mammals by providing mechanisms to facilitate political and implementation coordination between Range States and other key stakeholders, and to support focused obligation by Parties when signing a CMS instrument, particularly a binding Agreement.

Other CMS regional activities

26. CMS activities relating to the Central African region include:

- Gorilla Agreement: A legally binding Agreement covering the countries with gorilla populations; namely Angola, Cameroon, Republic of Central Africa, Republic of the Congo, Democratic Republic of the Congo, Gabon, Equatorial Guinea, Nigeria, Uganda and Rwanda.
- West African Elephant Memorandum of Understanding: A non-binding MoU covering the elephant range states of Benin, Burkina Faso, Côte d'Ivoire, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

27. It appears that both the Gorilla Agreement and West African Elephant MoU have been characterised to date by relatively limited active engagement and commitment of financial and human resources by the member Parties.

28. There are three other key species agreements covering the geo-political regions of Central and West Africa, where Governments have overlapping competencies and legislations that are relevant:

- Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)
- MoU Concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa

- MoU Concerning the Conservation of the Manatee and Small Cetaceans of Western Africa and Macronesia

29. Recent reviews have considered the development of a new Subsaharan African Megafauna Initiative, which might help range States conserve multiple species with the limited resources available. However, it would require significant additional funding.

6. Options for determining CMS's role in Central African elephant conservation

30. It is not immediately obvious that CMS has a strong role to play in Central African Elephant conservation at this stage. CITES and its programmes are appropriately focused on the most immediate threats of illegal hunting and trade. Regional activities are largely focused on forest conservation, which may help to reduce the rate of loss of elephant habitats, but any specific focus on elephant habitat conservation by regional mechanisms is at this stage an informal one. It is with this focus that CMS might offer value to this region, through the ability to bring Governments together to agree to transboundary and migratory range habitat protection. However, while Central African Governments have requested CMS assistance on elephant conservation, it must be noted that limited information was provided by Governments during this review as to the specific nature of the assistance they wish to see.

31. The Options have been specifically designed with this knowledge in hand and to offer consideration of three different approaches and three different scales of financial resource and infrastructure. The Options also pay heed to current discussions within the CMS Family about available capacity and financial sustainability of CMS agreements. Details of possible institutional and financial arrangements, and a discussion of implications and comparative benefits, are provided in the full text of the report.

32. The Options are presented below, not necessarily in order of our preference priority – see Section 7. Recommendations. The intention of presenting these Options is to provide the basis for discussion and final decision on the most appropriate way forward for CMS.

33. Option 1: A binding Agreement for the coordination of Central African elephant habitat and corridor protection:

- A legally binding Agreement, with national level legislative, financial and implementation commitment to an inter-Governmental process for dialogue and decisions. The CMS CoP should stipulate that the budget and resources for negotiating this Agreement must be secured **prior** to proceeding with negotiation and implementation thereafter. It would be possible to reduce costs and logistical constraints by managing the CMS contribution in conjunction with CITES elephant-related meetings. The Agreement would complement the work of CITES programmes and involve regional programmes, donors and NGOs.
- Indicative 3-year budget for Agreement negotiation and Secretariat: €504,500.

34. Option 2: No Agreement, but provision of capacity support for increasing African elephant habitat protection

- No formal Agreement; a new CMS officer placed within the region for capacity building and support of Governments to increase Central African elephant conservation, by working collaboratively with CITES, COMIFAC, and donor/ NGO regional programmes and initiatives. It would be necessary for this role to be pre-funded, and there should be a decision of the CMS CoP to provide for this role within the CMS core budget. Shared resource and infrastructure under a co-location arrangement would reduce ongoing costs.
- Indicative 3-year budget for single officer and support programme: €394,500.

35. Option 3: No Agreement, but facilitated consultation with Central African CMS Parties

- No Agreement at present; CMS Secretariat to facilitate a focused consultation process for the Central African CMS Parties to articulate their specific needs, and if an Agreement is

actively sought, levels of contribution and longer-term commitment they are prepared to make. The CMS CoP could agree on a Central African CMS Party, supported by a facilitator, to lead a regional *in situ* consultation process culminating in a decision-making workshop.
- Indicative budget for consultation and workshop: €53,000.

36. A merger of the West African Elephant MoU or the Gorilla Agreement with any new Central African Elephant instrument is not recommended from a conservation delivery perspective.

37. An additional alternative, in effect an Option 4, could be a decision taken by the CoP that the existing regional mechanisms, and the relationship between CMS and CITES, are at present a sufficient basis for advancing elephant conservation and should simply be given greater resource support and commitment by regional Parties, without additional involvement by the CMS Secretariat.

7. Recommendations

Overarching recommendations

38. We recommend that CMS consider the following overarching recommendations, irrespective of which Option is chosen. That CMS COP10:

- formally acknowledge that the recently adopted the African Elephant Action Plan, combined with the greater detail of the Central African Elephant Conservation Strategy, is the region's collective decision of the priorities going forward.
- maintain the commitment to the existing collaboration between CITES and CMS and envisaged closer collaboration between CMS and CITES MIKE in the region, articulated in the CITES/CMS Joint Work Plan 2012-2014.
- provide sufficient core budget to allow full engagement of CMS Secretariat with the African Elephant Action Plan or the Central African Elephant Conservation Strategy, as well as regular CITES programme meetings relating to Central African elephants.
- consider investigating institutional sharing of Secretariat resources for a number of Central and West African agreements, and potentially aligning meetings to take place consecutively

Option-related recommendations

39. We further propose that CMS CoP10 consider the following Option related recommendations:

40. Option 3: Facilitated consultation with Central African CMS Parties, the preferred Option of this review, is adopted and implemented, by the CMS Parties during CoP10 and that they:

- Note this review;
- Note the Central African Elephant Conservation Strategy; and acknowledge the African Elephant Action Plan.
- Seek a Central African CMS Party to step forward to lead the regional consultation process.
- Identify a source of funds in advance of the process commencing to support a consultant who could, under the direction of the Central African CMS Party leading the process, facilitate all Central African CMS Parties to provide some key information, including:
  - An articulation of the nature of their request for CMS activity in the region, if any;
  - An articulation of the relationship they would like to see develop, for the benefit of Central African elephant conservation, between, inter alia CITES and CITES/MIKE, COMIFAC, RAPAC, FLEGT, and AfESG;
  - A preliminary review of their legislative and institutional preparedness for addressing key aspects of the African Elephant Action Plan (in particular Objective 2 (Maintain Elephant Habitats and Restore Connectivity) and Objective 6 (Strengthen Cooperation and Understanding among range States) and Objective 8 (African Elephant Action Plan is Effectively Implemented);
  - A preliminary review of their Government agency preparedness for reporting of implementation and progress); and

  - An identification of which agencies would lead on this work within their domestic process.
- Hold a subsequent workshop of Central African CMS Parties, which considers and discusses the information provided through the process, the information and recommendations available within this review, the focus areas of the African Elephant Action Plan and the Central African Elephant Conservation Strategy, and progress and priorities of the African Elephant Fund.. This workshop would articulate the specific nature of the support being requested, in any.
- Request that the CMS Secretariat provides support through the organisation of the workshop only, and the consultant provides the additional support by presenting the gathered information, and completing the workshop report for the Chair of the workshop. A pre-condition of this support from the CMS Secretariat would be the agreement of the Parties to provide sufficient funds to cover the workload costs for facilitating dialogue between countries, organising the workshop, and managing the consultant's contract.
- Present the outcomes to the to the CMS Standing Committee for discussion and forward decision, and that CMS CoP10 mandates the Standing Committee to make that decision.

41. If either Option 1: an Agreement for the Coordination of Central African Elephant Habitat and Corridor Protection, or Option 2: Providing capacity support for increasing African elephant habitat protection, are considered the preferred Options, this review recommends a number of preconditions are met:

a) If Option 1 is pursued, this review recommends that:
   - A legal binding Agreement is be pursued, so that that the national constitutional process is invoked, ensuring there is range State legislative and financial commitment;
   - The CMS CoP10 stipulates the budget and resources must be secured before negotiations commence, that the Agreement text should also include a precondition that contributions should be paid before Agreement meetings are arranged once the instrument is in force;
   - The Agreement should adopt and work to the African Elephant Action Plan and integrate the Central African Elephant Conservation Strategy; and
   - The Agreement should seek to involve CITES, CITES/MIKE, COMIFAC, RAPAC, AfESG and FLEGT.
b) If Option 2 is pursued, this review recommends that:
   - The new CMS officer should be placed within the region to aid the capacity building and support of Central African Governments to increase elephant conservation; and
   - The officer should be sufficiently empowered and resourced to pursue regional relationships and interact actively and productively with Central African Government as well as CITES, MIKE, ETIS and COMIFAC, RAPAC, AfESG and the Central African Elephant Conservation Strategy, FLEGT.

42. If after considering all three Options and the information provided by this review, the CMS CoP10 determines that there none of these Options are appropriate or that the information provided does not support moving forward with CMS's involvement in Central African elephant conservation at this stage, a final Option 4 could be to retire CMS Recommendation 6.5, CMS Recommendation 9.5 and CMS Resolution 9.2.

1. Introduction and purpose of the review

43. The Convention on the Conservation of Migratory Species of Wild Animals (CMS) is an international treaty with a unique role to play in focusing attention on migratory species. It provides a comprehensive package of tools to conserve migratory species and the habitats on which they depend.

44. Migratory species covered by the Convention are listed in its Appendix I, Appendix II or both. The Convention attaches greatest importance to species listed in Appendix I and identifies species deserving special attention by passing Resolutions for Concerted Actions. Migratory species that need or would significantly benefit from international cooperation are listed by Parties in Appendix II, and range States are encouraged to conclude global or regional agreements for these species. CMS agreements can range from legally binding treaties to less formal instruments such as Memoranda of Understanding (MoUs), and can be adapted to the requirements of particular regions.

45. CMS agreements are generally led by CMS Party range States. The Convention has a long history and the legal mandate to directly involve non-Party range States in agreements. There is also a strong history of close involvement and support from non-Governmental actors, including wildlife scientists, wildlife policy experts and NGOs. The precise type of legal documents resulting from Concerted Actions is not specified, although it is implied that Action Plans are indispensible (Devillers, 2008).

46. In 1999, the CMS CoP (CMS CoP6), agreed to a proposal brought forward by the African States that CMS should support African elephant (*Loxodonta africana*) range States in Western and Central Africa to develop one or more agreements and associated action plans, in order to improve the conservation status of elephants in these regions (CMS Rec. 6.5). African elephants were also identified by the CMS Scientific Council as needing urgent cooperative action, placing an additional emphasis on agreement development.

47. The main objective of this desk-based study was to address the following questions:

- "What current agreements, initiatives, and instruments (national level/ regional/international; formal/informal; government/non-governmental) exist for the conservation of elephants and their habitat in Central Africa?
- How do these agreements, initiatives and instruments address threats to elephants and their habitat in Central Africa?
- How well are these agreements, initiatives, and instruments working?
- What conservation threats to elephants are not being addressed by current agreements, initiatives, and instruments in Central Africa?
- Why haven't these threats been addressed through the current agreements, initiatives, and instruments?
- How might an additional agreement within the CMS framework address the identified gaps and contribute effectively to elephant conservation in Central Africa?
- What would be the advantages and disadvantages of a new instrument for Central African elephants next to the one for Western African elephants?
- Would an agreement designed specifically for this region be more effective than one overarching agreement for the Western and Central African elephant populations?
- What would be the anticipated operational costs of such an agreement?
- Are there any alternative international or regional collaborative arrangements that might be more effective than a multilateral agreement?"

48. This review was carried out by The Environment and Development Group (EDG) and the Migratory Wildlife Network (MWN), who took a team approach to the study. The options and recommendations put forward may be used to inform discussions concerning Central African elephants during the CMS CoP10 in November 2011.

2. Methodology

2.1 Description of the methodology

2.1.1 Literature and knowledge review

49. A literature and knowledge review took place in three parts:
    a) A consolidated summary of the current threats faced by Central African elephants;
    b) An assessment of the current political intent based on CMS Recommendations and Resolution(s), looking particularly at CMS Recommendations 6.5 (Cooperative Action for the African Elephant *(Loxodonta africana)* in Western and Central Africa), CMS Recommendation 9.5 (Cooperative Action for the Elephant *(Loxodonta africana)* in Central Africa) and CMS Resolution 9.2 (Priorities for CMS Agreements);
    c) An assessment of the effectiveness of and gaps in current approaches to the identified threats, through existing instruments and initiatives for elephant conservation.

50. The existing instruments and initiatives for elephant conservation were reviewed, in order to answer the scope of the study, which was to survey, characterize and classify existing knowledge related to the current agreements, initiatives, and instruments on elephant conservation and their habitat in Central Africa, as well as to determine where national commitments have been made and where synergies might be possible.

51. Information about the organisational structure, budgetary information and activities carried out by the CMS was gathered from meeting reports and publications from the CMS website. Particular attention was also paid to the various reports and meeting documents relating to the Future Shape process of the CMS.

2.1.2 Stakeholder consultation

52. Communication links were established with the important geographical and sectoral stakeholders, including national governments (including, but not limited to, CMS focal points and Scientific Councillors), regional bodies, international agencies (including CITES and MIKE officers), IUCN/SSC African Elephant Specialist Group (AfESG) members and NGOs. A questionnaire was developed, in consultation with key contacts, and sent to all relevant stakeholders (for a list of stakeholders, see Annex B) via email, in both English (Annex C) and French (Annex D).

53. The CMS Secretariat supported this initial communication with an open letter that accompanied the questionnaire, the questionnaire was circulated a second time and the CMS Secretariat followed this with an email to stakeholders urging their return responses.

54. Data gathered from the literature review and questionnaire survey was further elaborated through a series of telephone interviews with key stakeholders.

2.1.3 Review and analysis of the collected information

55. The information collected during the literature review and from the questionnaires received was used to establish a knowledge-base of current elephant status and threats in Central Africa, as well as a catalogue of opinions on the capacity of existing institutions and agreements to address those threats. The gathered information was analysed to identify gaps in effectiveness of the existing framework and to assess the efficacy of a new CMS Central African elephant agreement (as requested by Parties through CMS Recommendations 6.5 and 9.5, and Resolution 9.2).

56. A series of three different options were developed (see section 6) for examining the potential roles CMS might consider. These options are intentionally varied and deliberately grounded with preconditions that should be considered before progressing. Each option outlines advisory guidance on financial and institutional arrangements, comparing their individual benefits and implications, how each might enhance cooperation and synergy with existing instruments and initiatives. The options seek to provide a framework for discussion about the future role of the CMS regarding Central African elephant conservation, which will be informed by the additional layers of political and resources discourse that will take place during the CMS CoP10. Finally, each option seeks to respond to the general discussions across Multilateral Environment Agreements (MEAs), to avoid duplication of effort and to harmonise activities.

2.2 The region defined

57. The Central African region considered in this review, as defined by the CMS Secretariat, includes the following countries: Cameroon, the Central African Republic (CAR), Chad, the Republic of the Congo (Congo), the Democratic Republic of the Congo (DRC), Equatorial Guinea and Gabon (see Figure 1 in Annex E).

2.3 Limitations of the methodology

58. A fully participatory consultation, including direct *in situ* interviews with officials in Central African governments and regional offices, was beyond the scope of this review. A discussion of the limitations of the methodology is provided in Annex G.

3. Situation of African elephants in Central Africa

59. The information reviewed in this section is principally derived from analyses available within the CITES-MIKE documents and the AfESG Elephant Status Report (AESR) 2007 (Blanc *et al*., 2007), as well as the scientific papers and grey literature supporting that material. Please refer to the cited documents for more detail on the issues presented below.

3.1 International elephant status

60. The CMS Convention defines "migratory species" as an "entire population or any geographically separate part of the population of any species or lower taxon of wild animals, a significant proportion of whose members cyclically and predictably cross one or more national jurisdictional boundaries" (CMS Article I). The ranges of certain populations of the African elephant are indeed trans-boundary (see the regional habitat map in Annex E) and the species was included on the original Appendices to the 1979 CMS Convention. It is acknowledged in the Convention that the species requires range State cooperation for their survival and the protection of their habitat. Two species of African elephant are currently listed under CMS Appendix II African elephant, *Loxodonta africana,* and African forest elephant, *Loxodonta cyclotis*.

61. Studies of genetics (Rohland *et al*., 2010 and Ishida *et al*., 2011) suggest that there may be at least two species of African elephants, the Savanna Elephant (*Loxodonta africana*) and the Forest Elephant (*Loxodonta cyclotis*), and CMS has recognised this distinction. AfESG, however, believes that premature acceptance of the two species, with a third species, the West African Elephant, also postulated, may leave hybrids in an uncertain conservation status and that more extensive research is required to support re-classification into two or more species. For this reason, IUCN does not yet recognise *Loxodonta cyclotis* as a distinct species but rather as a subspecies, *L. africana cyclotis*, with *L. africana africana* the savannah subspecies. Like IUCN, CITES continues to treat *Loxodonta africana* as a single species. Since this review is commissioned by CMS, it will here-in-after refer to Central African elephants as encompassing both species recognised by CMS, but to avoid unnecessary taxonomic disputes, we will use the terms Forest Elephant and Savannah Elephant for the two taxa.

62. The African elephant is currently listed as Vulnerable on the IUCN Red List. The entry for *Loxodonta africana* states that hunting for ivory and meat has traditionally been the major cause of the species' decline, but that an important longer term threat is the loss and fragmentation of habitat caused by ongoing human population expansion and rapid land conversion (Blanc, 2008). Although large tracts of continuous elephant range remain in parts of Central, Eastern and Southern Africa, elephant distribution is becoming increasingly fragmented across the continent.

63. All African elephant populations have been listed on CITES Appendix I since 1989, with the exception of four national populations, which were later transferred to Appendix II (Botswana, Namibia and Zimbabwe in 1997, and South Africa in 2000). According to the report released for the CITES Third African Elephant Meeting, in November 2010 (Niskanen, 2010), the illegal killing of elephants has risen to alarming levels in many parts of Central Africa, with this region being particularly prone to poaching pressure. It is thought that this situation has been exacerbated by armed conflict and weak law enforcement.

3.2 Numbers and trends

64. A very high proportion of the elephant habitat in the Central African region is tropical forest and not surprisingly African forest elephants are found within this habitat. The Central African region also includes savannah elephant populations, in Chad, northern CAR and northern Cameroon, with possible areas of hybridisation in northern and eastern DRC, and possible southern CAR.

65. Data on the population numbers of forest and savannah elephants are not easy to determine separately at this point, especially as the primary data gathering mechanisms through IUCN and CITES currently do not recognise the species as separate taxa.

66. According to the AESR 2007 (Blanc *et al.*, 2007), there were at least 10,000 elephants in the Central African region, and could have been 125,000 in a range area of just under 1 million km^2 (Table 1). The notable feature of the population estimates in each Central African country is the relatively high proportion of numbers in the "Possible" and "Speculative" categories. This imprecision and inaccuracy of estimates is in part to due to the low capacity of local scientific and management authorities, and in part because of the difficulty of surveying elephants in dense forests compared to open savannah conditions. As of 2007, knowledge of elephant distribution, both at the regional and country levels (with the exception of CAR, which has a higher Information Quality Index than all other countries) remained unreliable in most of the region, as demonstrated by the very low Information Quality Indexes shown in Table 1.

Table 1. Country and regional totals, and data quality for African elephant populations in Central Africa (Table adapted from Blanc *et al.*, 2007)

Country	Elephant numbers[1]				Range area (km^2)	Information Quality Index[2]
	Definite	Probable	Possible	Speculative		
Cameroon	179	726	4,965	9,517	118,571	0.03
CAR	109	1,689	1,036	500	73,453	0.51
Chad	3,885	0	2,000	550	149,443	0.15
Congo	402	16,947	4,024	729	135,918	0.18
DRC	2,447	7,955	8,855	4,457	263,700	0.18
Equatorial Guinea	0	0	700	630	15,008	0.00
Gabon	1,523	23,457	27,911	17,746	218,985	0.33
Total	**10,383**	**48,936**	**43,098**	**34,129**	**975,078**	**0.22**

67. There is therefore an urgent need to conduct surveys in the region (Central Africa was given a score of 1 for the "Priority for Future Surveys" index, which measures the importance and urgency for future population surveys). As reported during the CITES Standing Committee (CITES SC61, Doc 44.2 (Rev.1), 2011), surveys of key gorilla populations in Central Africa have provided further knowledge of elephant distributions and densities. Annual aerial surveys have been conducted in Zakouma National Park in Chad (Potgieter *et al.*, 2009; 2010; 2011), demonstrating a severe decline in elephant populations, likely due to poaching, although it is possible that there has been some movement to other parts of the country. The presence of the Lord's Resistance Army in south-eastern CAR has prevented any survey of potentially important elephant populations in that region. In DRC, there are likely to be only six core populations with more than 500 elephants (almost all living in protected areas), all under poaching pressure, with all other populations being defined as remnant (Hart, 2010). It is estimated that the total DRC elephant population is likely fewer than 20,000, which is down from an estimated population of 100,000 individuals 50 years ago (Hart, 2009).

68. Very recent survey results (Maisels, *in prep.*) indicate further drastic declines in populations in all the forested countries in the Congo Basin, with the main reason thought to be poaching for ivory (Maisels, pers. comm.).

69. The report released for the CITES third African Elephant Meeting, in November 2010 (Niskanen, 2010) lists some of the latest population surveys done per country (no information about

[1] Please note that elephant number totals for the Definite, Probable and Possible categories are derived by pooling the variances of individual estimates (see Blanc *et al.*, 2007 for more details); as a result, totals may vary from the simple sum of entries within each category.

[2] This index quantifies the overall data quality at the national and regional levels based on the precision of estimates and the proportion of assessed elephant range. The Information Quality Index ranges from 0 (no reliable information) to 1 (perfect information).

Gabon was available in this report; information on Equatorial Guinea can be found in paragraph 70 below):

- **In Cameroon**, the Waza ecosystem in northern Cameroon was surveyed aerially in 2007, identifying a total of 246 elephants and a further 250 outside the park, migrating towards the Kalamaloue National Park. Female elephants were found to range over 5,900 km^2, migrating through unprotected areas range north of Waza National Park to the Kalamaloue National Park.
- **In CAR**, Luhunu and Bechem (2009) found very few signs of elephants in Bangassou, although the population had previously been estimated at 500 by Blake (2005).
- **In Chad**, surveys were carried out in the Zakouma national park; results from three studies (using the same survey methodology) showed elephant numbers to be down from 3,020 individuals in 2006 (Fay *et al*., 2006), to 617 in 2008 (Potgieter *et al*., 2009), and 542 in 2009 (Potgieter *et al*, 2010).
- **In Congo,** the population of elephants in the Ndoki-Likouala Conservation Landscape, which includes the Nouabalé-Ndoki National Park, the Lac Télé Community Reserve and several surrounding commercial logging concessions, was estimated at 11,480 individuals in 2006 (Stokes *et al*., 2010).
- **In DRC**, a 2008 survey found no signs of elephants in the Watalinga Forest in the Virunga National Park (Nixon and Lusenge, 2008), although elephants may still be present and immigrate from the nearby Mont Hoyo region (Nixon and Lusenge, 2008). An estimate of 347 elephants was subsequently produced in the northern (north of Lake Edward) and central (south of Lake Edward) sections of the survey zone in the Greater Virunga Landscape, encompassing both the Virunga and Queen Elizabeth National Parks (Plumptre *et al*., 2010). A survey of the Salonga-Lukenie-Sankuru landscape in western DRC found that forest elephants were absent over much of the area. In Kahuzi-Biega National Park, Luhunu (2009) confirmed the presence of elephants by camera traps.

70. **In Equatorial Guinea**, previous reports suggested that 600-700 elephants were left in Rio Muni (Blanc *et al*., 2007); however, a recent report (Martínez Martí, 2011) estimated a total population of 452-706 individuals.

71. The AESR 2007 noted concerns about the considerable pressure on elephant populations in the region. These concerns are borne out in the responses to questionnaires in the current study (see Table 2, Annex F for answers regarding elephant populations in the Central African region). It is indeed worth noting that all the populations reported on are decreasing or stable, except two populations in Equatorial Guinea, which are increasing (in the Monte Alén National Park and the National Forest pre-project, bloc 3). At the Central African regional level, respondents thought that elephants were decreasing, with a moderate to very significant magnitude.

72. It is also worth noting that the perception of threat priorities and therefore the emphasis placed on particular mitigation activities seems weighted towards illegal hunting and trade. The IUCN Red List entry for the species states that poaching for ivory and meat has traditionally been the major cause of the species' decline, but that loss and fragmentation of habitat caused by ongoing human population expansion and rapid land conversion are critical issues to address. Yet, both the survey responses and the current international conservation activities place a high level of emphasis on managing illegal hunting and trade, and comparatively less emphasis on the very difficult problem of securing safe elephant corridors and protecting sufficient habitat. It is difficult to distinguish if this reflects an accurate situation analysis, or if this is a reflection of the work focus of the survey respondents. None-the-less, the IUCN Red List entry is important information to heed.

73. Indeed, given that CMS recognises two separate species of elephant in the Central Africa, and that other authorities recognize forest and savannah elephants as distinct subspecies, critical habitat protection become significantly more acute and urgent. There is thus a strong case for reassessing population estimates for the two distinct taxa and the urgency of understanding the critical habitat needs of each taxon in the region is acute.

Table 2. Compilation of answers obtained from questionnaires sent to relevant stakeholders about populations of Central African elephant populations (with no distinction between *Loxodonta cyclotis* and *Loxodonta africana*)

Country	Specific location of elephant populations	Population trend	Magnitude	Geographical scale
Central Africa	Region-wide	Decreasing	V. significant	Widespread
	Region-wide	Decreasing	V. significant	Widespread
	Location not specified	Decreasing	Moderate	Intermediate
	Location not specified	Decreasing	Moderate	Widespread
Cameroon	Boumba Bek National Park	Stable	Moderate	Localised
CAR	Countrywide	Decreasing	Significant	Widespread
	Dzanga Sangha Special Reserve and Bangassou Forest Reserve	Decreasing	V. significant	Widespread
Chad	Zakouma National Park	Decreasing	V. significant	Localised
Congo	Countrywide	Decreasing	Small-Moderate	Localised
	Countrywide	Decreasing	Significant	Widespread
	Pool Department[3]	Decreasing	V. significant	Localised
	Odzala National Park	Decreasing	V. significant	Localised
	Lac Télé Community Reserve	Stable	Small	Widespread
	Sangha, Cuvette-Ouest and Likouala Departments	Decreasing	Significant	Intermediate
	Conkouati-Douli National Park	-	Stable (ivory poaching currently under control)	-
	Nouabale Ndoki National Park	-	Small	Localised
	Location not specified	Decreasing	Significant	Widespread
DRC	North Uele, Bili-Gangu	Decreasing	Moderate	Widespread
	South Uele, Likati-Bambesa	Decreasing	Small	Localised
	Kahuzi-Biega National Park	Decreasing	V. significant	Localised
	Okapi Faunal reserve and Salonga National Park	Decreasing	V. significant	Widespread
	Okapi Faunal Reserve	Decreasing	V. significant	Widespread
	Location not specified	Stable	Moderate	Intermediate
Equatorial Guinea	Monte Alén National Park	Increasing	Significant	Widespread
	Rio Campo Natural Park	Decreasing	Small	Localised
	Altos de Nzork National Park	Stable	Small	Localised
	National Forest pre-project, bloc 3	Increasing	Significant	Widespread
Gabon	Minkebé National Park	Stable	Moderate	Localised
	Location not specified	Decreasing	Significant	Widespread
	Location not specified	Decreasing	Significant	Widespread

3.3 Factors determining elephant numbers

74. The survey intentionally sought to collect information on two separate aspects: (i) factors directly impacting African elephants, such as hunting or habitat loss, and (ii) indirect factors considered to impact on the region's ability to conserve African elephants, such as the control of corruption, judicial action in prosecution of violations, and government effectiveness. The survey therefore sought to determine where the CMS might be able to provide some support, and which areas were beyond its mandate.

75. The return rate of questionnaires sent to Government officials was 6.8% (or 3 out of 44), and the return rate from non-governmental institutions was 32.6% (or 31 out of 91). The overall response rate was therefore 24.5% (or 34 questionnaires out of 139), with some countries and areas being

[3] Local extinction of elephants in the Pool Department likely: no more traces of elephants in Lesio-Louna, the only protected area in the department; population estimates in the bordering Lefini Reserve (in Plateaux Department) thought to be extremely low.

overrepresented in the focus of the responses (this was mainly the case for Congo and DRC); this in turn made comparisons and generalisations per country difficult. Although there has been a conscious effort to compensate for this bias in the following analyses, through phone interviews and further desktop studies, the following results should be considered as indicative, not comprehensive.

3.3.1 Direct factors

76. There is limited information provided through the surveys on the direct factors affecting elephant conservation in CAR, Equatorial Guinea and Gabon, and no information regarding Chad and Cameroon (for tabulated results, see Table 3, Annex F).

77. The direct factors threatening elephant populations in Central Africa can be divided into the main themes shown below.

Ivory demand

78. The latest CITES documents (CITES SC61, Doc 44.2 (Rev.1), 2011) and the MIKE analysis in CITES SC61, Inf. 7, 2011) show that Central Africa has the highest elephant poaching pressure of the continent, with ETIS analyses showing the sub-region as the source of large volumes of illicit ivory. DRC is indeed one of the three countries most heavily implicated worldwide in illicit ivory trade (Milliken *et al*., 2009).

79. The latest changes in ivory trade are described in the CITES Standing Committee report (CITES SC61, Doc 44.2 (Rev.1), 2011) as follows: "the raw, unadjusted data demonstrate that seizures of ivory reached record levels in 2009 and that these levels were largely sustained in 2010. At the same time, the ETIS data give an indication that, taken as a whole and unadjusted for bias, the global law enforcement effort for ivory trade may have decreased since CITES CoP15 […]. In most cases, effective law enforcement is believed to produce a deterrent effect on illegal activity, but […] ineffective law enforcement could be stimulating greater illegal trade in ivory. Finally, key underlying factors that were seen to be drivers of illegal trade in the CoP15 analysis, especially the pull of major unregulated domestic ivory markets in both Africa and Asia and large-scale movements of ivory to service these centres of consumption, have continued to exert great influence on trade patterns. […] There are legitimate reasons for believing that illicit trade in ivory may actually be getting worse." It is thought that international ivory demand is a major driver of the illegal killing of elephants: China now appears to be the world's largest consumer market for illegal ivory products, thus overtaking Japan (CITES SC61, Doc 44.2 (Rev.1), 2011).

80. Although respondents did not all agree on the importance of demand for ivory at the local, national and regional levels, they all indicated that the threat of international demand for this commodity was either significant or very significant (see Table 3, Annex F). Many respondents agreed that cross-border ivory trade flowed through a number of Central African countries (mainly DRC, Cameroon, Congo and Gabon), to countries such as Nigeria, Uganda, Tanzania or Kenya, from where it was then exported towards Asian markets. The local and national demands for ivory are therefore likely to be linked to the wider international ivory trafficking.

81. Certain respondents noted that poachers had increasingly efficient strategies with which to access and traffic elephant products; another issue, particularly in Cuvette-Ouest, Likouala and Sangha (provinces in northern Congo), is the proliferation of Kalashnikov rifles and similar weapons (in a historically unstable region), which enables less experienced hunters to massacre elephants.

Bushmeat demand

82. It has been confirmed that demand for elephant meat is high among consumers, particularly in urban areas, and that elephant meat may represent potentially larger gross economic returns per elephant than ivory (Stiles, *in press*). However, since ivory brings in several times the income

possible from meat in terms of unit weight (US$/kg), and because ivory hunters are often "commissioned" to seek out elephants by middle-man traders, elephant meat remains for the moment a by-product of the ivory trade (Stiles, *in press*; CITES SC61, Doc 44.2 (Rev.1), 2011).

83. The respondents to the questionnaire survey were relatively divided on the importance of elephant meat demand, although all agreed that most of the region's elephant populations are affected. Demand for meat seems to be strongest at the local and national levels, principally towards urban areas for the latter. However, it is noted that it is difficult to distinguish between a real demand for bushmeat leading to killing of elephants, or bushmeat as a useful by-product of poaching ultimately stimulated by ivory. According to respondents, there seems to be little regional trade in elephant meat, although this appears to be area dependent. All respondents agreed that the international trade in elephant meat was very small or insignificant.

Human-elephant conflict

84. Human-elephant conflict (HEC) did not appear to be of major concern to the respondents, although wider conflicts through national or regional insecurity seem to play a role in the conservation of elephants.

85. However, the most comprehensive report on the issue (Sitati & Tchamba, 2008) found that HEC was widespread in both savannah and forest regions of Central Africa, with crop raiding being the most common form of HEC. Sitati and Tchamba (2008) also report on the direct effects of overall insecurity: the presence of rebel groups and intense poaching in some forest sites is therefore causing elephants to disperse into surrounding agricultural areas resulting in increased crop raiding.

86. The CITES Standing Committee report (CITES SC61, Doc 44.2 (Rev.1), 2011) states that HEC remains one of the primary challenges for elephant conservation throughout the species' range.

Habitat and range loss

87. Knowledge about abundance, density and distribution of Central African Elephant populations is limited. Some elephants populations can range over very large areas and others will remain confined to relatively small core areas, although factors determining these ranges are complex and not well understood. However, researchers are in broad agreement that the degree of human activity is the most significant factors in determining elephant distribution (Central African Elephant Conservation Strategy, 2005).

88. Road density is closely linked to market accessibility, economic growth, natural resource exploitation, habitat fragmentation, deforestation, and the disappearance of wildlands and wildlife (Wilkie *et al.*, 2000). A number of protected areas and key elephant habitats in Central Africa suffer from human encroachment, including illegal logging, settlement and livestock grazing (e.g. Plumptre *et al.*, 2010; Omondi *et al.* 2007). Recent studies in Central Africa report that roads in unprotected areas act as effective barriers to elephant movement and that elephant abundance increases with distance from roads (Stokes *et al.*, 2010; Blake *et al.*, 2008). These roads are often built in order to access oil or timber concessions. However, if well-managed, some of these areas may provide a refuge for elephant populations (Clark *et al.*, 2009; Stokes *et al.*, 2010).

89. The impact of infrastructure development in all parts of the Central African region scored high amongst those surveyed. Much of the roads and other infrastructure are either financed by privately-owned concessions or the international community, particularly the Chinese government. These roads in turn facilitate the illegal traffic in ivory.

90. Human demographic pressure on forest habitat integrity is linked to the development of logging roads, logging operations, including forest camps and expansion of logging towns (Poulsen *et al.*, 2009); this human immigration has resulted in increased access to the forest by poachers and increased trafficking of elephant products out of the forest. Indeed, elephant abundance is thought

to increase closer to protected areas (Stokes *et al.* 2010). According to one respondent, roads and logging operations in turn influences bushmeat consumption, although not ivory demand or deforestation. It is thought that the effects of slash and burn agriculture are of negligible importance to elephants' forest habitat compared to the impact of commercial logging.

3.3.2 Indirect factors

91. The report to the CITES Standing Committee (CITES SC61, Doc 44.2 (Rev.1), 2011) mentions that endemic problems such as civil unrest, weak law enforcement and poor wildlife management are compounded by habitat loss, fragmentation and disturbance from infrastructure development and extractive industries (timber and mining); this report will, however, mainly focus on the indirect factors mentioned in Table 4, Annex F.

92. From the questionnaire responses (see Table 4, Annex F), three principal factors seem to emerge as important in the region and within individual countries: (i) governance and government effectiveness, (ii) law enforcement shortcomings and judicial action in prosecution of violations, and (iii) the relative shortage of resources committed for elephant conservation. The perception of corruption appears to be an important factor.

93. Although most respondents agreed that the African elephant range States all have moderate to good legislation in place, it is unfortunately seldom enforced. Money may be available for combating wildlife crime, but that there seems to be an overall lack of judicial action to prosecute violators.

94. Although elephants are totally protected by law in most of the region (certain countries allow some hunting under specific circumstances), the respondents to the questionnaire thought that the lack of effective law enforcement was the most significant factor driving negative trends in elephant status in the region.

95. It is worth noting that the Central African Elephant Conservation Strategy has made strengthening institutional frameworks in Central Africa as a priority; more specifically it aims to "train staff in the various aspects of monitoring (elephant populations surveys, ivory stock management, law enforcement etc)" and to "deploy monitoring personal on the ground" (Central African Elephant Conservation Strategy, 2005).

96. Government effectiveness was cited as another important indirect factor affecting elephant conservation: a lack of political will, results in a lack of financial resources and commitment to protected area management, poor leadership at the local level and ineffective anti-poaching and anti-trafficking. This is further complicated by direct factors, such as the increasing demand for ivory.

97. Additional important factors in, for example, Congo (see Annex F) include "voice and accountability" and "human or financial resources for the prevention of illegal killing". For the former, there is not enough media coverage on the subject; also, civil society is generally relatively weak, although this seems in part due to government structures, which are generally not conducive to civil society oversight processes. In terms of the latter, according to questionnaire respondents, there is a lack of human and financial resources in the Ministère de l'Economie Forestière et de l 'Environnement across the board, with protected areas lacking numbers of frontline enforcement agents, and strong leadership.

98. Important factors in DRC include "Legislation covering direct threats to elephant conservation" and "human or financial resources for the prevention of illegal killing". Here again, it was thought that the laws are sufficient, but that the overall lack of law enforcement is poor.

99. An important metric of the will and capacity for prevention of illegal killing of elephants is the level of human or financial resources committed by governments and other agencies in the region. The report to the CITES Standing Committee (CITES SC61, Doc 44.2 (Rev.1), 2011) reports that large sums of money have been invested in forest conservation in Central Africa over the last 10 years; it is unclear to what extent these amounts could be equated with results in elephant conservation or, indeed, what levels have been achieved. Such an assessment is clearly well beyond the scope of the current study, but would certainly be an important contribution to any decisions about regional instruments.

4. Mechanisms and activities for conservation of elephants in Central Africa

100. The review of existing regional instruments reveals that there are significant activities promoting elephant conservation, addressing both illegal killing and loss of forest cover, in the region, driven by national governments with considerable support from international donors and HGOs. There are, however, gaps in specific elephant-focused activities; most of the specific actions are dominated by trade issues, which clearly fall under the remit of CITES. There is significant forest conservation-related activity, which should benefit elephants through preservation of their habitat but it is not directly focused on elephants. It is generally agreed that CMS might have a useful role to play in assisting with coordination between governments on policy, information sharing and capacity strengthening for governance, but given the low level of Government and regional responses to the study, the review has not be able to generate a clear indication if CMS's involvement is a priority, or if regional mechanisms might be better placed to assist.

4.1 National and regional activities

101. Opinions of stakeholders on the effectiveness of regional action regarding policy and law enforcement were mixed. In most countries in the region, there are existing political and legislative frameworks to promote elephant conservation and management. Many of these frameworks are related to policies and legislation on forest conservation, while others are specify the roles of parastatal agencies charged with protected area management.

102. As noted in the previous section, the international ivory trade, with enormous and growing demand from China and, to a lesser extent, other Asian countries, is fed by domestic trade networks which are not successfully controlled. The conversion of forest habitats, through unsustainable logging practices and clearing for commercial and subsistence agriculture, is a problem that varies geographically both within and between countries in the region. The processes of land use and forest management are attracting the attention of donors, including those involved in carbon sequestration and climate change mitigation. Such activities are in their early stages of implementation, but may in time have a positive impact on the rate of change of forest environments and consequently, elephant habitats,

103. Enforcement actions have been implemented to a greater or lesser extent in all parts of the Congo Basin, although it seems that most are only partially effective, and protected areas are not often effectively managed. Protection of elephants in logging concessions in the Ndoki-Likouala Conservation Landscape northern Republic of Congo, has reportedly been implemented – and financed – to some extent by some companies as part of FSC certification standards, i.e. deployment of anti-poaching brigades in logging concessions and along logging roads (Nishihara, 2003). The success of such private sector activities in protecting forests and wildlife may be localized and is highly dependent on active protection programmes being in operation. In general the access to forest resources provided by logging roads for illegal hunters and loggers has increased the poaching of wildlife (Poulsen et al. 2009, Stokes et al. 2011).

104. Our assessment of both the survey responses and the consideration of the international infrastructure that exist in the region is that the most significant obstacle to effective elephant conservation in Central Africa is a lack of strong government leadership of law enforcement authorities, as well as a lack of human and other resources within government agencies. The most effective initiatives for promoting elephant protection and conservation were considered to be those involving direct intervention and presence by well-supported programmes at the site level. These consist largely of programmes funded by international donors and/or NGOs, often in partnership with national/ local NGOs and government/ parastatal agencies responsible for protected area conservation. While these efforts may benefit elephants in the short term, such activities substitute for, and may discourage, the longer term participation of government agencies which is essential for national sovereignty and the sustainability of results. Such "out-sourcing" of the protection of

national resources can lead to habitual dependency, and makes policy implementation in the region subject to the agendas of the donors or NGOs, for better or worse.

105. In Congo, for instance, implementation of MIST for monitoring law enforcement patrols has yet to be fully implemented to date, although law enforcement records exist, facilitated by WCS. In addition to problems common to Central Africa as a sub-region (according to a number of the respondents), the Congo has some major constraints blocking the law from being effectively applied. Among these are low capacity of control posts, low level of search on well-known trafficking routes, very low space in the prison system as a general rule throughout the entire country, bad tendencies in terms of legal follow-up, low level of payment of court-ordered legal compensation, corruption and the traffic of influence in the administration and other governmental bodies.

106. Regional mechanisms and programmes are described below.

COMIFAC

107. Established by the Heads of State in the declaration of March 1999 in Yaoundé, the COMIFAC is intended to provide political and technical guidance, coordination, harmonization and decision-making in conservation and sustainable management of forest ecosystems and savannahs in Central Africa. Member countries include the seven Countries which are the focus of this review: Cameroon, the Central African Republic, the Democratic Republic of the Congo, Equatorial Guinea, Gabon, the Republic of the Congo, and Chad; as well as Burundi, Rwanda and Sao Tomé and Principe.

108. COMIFAC developed and adopted in February 2005 a convergence plan aimed at better management and conservation of forests in Central Africa, and coordination with their international development partners.

109. The COMIFAC Convergence Plan defines a common regional intervention strategy for the countries of the subregion and their international development partners. The Convergence Plan has 10 strategic axes, including (3) ecosystem management, (4) biodiversity conservation, (7) capacity development and training, (I0) regional cooperation and partnerships.

110. At the 6th Session of COMIFAC's Ministerial Council, a mandate was given to COMIFAC to finalize the Regional Wildlife Trade Enforcement Action Plan for 2011-2016. This plan has led to a series of milestone recognitions throughout policy environments of relevance for the Congo Basin, and also for partnerships supporting the Central African Wildlife Trade Law Enforcement Action Plan (CAWTLEAP). The latter is relevant to elephant conservation, in providing the potential for coordination within the region and with international agencies on controlling illegal trade in elephant products, including bushmeat but also ivory.

111. The Secretariat of COMIFAC has dedicated and competent personnel, and there is significant donor support for its coordinating role. There remain significant differences between the national programmes of individual countries and its efforts in promoting the Convergence Plan have been only partially effective in forest conservation. In relation to elephants, the Wildlife Trade Law Enforcement Action Plan (2011-2016) has only recently been developed and there is no evidence yet of its effectiveness. The CBFP (a loose coalition of donors, governments and NGOs, that tries to enhance the efficacy of individual efforts through improved dialogue and coordination) has had some success in providing support to and coordination of COMIFAC. The facilitation of the CBFP has recently passed from Germany to Canada (having been started in 2002 by the United States, followed three years later by France).

112. Despite the mandate and potential of COMIFAC, a number of respondents were concerned about COMIFAC's ability to address the underlying governance issues that are currently preventing elephant conservation in the region from productively moving forward.

RAPAC

113. RAPAC (Réseau des Aires Protégées d'Afrique Centrale) is a sub-regional non-profit organization consisting of governmental and non-governmental members, and is formally attached to COMIFAC, as one of its constituent bodies. This network is intended as a unifying platform for the harmonization, coordination, exchange and support between the actors involved in the management of protected areas and the development of natural resources. Under axis 4 of the COMIFAC Convergence Plan, RAPAC is particularly responsible for the implementation, creation and management of cross-border protected area complexes.

114. The RAPAC programme has begun implementation in all countries in the region, and is considered partially effective in support of protected area conservation to date. It receives the majority of its core funding from the European Union, though recent initiatives from the African Development Bank through CEEAC (the Central African Economic Commission) have greatly increased its scale of operations. It was originally conceived as a network, whose purpose was to enhance collaboration and the diffusion of best practice among the parks of the central African region. The recent inflow of funds has changed the character of the organisation to that of a project executive agency, with its own burgeoning field staff. It is not yet clear whether this will eventually reinforce or undermine the capacity of government conservation agencies in the field.

115. RAPAC is potentially well placed to assist in the transboundary aspects of elephant conservation, which should be the particular focus of any CMS instrument; it has a specific policy objective to foster transboundary conservation areas (Chad-Cameroon, TNS, TRIDOM, Rio Campo for example), which ought to position it well for making a really useful contribution. On the other hand, it may, as an organisation, have overstretched itself at the moment and it may need some time to adjust to its evolving role in the field.

Programme d'Appui à la Conservation des Ecosystèmes du Bassin du Congo (PACEBCo)

116. PACEBCo (the Congo Basin Ecosystems Conservation Support Programme) is a 5-year programme (from 2009 to 2014) executed by COMIFAC and funded chiefly by the African Development Bank through the Economic Community of Central African States (CEEAC), which also contributes funding. The intention of the programme is to reduce deforestation, forest degradation and biodiversity loss by building the capacity of regional and national organizations, preserving the fauna and flora of the Congo Basin forests' ecosystems, and promoting sustainable local development for people living in the forest regions. It hopes to sustain benefits to local communities beyond the life of the project.

117. The activities to be undertaken by PACEBCo include a diagnostic study of COMIFAC itself, capacity building of key COMIFAC and national bodies in both the public and private sectors, support for the management of protected areas, for anti-poaching authorities and for community-based forestry in buffer zones, climate change adaptation and sustainable development. Some of these activities should benefit elephant conservation indirectly, and provide a more general improvement in the capacity of COMIFAC to function as a regional coordinating body.

Organization for Conservation of African Wildlife (OCAW) – Organisation pour la Conservation de la Faune Sauvage en Afrique (OCFSA)

118. OCAW (or OCFSA in French) was created in the 1980s by five central African countries (Cameroon, Congo, Gabon, Chad, CAR). OCFSA-OCAW had as its objective to provide assistance to members in wildlife management by creating a forum and harmonizing anti-poaching laws and strategy. DRC and Equatorial Guinea have also recently joined, solving one of the outstanding legitimacy problems, but OCFSA-OCAW has been largely inactive in recent years and a recent audit by PACEBCo recommended its dissolution (Ko, 2011).

Central African Elephant Conservation Strategy

119. The Central African Elephant Conservation Strategy (CAECS) was developed in 2005 by the Central African elephant range States, with the support of the AfESG. It was intended that a sub-

regional approach would allow governments to address capacity and resource constraints in a concerted fashion and pool meagre resources and powers. It was intended that the Strategy be integrated into the COMIFAC process, in particular into its Convergence Plan. Its impact to date has been limited and it has not seen any coordinated implementation, in part because of a lack of resources to help with that coordination. However, the CAECS still provides a great deal of useful information on the sub-region and its particular challenges.

Trans-national cooperation on illegal trade and protected areas

120. Trans-border land-use planning is mainly at the pilot stage and is supported by the landscape approach used by USAID-CARPE, CBFP and UNESCO-CAWHFI. The chief transfrontier park in the region represents solid cooperation between Congo, Cameroon and Central African Republic through the Tri-National de la Sangha (TNS) agreement. The TNS has had significant investment and has been somewhat effective in protecting elephants. Indeed, the best-studied forest elephant population in Central Africa (the elephants of the Dzanga Bai) are in the heart of the TNS complex of protected areas. The challenge for the TNS, as for all other protected areas in Central Africa, will be in achieving sustainability of its outcomes. A Land-Use Plan is being drafted with support from the TNS Foundation. This Foundation is an independent conservation trust fund originally established with technical assistance funded by the World Bank/WWF Alliance for Forest Conservation and Sustainable Use (WB/WWF Alliance), GTZ (now GIZ), WCS, the AFD and CARPE. Contributions to the capital of the TNS Foundation have come from the German Development Bank (KfW) and the AFD.

121. The TNS provides a good example where a lot has been achieved on formal cross-border exchange concerning elephant conservation at a local level and where local ecotourism projects are being piloted. Cross-sectoral activities in Republic of the Congo mostly involve collaboration with logging companies (mainly CIB in northern Congo), to protect the protected area buffer zone for wildlife conservation, and to assure that elephants can continue to move throughout their logging concessions. Also in Congo, USLAB has been added to the national forestry law, introducing a policy for all logging concession holders to address wildlife enforcement in their concessions.

122. Beyond the TNS, the Central African Regional Program for the Environment (CARPE) works in 11 landscapes across Central Africa, including both protected areas and their environs and it has had some success in some of its focal activities.

123. In general, however, outside of protected areas specifically covered by such transboundary agreements, inter-state collaboration is not of a high order. Several major programmes have been targeted over the last twenty years at protected areas (and the "landscapes" that include them), which in the Central African region tend to be badly under-staffed, under-equipped and under-funded. These have been funded by numerous agencies, but particularly the European Union and the United States and German governments. They are said to work well on site, particularly if the government partners are not corrupt and involved in illegal traffic of ivory, bushmeat, guns and wood/timber. As noted above, the dependence of national governments on external agencies for funding and technical support can reduce the sustainability of these achievements.

124. A key challenge in the longer term will be to extend protection of elephants beyond protected areas, establishing corridors both within and between countries. Indeed, a number of the landscapes that have been the focus of USAID funding for 15 years now, quite deliberately have a transboundary component to them, with precisely this sort of connective function in mind. This effort is essential if populations are not to become isolated, and is a considerable challenge in Central Africa, given that effective conservation even within protected areas is not currently successful.

125. It is in this area of habitat protection that CMS perhaps has a constructive future role to play, by creating a coordination platform through which these various trans-national, intergovernmental and nongovernmental initiatives might focus negotiation agreement and coordination on progress

monitoring specifically relating to elephants habitats and corridors. Such a role would also provide a useful support to the international work of CITES.

126. On the aspect of illegal trade in elephant products, an important civil society network has also been created within Central Africa specifically to provide pressure for effective governance. Five NGOs including the PALF, the LAGA, RALF, ALF and Anti-Corruption (AC) provide support and pressure for the enforcement of wildlife protection legislation across Central Africa. They act on the ground and manage to dismantle trading networks and they actively follow juridical follow up to prosecution. The efforts of these relatively small programmes, funded by small conservation NGOs is complemented on a larger scale by the work of regional offices of mainstream conservation NGOs, such as WWF and WCS, as well as TRAFFIC, which have been working to identify problems and combat illegal trade at local, national and regional levels.

4.2 International instruments and programmes

CITES

127. The purpose of CITES is to regulate the international trade in wildlife and wildlife products of wild species. CITES's history with Central African elephants has been considerable. African elephants were included in the CITES Appendices from the onset when the Convention came into effect in 1975. The species was transferred from Appendix II to Appendix I in 1989 (CITES CoP7), with some populations being transferred back to Appendix II, under a set of conditions, in 1997 (CITES CoP10) and in 2000 (CITES CoP11).

128. In 1997, CITES CoP10 also passed an unprecedented resolution that a monitoring system be put in place across the entire range of the African and Asian elephants (CITES Resolution Conf. 10.10) with the intention of providing reliable data and information, from representative sites, to assist informed dialogue among Parties and facilitate the decision-making by the CITES CoP regarding the protected status of elephants.

129. The CITES Programme for MIKE, was endorsed by the CITES Standing Committee in 1999. Further consideration of the MIKE programme was provided at the CITES CoP in 2000 and a revision to broaden the objectives to include 'establishing an information base to support the making of decisions on appropriate management, protection and enforcement needs' and 'build capacity in range States' was adopted. A further revision was adopted at the CITES CoP in 2002 to allow for the MIKE programme to continue after (external) financial support came to an end.

130. The MIKE sites used in the programme's analysis have been initially selected to provide a representative sample based on a combination of various factors including forest v. Savannah; the relative size of elephant populations; the protection status inherent within the site; the historical incidence of illegal killing; the ivory trade situation; relative incidence of civil strife and military conflict; relative level of law enforcement; and the CITES Appendix status. The analysis specifically focuses on population trends, patterns of law enforcement effort and factors that influence elephant populations and illegal killing (CITES Res Conf 10.10).

131. CITES also has established the Elephant Trade Information System (ETIS) as a comprehensive information system to track illegal trade in ivory and other elephant products. It shares the same objectives as MIKE with the difference that its aim is to record and analyse levels and trends in illegal trade, rather than the illegal killing of elephants (CITES Res Conf 10.10). The central component of ETIS is a database on seizures of elephant specimens that have occurred anywhere in the world since 1989. While the ETIS Programme is of critical importance in supporting range States to manage illegal trade it will not be reviewed further for this report, as this very clearly falls under the mandate and competency of CITES.

132. Specifically following decisions made in 2007 (CITES CoP14), the Standing Committee was tasked to conduct comprehensive reviews of the status of the elephant, trade in its specimens and

the impact of the legal trade, based on data from the CITES/MIKE, ETIS and the implementation of the Action plan for the control of trade in elephant ivory and of the African elephant action plan.

133. The overall goal of MIKE is to provide information needed for elephant range States to make appropriate management and enforcement decisions, and to build institutional capacity within the range States for the long-term management of their elephant populations, with a specific emphasis on the levels and trends in the illegal hunting of elephants and to assess in particular to what extent observed trends are a result of any decisions taken by CITES

134. Concurrently with the CITES/MIKE/ETIS Programmes, Parties have also been engaged in developing an Action Plan for the Control of Trade in Elephant Ivory, first adopted by the CITES CoP in 2004 (CITES Dec Conf 13.26).

135. In 2008 (CITES, 2008), a regional meeting gave focused attention to the development of the African Elephant Action Plan. The meeting also discussed the establishment by the Secretariat of the African Elephant Fund that should be applied to the implementation of the African Elephant Action Plan (CITES Conf 14.79). Regional work continued through the Second and African elephant meeting (CITES, 2009), and the African Elephant Action Plan (CITES Inf. 15.68, 2010) was presented by the African range States to the 2010 CITES meeting (CITES CoP15).

136. The Plan was agreed by African elephant range States during a meeting held in the margins of CoP15 (CITES Inf. 15.68, 2010). An African elephant working group, composed of Range and donor States, was also established at CoP15 as was an African Elephant Fund that will be applied to the implementation of the African Elephant Action Plan (CITES Dec Conf 14.79) and in 2011 the CITES Standing Committee established the African Elephant Fund (CITES Standing Committee, 2011; CITES SC61, Doc 44.2 (Rev.1), 2011).

137. It is felt by some stakeholders in the region that action plans for the control of trade in elephant ivory were more effective when there was a total ban on ivory, i.e. with no stockpile sales, and when the illegal market was considerably smaller. While the ban of regular ivory sales remains in place, it is much less effective now. Possible reasons are high demand from Asian countries, particularly China, and ineffective control measures in place in those importing countries; lack of capacity for protection; increased access to forest areas through infrastructure (especially road) development; and corruption of officials. These factors suggest that attempts to protect elephants through local, national or even regional programs in Central Africa alone will struggle to succeed, and that only broader international action through multi-national programs that are based on economic arguments and education of ivory consumers will be effective.

138. DRC has been consistently identified in the ETIS analyses as a country where there is a high degree of involvement in the illicit trade of ivory, with some of the world's largest ivory markets still operating within its borders. Despite the mechanism available to the CITES Parties in the CITES Action plan for the control of trade in elephant ivory action has not been taken against the DRC, and it is not clear to what extent the Government of DRC has undertaken actions to implement the Plan.

139. The CITES-MIKE programme, in recent years, has been active in key sites within Central Africa and has delivered training and other support in several countries in the region (CITES-MIKE, 2010). Since its mandate focuses more on monitoring the conservation status of elephants than protection and law enforcement, it has had less impact on the building of capacity for active conservation of elephants. However, the CITES process and CITES/MIKE/ETIS are providing robust and important management advice and support focusing on the threats if illegal hunting and trade. This is CITES's core competency. To duplicate this work through CMS is unnecessary.

140. However, in reporting progress to the CITES Standing Committee the Secretariat commented that in Central Africa a number of protected areas and key elephant habitats suffer from human encroachment, including illegal logging, settlement and livestock grazing. As has been mentioned

elsewhere in this review, roads often built in order to access oil or timber concessions in unprotected areas act as effective barriers to elephant movement and elephant abundance increases with distance from roads. (CITES Standing Committee, 2011; CITES SC61, Doc 44.2 (Rev.1), 2011). For this reason, the control of illegal trade does not exist in isolation from broader questions of habitat protection, and coordination of CITES programmes with initiatives in other sectors would be desirable.

African Convention on Conservation of Nature and Natural Resources

141. The African Convention on Conservation of Nature and Natural Resources entered into force in 1969, with the aim of ensuring the "conservation, wise use and development of faunal resources and their environment" through appropriate wildlife management inside and outside protected areas, and the adoption of adequate legislation on hunting (including prohibiting use of poisons, explosives, hunting at night, or any method likely to cause mass mortality). Species listed in Class A or B of the Annex to the Convention are also afforded special protection. Species in Class A being totally protected throughout the entire territory of the Contracting States, with hunting, killing, capture or collection of specimens permitted only for scientific purposed with authorization of the highest competent authority, and species in Class B (including *Loxodonta africana*) being totally protected, but with hunting, killing, capture or collection of specimens permitted under special authorization granted by the competent authority (IUCN, 2004).

142. The Convention was revised as the 'Maputo Convention' during the African Union Summit in 2003. However, it has not yet reached the necessary number of ratifications to enter into force (IUCN, 2004).

African Elephant Action Plan

143. The African elephant range States were directed by the CITES Parties to develop an African Elephant Action Plan, with the support of the CITES Secretariat and the AfESG. The Plan was discussed at two meetings of the African elephant range States – in 2008 and 2009, and then a small drafting group, consisting of two representatives from each sub-region met to finalise the Plan.

144. The African Elephant Action Plan is an overarching document that outlines the major threats and overall objectives for overcoming them. It is important to recognise that the African Elephant Action Plan is linked to the African Elephant Fund, also established under a CITES decision, which has a number of donors engaged. There is a Steering Committee for the African Elephant Fund, composed of 8 range States and 3 donor States.

145. Both documents provide an important framework. A sub-regional mechanism should be based on the issues relevant to that sub-region, and as such, an updated version of the CAECS should provide the focused platform for Central Africa. The African Elephant Action Plan has a great deal of range State ownership and support and appropriately targets the political coordination level.

146. While it is too soon to judge the effectiveness of the African Elephant Action Plan, it is useful to speculate why, after six years in existence, the CAECS may not have had all the impact that might have been hoped for it. This is of significance for any potential CMS instrument. The probability is that the impact of the strategy is limited because of the institutional context in which it was formulated and adopted. The impact of agreements reached at Ministerial level or higher is, in the main, greater than those crafted and agreed upon by experts and technicians.

The Lusaka Agreement

147. The Lusaka Agreement and the Lusaka Agreement Task Force (LATF) are, respectively, an international agreement and an inter-governmental organization with the main function of facilitating cooperative activities in and among Party states to carry out investigations on violations of national laws pertaining to illegal trade in wild fauna and flora (Lusaka Agreement, 1994; UNEP, 2005).

148. The Agreement came into force on the 10th of December 1996. Currently, there are six Parties to the Agreement: Congo, Kenya, Tanzania, Uganda, Zambia and Lesotho; South Africa, Ethiopia and Swaziland are signatories.

149. The Agreement provides for setting up of a permanent Task Force that would implement its objectives. Consequently, the Lusaka Agreement Task Force (LATF) was launched on the 1st of June 1999, with its headquarters located in Nairobi, Kenya (UNEP, 2005).

150. The LATF's Strategic objectives are significant to this review in that they seek to:

a) Contribute to at least 60% containment of identified and reported cross border illegal wildlife trade activities by 2015;
b) Collaborate with at least 60% of the main entry/exit points in Party States by year 2015;
c) Address disparities in wildlife legislation and areas of harmonization identified and results submitted to the Governing Council by 2008;
d) Address law enforcement training needs of National Bureaus to implement the Agreement fulfilled by 60% by the year 2015.

151. In addition the Lusaka Agreement Task Force is to ensure its financial sustainability; that it has adequate capacity to fulfil its mandate; to develop strategic partnerships; and to effectively grow its membership.

152. The mandate and priorities of the Lusaka Agreement are quite important to addressing the underlying governance issues that relate to illegal and to the enforcement of existing laws. Its relationship with CITES is also an area of critical importance. However, some respondents express concern about the buy-in of Central African Governments is low and that at this stage the Lusaka Agreement and LATF is present in only one country, Republic of the Congo, and its presence there is not strongly active. It has a long way to go before it can be considered effective for Central African elephants.

FLEGT

153. A European Union-funded programme, the Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan, provides a number of measures to exclude illegal timber from markets, to improve the supply of legal timber and to increase the demand for responsible wood products. This action is relevant to elephant conservation in the sense that it should promote the conservation of forest habitats and responsible management of forest production zones.

154. A central element of the European Union's strategy to combat illegal logging are trade accords with timber exporting countries, known as Voluntary Partnership Agreements (VPAs), to ensure legal timber trade and support good forest governance in the partner countries. In Central Africa, the countries involved in the VPA ratification process include Cameroon and Gabon, while negotiations are underway with CAR, DRC and Congo. As a second element, the European Union created legislation (known as the European Union Timber Regulation) to ban illegally-produced wood products from the European Union market.

155. The decline in river transport in the last three decades in Central Africa has shifted a great deal of commercial activity onto roads (many of which have been constructed expressly to service the timber industry). The geography of the road network has meant that much timber export involves transit countries, as well as the countries of origin. This is particularly true of Cameroon. Thus the control of the timber trade (and of all the tax revenues that are implicit in this) has become a much more international matter than it was previously, with much higher economic stakes attached to its governance and related law enforcement.

156. The relevance of this to elephant conservation is that there are newly evolving protocols and capacity relating to transparency and disclosure, as well as to international collaboration in the domain of controlling illicit timber exports. All these involve staff of the very same agencies that are

involved in policing and controlling the illegal wildlife trade, not least that in elephant ivory. There is, therefore, a strong incentive to explore the entry points that could bring the management of these two aspects of international trade (illegal or otherwise) rather closer together. In addition, there is an undertaking for all stakeholders to act in accordance with international and subregional commitments, notably the Convention on Biological Diversity (CBD), which is discussed below.

157. At a point in the future when the underlying Governance issues relating specifically to illegal hunting are addressed, a more integrated relationship between elephant conservation and the FLEGT agenda could provide productive conservation gains for elephant habitat protection.

CBD

158. The Convention on Biological Diversity (CBD) entered into force on 29 December 1993. It has 3 main objectives: the conservation of biological diversity; sustainable use of the components of biological diversity; and the fair and equitable sharing of the benefits arising out of the utilization of genetc resources. It requires all Parties to develop a National Biodiversity Strategy and Action Plan (NBSAP), and has established that NBSAPs are the key mechanisms for national implementation. It has been broadly agreed that NBSAPs are tools for implementation of not only CBD, but the whole cluster of biodiversity-related conventions. The CBD and NBSAPs have largely been regarded as framework for national action, and CBD has applied the Ecosystem Approach as its main approach.

159. CMS also has a joint programme of work with the CBD, and the CBD recognises CMS as the lead partner for migratory species. The CBD/CMS joint work programme 2002-2005 identified links between CMS species and the CBD work programmes, such as the importance of bats, gorillas and elephants to forest biodiversity, and the relevance to Sahelo-Saharan antelopes of the programmes on agricultural biodiversity and biodiversity of dry and sub-humid lands (UNEP/WCMC, 2011)

160. The 10th Conference of the Parties to the Convention on Biological Diversity (COP10), adopted the 20 Aichi Targets for Biodiversity, including Target 17, which states that countries should have developed adopted and commenced implementation of revised NBSAPs by 2015.

161. To assist this process, both CMS and CITES have provided guidelines to their Parties on integrating migratory species and CITES-related issues into NBSAPs. Integration of migratory species into national biodiversity planning requires a trans-boundary perspective that must be coordinated across range States. This migratory range approach combines features from the ecosystem and species-related approaches, and reflects that threats in one range State can negatively impact a migratory species throughout its entire range.

International law enforcement agencies

162. International organisations aimed at working with and strengthening national law enforcement include the WCO (World Customs Organisation) and INTERPOL – both of which all Central African countries are members. UNODC (United Nations Office on Drugs and Crime), together with CITES, INTERPOL, WCO and the World Bank, is a member of the ICCWC (International Consortium on Combating Wildlife Crime).

163. In 2010, WCO initiated Project GAPIN (Great Apes and Integrity), a concerted effort of a number of customs agencies in Africa to intended to control illegal trade in wildlife (particularly but not exclusively the great apes), to build the integrity and capacity of national agencies for enforcing CITES regulations, and to promote communication and cooperation between governments. Its efforts resulted in the seizure of illegal wildlife products, including both worked and raw ivory. INTERPOL has organised several coordinated actions to inspect wildlife markets in Africa in recent years, including within Central Africa, and to coordinate with customs and other enforcement agencies in countries that may be involved in trans-shipment as well as consumption of ivory.

164. It would appear that there is scope for Central African countries to receive additional assistance from these agencies with coordinated enforcement actions, targeted training and capacity building, and regional collaboration and communication on combating the illegal ivory trade.

4.3 Research, monitoring and information flow

Research and monitoring

165. Research on and monitoring of elephant populations in Central Africa is done on a country by country basis. Results are compiled by the AfESG and reported in their periodic Status Reports (noted above). While many such efforts are coordinated and undertaken by national government agencies, much of the work is also being done by international NGOs, among them the most prominent being WCS and WWF, as well as a number of independent researchers.

166. Because most of the elephant populations in Central Africa are forest elephants, living in closed canopy habitats, survey work is considerably more challenging than in savannah environments, and it very difficult to undertake scientifically robust and reliable surveys of elephants in the Central African Congo basin (Wittemayr, 2009).

167. The CITES-MIKE programme now provides significant support, in terms of training, other capacity-building and much-needed funding, to countries in Central Africa. Most survey respondents considered the presence of a monitoring programme to be essential and to provide an early warning indicator of elephant conservation threats.

Information sharing

168. Respondents agreed that information actions are being carried out in the region, with NGOs raising the level of awareness among stakeholders in their sites; there has also been some information sharing through regional bodies such as COMIFAC, RAPAC, MIKE and between conservation NGOs operating in Central Africa. A good example is the TNS, where it has been relatively effective through formal mechanisms. The MIKE programme also organises workshops and meetings with Central African countries, where it diffuses study results and other relevant information.

169. The Congo Basin Forest Partnership (CBFP) was launched at the 2002 World Summit on Sustainable Development as a non-binding partnership registered with the United Nations Commission on Sustainable Development. It represents a voluntary multi-stakeholder initiative contributing to the implementation of an intergovernmental commitment, i.e. the Yaoundé Declaration, and brings together the 10 member states of the COMIFAC, donor agencies, international organisations, NGOs, scientific institutions and representatives from the private sector.

170. CBFP works in a close relationship with COMIFAC with the objective to promote the conservation and sustainable management of the Congo Basin's forest ecosystems. It provides a forum of dialogue in COMIFAC member countries, partner country institutions, NGOs, international institutions and private sector organisations which have agreed to harmonize their programs for the effective implementation of the Convergence Plan and the 1999 Yaoundé Declaration by (i) protecting the region's biodiversity, (ii) promoting good forest governance and (iii) improving the populations' living standards. The partnership seeks to raise the effectiveness of the partners' programs and initiatives through improved communication and collaboration, through meetings, working groups, email communication and the partnership's website www.cbfp.org.

4.4 Coverage and gaps in elephant conservation in Central Africa

171. There is considerable activity at the national, regional and international levels that could protect the region's elephant populations from the serious threats they are currently facing. Where there is investment in conservation, particularly by international NGOs, specific donor programmes or private sector forestry companies, illegal killing and habitat conversion has been held to low levels. However, at the moment these efforts are patchy and limited, in the absence of broader national investment in wildlife sector governance.

172. COMIFAC, the regional body with responsibility for coordination and the convergence of national policies and activities in sustainable forest management and conservation, has the potential for the more specific purpose of coordinating action on the protection of elephant habitat and reduction of illegal killing. A number of donor-funded interventions already work through COMIFAC as well as through national governments in the region; the Central African Elephant Conservation Strategy is intended to do so as well. Despite the mandate and promise of COMIFAC, however, there are doubts about its ability to coordinate national programmes or address the underlying governance issues that are currently preventing elephant conservation in the region from productively moving forward.

173. CITES and its MIKE programme have played an important role in recent years in building capacity for monitoring of killing and elephant status and, more generally, management. International customs and policing organisations have also played important initial roles in identifying problems with the control of illegal trade. These efforts are in need of further development and take-up by national organisations.

174. Cross-border issues, a key focus of CMS action, are incompletely addressed under current arrangements. Each of these plays an important and useful role; in particular CITES, MIKE and ETIS perform fundamental roles in address some aspects of illegal hunting and trade, but none offer integrated, coordinated conservation cover for Central African elephants, leaving gaps within and between national structures for protection of elephant populations and their habitats.

5. CMS involvement in the region and implications of CMS Recommendations and Resolution(s)

5.1 History of CMS deliberations on African elephants

175. The CMS is an international convention with a unique role to play in focusing attention on migratory species. The CMS's provisions are more direct and concrete than many of the other multilateral instruments focused on wildlife, such as CITES, which addresses international trade, or the CBD, which addresses biodiversity and ecosystem conservation. CITES is an important tool for regulating international trade in species listed in its appendices, but, unlike the CMS, it has no provisions to impact directly on threats and issues within a country. Similarly, while the CBD is an important tool for guiding international policy directions on biodiversity conservation, it has no mechanism to bring stakeholders to the table to manage and conserve biodiversity in a transboundary and cooperative context. The CMS provides a comprehensive package of tools for Parties to work with nationally and in a transboundary context, in order to conserve migratory species and the habitats on which they depend.

176. Migratory species threatened with extinction are listed on Appendix I of the Convention. CMS Parties strive towards strictly protecting these animals, conserving or restoring the places where they live, mitigating obstacles to migration and controlling other factors that might endanger them. Besides establishing obligations for each State joining the Convention, CMS promotes concerted action among the range States of many of these species.

177. Migratory species that need or would significantly benefit from international co-operation are listed in Appendix II of the Convention. For this reason, the CMS encourages range States to conclude global or regional Agreements. In this respect, CMS acts as a framework Convention. These agreements can range from legally binding treaties (for instance the Agreement on the Conservation of Gorillas and their Habitats), to less formal, legally non-binding instruments such as Memoranda of Understanding (for instance the West African Elephant MoU) and can be adapted to the requirements of particular regions. The development of tools tailored to the conservation needs of a species throughout its migratory range is a unique capacity of the CMS, and all agreements are based on concrete management and conservation plans.

178. This history of seeking conservation support for Central African elephants has been consistent and sustained. The African elephant (*Loxodonta africana*) was among the species included on the original Appendices to the Convention 1979. The listing of African elephants was later amended to be *Loxodonta africana* and *Loxodonta cyclotis.*

179. During the CMS Scientific Council in 1993, the African elephant was identified as a priority species for agreement development (CMS ScC4 Report, 1993). In 1999, African elephants were also identified by the CMS Scientific Council (CMS ScC9 Report, 1999) as needing urgent Cooperative Action, placing an additional emphasis on agreement development. Scientific Council delegates from West Africa observed that most range States of the elephant had internally listed the species for priority conservation; these regarded the CMS as the best instrument to put a conservation mechanism in place and encouraged the attainment of an agreement. The CMS Conference of the Parties that directly followed agreed to this emphasis for Cooperative Action (CMS Rec. 6.2), adding an additional Recommendation that CMS should support African elephant range States in Western and Central Africa to progress cooperative action to improve the conservation status of elephants in these regions (CMS Rec 6.5), and urged the Scientific Council and the range States to establish a working group to complete an action plan and to initiate its implementation. It is important to note that these decisions and proposals were led by the African range States themselves.

180. The working group was to include representatives of the range States and relevant organizations, including the IUCN AfESG. The working group formed and focused its initial efforts

on the West African populations reporting to CMS Scientific Council in 2001 (CMS ScC10 Report 2001).

181. Despite financial resources and coordination problems, the call for CMS support from the region was sustained through the process. The Conference of the Parties to the CMS in 2002 urged that progress towards an agreement should proceed as a priority (CMS Res 7.7; CMS Rec 7.1). An agreement for the West African populations of the African elephant was concluded in 2005.

182. During the 2005 meeting of the CMS Scientific Council, the Working Group for Terrestrial Mammals discussed the present status of the African Elephant Cooperative Action, noting the progress of the West African component of the Action, that developments appeared possible in the Central African component of the Action, and encouraging the best available mechanisms for implementation of the Cooperative Action in Central Africa (CMS ScC13 Report 2005).

183. In 2008, the Scientific Council reviewed the progress made under the West African Elephants agreement in establishing migratory corridors between Togo, Burkina Faso and Ghana, as well as the additional corridors being developed between Ghana and Côte d'Ivoire. The request from Central African Governments to extend this conservation focus to Central African populations of elephants was reinforced during this meeting (CMS ScC15 Report 2008).

184. The CMS Conference of the Parties that directly followed reaffirmed the Central and West African range State request to commence work on the development of an appropriate instrument on the conservation of elephants in Central Africa, either as a standalone CMS agreement or by the extension of an existing regional instrument (CMS Res. 9.2 and Rec. 9.5). The CMS CoP agreed that, in their opinion, the threat posed to these populations by poaching and accelerated habitat loss, and the predominantly transboundary character of their seasonal movement meant that these populations would greatly benefit from CMS involvement.

5.2 The intent of CMS and CITES to collaborate on Central African elephants

185. During the recent CITES Standing Committee, CMS and CITES presented their Joint Activities 2008-2011 and proposed a Draft Joint Work Plan 2012-2014, that includes a focus on the harmonization of taxonomy and nomenclature; joint actions for the conservation and sustainable use of shared species; administrative and fund-raising cooperation; outreach and capacity building; and strengthening existing cooperation between Secretariats of biodiversity-related conventions.

186. As this review is being developed CITES Parties are being given an opportunity to comment on the new list of joint activities and it is anticipated that the Joint Action Plan 2012-2014 (UNEP/CMS/Inf.10.35) will be submitted for comment to the next CMS Standing Committee and the CMS CoP in November 2011.

187. Of particular relevance to this review, they indicate specific actions focused on African elephant. Those that relates specifically to Central African elephants include and intent to follow up on a decision that may be adopted at CMS CoP10 concerning the possibility of developing a CMS instrument for elephants of Central Africa, noting that the decision could lead to closer collaboration between CMS and the CITES MIKE programme in the region (CITES Standing Committee, Document 15.5 (Rev1) 2011).

188. The existing collaboration between CITES and CMS and the envisaged closer collaboration between CMS and the CITES MIKE programme in the region, as articulated in the CITES/CMS Joint Work Plan 2012-2014, is an important relationship benefiting the region's Central African elephant conservation work, and serves to ensure complementarity between the work of the two Conventions. To ensure that CMS is able to fully integrate with this work, to maintain to its commitments to Joint Action Plan 2012-2014, as well as the African Elephant Action Plan or the

Central African Elephant Conservation Strategy, a sufficient and stable budget will need to be provided to the CMS Secretariat.

5.3 Recent CMS deliberations on agreement development

189. Concurrent with the development of impetus within the CMS to develop cooperative conservation actions for Central African elephants, the CMS Family has also been grappling with a significant growth in agreements (including both Agreements and MoUs) and the consequent necessary increase in financial support required.

190. The 2005 CoP adopted the CMS Strategic Plan 2006-2011 (CMS Res 8.2) with four main objectives, to:

a) Ensure that the conservation and management of migratory species are based on the best available information;
b) Ensure that migratory species benefit from the best possible conservation measures;
c) Broaden awareness and enhance engagement in the conservation of migratory species amongst key actors; and
d) Reinforce CMS's overarching and unifying role in the conservation and management of migratory species.

191. The 2008 CMS Conference of the Parties also embarked upon a process to consider various options regarding the potential strategic evolution of CMS and the CMS Family (CMS Res 9.13, 2008). The Intersessional Working Group of the Future Shape of CMS (ISWGoFS) has broadly agreed to take forward three grouped options to the 2011 CMS Conference of the Parties. Option 1 addresses issues of staffing and integration, implementation monitoring, capacity building, the CMS Family coverage, reporting, technical data, the CMS Family's rate of growth, regionalization/localization and synergies. Option 2, builds on Option 1 by seeking out partners with whom it has less of a relationship, seeking a greater local presence with the goal of setting joint programmes to deal with common threats. It seeks to develop regional hubs for activity, identifying synergies and linkages between MEAs. Option 2 takes a much deeper, wider and longer term view of collaborative working, considering species grouping or thematic cross cutting issues; seeking opportunities to expand upon capacity building; seeking to expand upon fundraising activities and enhancing cooperation between the CMS agreements. Option 3 includes all of the activities in Option 1 and 2, but then adds a structural change to the workings of the CMS Family, either through a change to its institutions or to the text of agreements.

192. The recommendations within the ISWGoFS process that are of most relevance to this review include:

a) Expand and develop capacity building across the CMS Family;
b) Coordinate meetings between institutions, working groups and the CMS Family;
c) Strengthen the coordination and servicing of MoUs; and
d) Prioritize the growth of CMS and CMS Family (UNEP/WCMC, 2011; Lee *et al,* 2011).

193. At the same time, a review has been underway within the United Nations to consider how the Organization can develop into a more integrated entity and to accomplish system-wide coherence throughout the processes of management and policy development. UNEP has led a consultative process on the reform of International Environmental Governance, as one of the pillars of sustainable development to identify pathways for improving the complex and fragmented system of MEAs and environmental financing to better support the overall process of sustainable development (UNEP, 2009; UNEP, 2010).

194. The UNEP/WCMC Review (UNEP/CMS/Inf.10.15) of existing instruments and projects on terrestrial mammals (including bats) also surveyed stakeholders. Their results echo many of the survey results received by this review also, that: range States and international organisations considered that CMS instruments can play an important role in the conservation of migratory

mammals, particularly due to their ability to facilitate international collaboration between Parties, international organisations, NGOs and other key stakeholders. Respondents to both surveys noted that range States were under a stronger obligation when signing a CMS instrument (compared with signing agreements tied to particular NGOs or single countries), and in particular a legally binding Agreement, due to higher scrutiny by the international community on their compliance (UNEP/WCMC, 2011).

5.4 Other CMS regional activities

195. While the IEG discussions are still unfolding, it seems prudent to continue with the four objectives of the CMS 2006-2011 Strategic Action Plan, and the four recommendations of CMS's own ISWGoFS process. Noting that one of these points is to coordinate meetings between institutions, working groups and the CMS Family, a brief review of the CMS activities relating to the Central African region is of value also.

Gorilla Agreement

196. CMS has established Agreement for gorilla over the range of Angola, Cameroon, Republic of Central Africa, Republic of the Congo, Democratic Republic of the Congo, Gabon, Equatorial Guinea, Nigeria, Uganda and Rwanda, for the conservation of gorillas and of their habitats. All the Gorilla taxa are listed on CMS Appendix I. The Agreement was developed working with the Royal Belgian Institute for Natural Sciences, in partnership with the UNEP/UNESCO GRASP Secretariat, and in consultation with the gorilla range States and the other partners of GRASP, to prepare, draft and negotiate this Agreement, and initiate its implementation via a regional, trans-border Action Plan. The final text was concluded in Paris in October 2007.

197. As a legally binding Agreement, it should provide the gorilla range States, as well as the other governments and organisations involved, with a legal framework that will reinforce and integrate conservation efforts. However, while there was initial political commitment to the instrument, including a partially sustainable funding commitment, it has proved difficult for CMS to secure ongoing commitment, including securing Party contributions. This reality runs contrary to contemporary wisdom that the buy-in and subsequent impact of agreements tends to be more significant when Ministerial or higher involvement is required (i.e., a legally binding Agreement) than for an agreement drafted by technical experts in the field. It would be valuable, but beyond the scope of this review, to investigate further why this has been the case.

198. Given that this Agreement directly overlaps with the Central African elephant range State area, some consideration might be given to merging the two instruments. However, some survey respondents were concerned that while placing the two issues within one instrument might provide financial savings, it could risk a dilution of effort on one or the other species. While there were similarities between the threats to each species, the situation for each was not the same.

West African Elephant Memorandum of Understanding

199. The West African Elephant MoU was launched in 2005. West African Elephant range States include Benin, Burkina Faso, Côte d'Ivoire, Ghana, Guinea, Guinea-Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo. West African populations of elephants have become extremely vulnerable, with an estimated 90 per cent of their range destroyed. This loss of habitat and illegal killing raised concerns about the future of these threatened populations. The strategy to conserve elephants and their habitats in West Africa has three main components: (i) to better understand the status of elephants, (ii) to control the ivory trade, and (iii) to reduce the rate of habitat loss

200. The MoU manifests the specific benefit that CMS is able to offer – that is to facilitate further collaboration focusing on trans-boundary conservation since in West Africa many of the most viable elephant populations span the national boundaries of two or more countries. The MoU provides an intergovernmental structure to help monitor and coordinate conservation activities.

201. From the start, this MoU has been well integrated with both the AfESG, which served as the initial MoU coordinator, and CITES MIKE, who is stepping into that role now. In this way, the MoU has drawn upon the depth of work that has been developed in the CITES area, but is able to apply it in a complementary way to habitat conservation. This should provide the CITES activities in the region with greater space to focus on trade related issues. However, a greater level of funding support will be necessary before this is adequately realised.

202. Efforts are currently underway to provide important elephant conservation corridors between Burkina Faso and Ghana. The Eastern corridor includes the Nazinga Game Ranch and the Kaboré Tambi National Park in Burkina Faso and the Ghana north-east forest reserves. The Western corridor would create a link between the Mole National Park in Ghana and Nazinga Game Ranch in Burkina Faso. The AfESG facilitated a dialogue between stakeholders over managing the two corridors. A feasibility study has been launched to manage a migratory corridor between the Gourma elephant reserve in Mali and the Sahel Burkina area in Burkina Faso. In 2006, an action plan was developed for the Ziama-Wenegisi transfrontier elephant conservation corridor. This area includes forested land in south-east Guinea and a proposed natural reserve in north-west Liberia.

203. One of the key questions asked of this review is what would be the advantages and disadvantages of a new instrument for Central African elephants next to the one for Western African elephants? Another is if an agreement designed specifically for this region would be more effective than one overarching agreement for the Western and Central African elephant populations?

204. Even with the funding challenges that this MoU has experienced, the agreement enjoys a strong commitment and buy-in from its range States and a solid commitment to taking elephant conservation forward in a proactive way. There is perhaps a natural inclination to suggest that this could be extended to encompass both West and Central Africa. However, survey respondents and the Signatories to the West African Elephant MoU hold misgivings about merging this MoU into an overarching agreement for the Western and Central African elephant populations. The reasoning is similar to the concerns held about a merger with the Gorilla Agreement – that while there are similarities, the issues are not the same, and there is a risk of a dilution of effort on one or the other region. Given that one of Central Africa's more critical issues is governance-related, a merger of these two regions could negatively impacts the West African efforts.

205. With that said, the most recent West African MoU meeting briefly discussed progress for an agreement in Central Africa. The Signatories agreed that it would be preferable for each of the two sub-regions to have its own instrument, but they asked that there be synergy between the Parties to the MoU in the two sub-regions. Also, Central Africa could use the MoU of West Africa as a basis for elaborating its own (CMS, 2011).

Collaborative arrangements that might be more effective

206. There are three other key species agreements overlapping the geo-political regions of Central and West Africa, and while the species share little similarities with Central African elephants, the Governments concerned will have overlapping competencies and legislations that makes a brief comment worthwhile

207. The Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) is the largest of its kind developed so far under CMS. It entered into force in 1999. AEWA covers 255 species of birds ecologically dependent on wetlands for at least part of their annual cycle. The geographical area covered by the AEWA stretches from the northern reaches of Canada and the Russian Federation to the southernmost tip of Africa. The Agreement provides for coordinated and concerted action to be taken by the range States throughout the migration system of waterbirds to which it applies.

208. The Memorandum of Understanding Concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa was concluded in 1999. It aims at safeguarding six marine turtle species that are estimated to have rapidly declined in numbers during recent years due to excessive exploitation (both direct and incidental) and the degradation of essential habitats. The area includes nesting sites, feeding areas and migration corridors of importance for six species including the Loggerhead Turtle (*Caretta caretta*), Atlantic Ridley Turtle (*Lepidochelys kempii*), Ridley Turtle (*Lepidochelys olivacea*), Green Turtle (*Chelonia mydas*), Hawksbill Turtle (*Eretmochelys fricana*) and the Leatherback Turtle (*Dermochelys coriacea*) and covers coastal areas extending some 14,000 km from Morocco to South Africa

209. The Memorandum of Understanding Concerning the Conservation of the Manatee and Small Cetaceans of Western Africa and Macronesia was negotiated in 2008 including two separate Action Plans for small cetaceans and the West African manatee respectively. The West African Aquatic Mammals MoU seeks to address direct and accidental catch, coastal development, pollution and habitat degradation that have caused western African marine mammal populations to decline rapidly.

210. The UNEP/WCMC review and Devillers (2008) have both suggested that consideration is given to the development of a new Subsaharan African Megafauna Initiative. Those that have favoured this developed have felt that it would help range States conserve multiple species with the limited resources available; to facilitate cooperation/collaboration on transboundary issues; help to prioritise the allocation of resources/funding between range States; and direct funds towards cross-cutting issues that affect multiple species. However this would also require sufficient funding and there would be the strong potential for disagreement between range States on the allocation of scare resources between the different species and activities. There is little additional information uncovered through this Central African elephant review to disagree agree with the cautions.

211. Given these geo-political overlaps an alternate strategy might be for CMS to investigate institutional sharing of Secretariat resources for a number of Central and West African related agreements including elephant, turtle and aquatic mammals, and potentially aligning meetings to take place consecutively. This would serve to reduce costs of administering multiple meetings while allowing for a separation of attention on the part of Signatories Governments enabling them to have increased or reducing involvement in each as national priorities dictate. A drawing together of meetings would also enable other international organisations to interact more readily with the CMS instruments, such as the CBD on the role of the agreements within the NBSAP process, or CITES in preparations for Animals Committee, and it could also provide a ready focal point for the broader scientific and conservation community to meet with Governments on overarching priorities such as forests, ecosystem adaption or introduced species.

6. Options for determining CMS's role in Central African elephant conservation

6.1 Situation summary

212. Section 3 of this review provides a précis of threats to and status of forest and savannah elephants in Central Africa. Given the acuteness of the threat and the effectiveness and mandate of CITES as an instrument, it is not surprising that that there is a strong emphasis towards mitigation of illegal hunting and trade. However, another significant threat exists in the loss and fragmentation of habitat caused by ongoing human population expansion and rapid land conversion.

213. There are a significant number of existing regional agreements, initiatives, instruments and programmes that have been established purposefully for or of potential benefit for the conservation of elephants. Section 4 provides an overview of how each of these mechanisms function, the issues that are in focus, and an analysis of their existing or possible role in Central African elephant conservation. This analysis is born of a desktop review, responses to the EDG/MWN Central African elephant survey results, the UNEP/WCMS review of existing instruments and projects on terrestrial mammal survey results and telephone interviews with key stakeholders.

214. CITES and its MIKE and ETIS Programmes have concentrated significant and valuable effort on quantifying the problem of illegal hunting and trade as well as providing the appropriate tools for addressing this issue through legislation (national and international).

215. It appears that most African elephant Range States have good legislation in place, but that wildlife law is seldom enforced, mainly due to problems with governance. Issues surrounding political will for conservation and law enforcement are probably the major immediate threats to the African elephant in the Central African region. Like many regions, Central Africa also struggles with weak inter-Governmental cooperation and information exchange. Existing regional instruments can and do provide support for some of these areas, but beyond COMIFAC, there appears to be little natural coordination between them. While CITES has been extending the scope of its work programme, strictly speaking, habitat or *in situ* protection is not within the mandate of that Convention.

216. The strong conclusion that comes forward from this analysis is that CMS's involvement must be carefully considered, and not assumed.

217. Section 5 provides an outline of CMS's historical consideration of African elephants and of the institutional context in which this review is being conducted. CMS has a long-standing interest in Central African elephant conservation and there has been a sustained request from Range States to develop an agreement for their conservation. The focus of such an agreement has not yet been determined. CMS has little specifically to offer in addressing illegal hunting or trade, and there would be little value in CMS duplicating the processes and consensus that the region has already invested in working through CITES and its programmes. Similarly, the role of IUCN's AfESG is well established and should be supported, not duplicated.

218. CMS may have a complementary and supportive contribution to make in assisting inter-Governmental negotiation for the conservation of transboundary elephant populations and transboundary elephant habitat and corridors, as well as establishing a process through which these conservation efforts could be monitored and assessed for progress. With this focus, CMS might have value to add in acting as an information conduit about these conservation efforts to other regional and international instruments and programmes. However this suggestion should be heavily qualified by the comment that Central African CMS Party interest in inter-Governmental

cooperation must be re-confirmed and that the CMS CoP would ensure that sufficient budget and capacity would be provided to ensure that it was successful.

219. CITES and CMS have already flagged their intention to work closely together on Central African Elephants, and the Secretariats of each convention have requested that this intention which is articulated within the Draft CITES/CMS Joint Work Plan 2012-2014, be reaffirmed by their Governing bodies.

220. The strengths that CMS can offer are:

a) a legal platform through which Governments can negotiate and make decisions that should be reflected back through domestic legislation, giving each of the range States confidence in and commitment to the process;
b) an institutional framework that is tuned to transboundary conservation; and
c) representation of the agreement and progress of conservation activities in other international fora

221. Whichever Options are taken further, the recently adopted African Elephant Action Plan, (CITES document CoP 15 Inf.68, 2010), combined with the greater detail of the Central African Elephant Conservation Strategy, should be the basis for forward consideration and be respected as the region's collective decision concerning future priorities.

6.2 Options for CMS to consider

222. The African Elephant Action Plan provides an appropriate and pertinent focus for habitat protection and the establishment of transboundary corridors within its Objective 2 (*Maintain Elephant Habitats and Restore Connectivity*), which is complemented by Objective 6 (*Strengthen Cooperation and Understanding among range States*) and Objective 8 (*African Elephant Action Plan is Effectively Implemented*). Further detail about implementation should be drawn from the Central African Elephant Conservation Strategy.

223. At a minimum the CMS Secretariat should maintain its commitment to the existing collaboration between CITES and CMS and the envisaged closer collaboration between CMS and the CITES MIKE programme in the region that is articulated in the CITES/CMS Joint Work Plan 2012-2014. CMS Parties should prioritize providing sufficient budget to allow full participation of CMS staff in discussions and reviews of the African Elephant Action Plan or the Central African Elephant Conservation Strategy, as well as a the regular CITES programme meetings relating to Central and West African elephants.

224. If more structured interaction is desired by CMS Parties, the following three Options have been developed to correspond with the interpreted intent of CMS Recommendation 6.5, CMS Recommendation 9.5 and CMS Resolution 9.2; CMS's Strategic Action Plan 2006-2011 as well as the trends of discussions apparent in the ISWGoFS process. While the Options are represented here as mutually exclusive there is no reason why they could not be combined, or phased. As presently represented, they offer consideration of three different approaches and three different scales of financial resource and infrastructure.

225. Option 1 seeks to be most reflective of the Range State request and CMS CoP decisions contained within CMS Recommendation 6.5, CMS Recommendation 9.5 and CMS Resolution 9.2. Option 2 seeks to reflect the feedback of many of the stakeholders consulted in the current study, which brought forward an emphasis on capacity building. However, this option was also tempered by the discussions apparent within the ISWGoFS process, and it should be noted that there was a low level of survey response from Central African governments. Option 3 is the preferred Option of this review. It is the most reflective of the review analysis that identifies a significant number of regional and international processes that already exist in Central Africa, and is in line with comments from the ISWGoFS process which urge that CMS avoid duplicating efforts. It also takes

into account the low level of national governments' engagement with this review. Option 3 suggests a process for ensuring that government input is fully integrated into any decisions, and that if an agreement is developed, the shape of that agreement is articulated and led by Range States. All three Options take into consideration CMS Conf 10.19: *Report on Resource Mobilisation*, which calls for Parties, partners and other donors to provide additional extra-budgetary resources to further support the implementation of the Convention and its related instruments, and to recognize the Convention's financial needs.

6.2.1 Option 1: an Agreement for the Coordination of Central African Elephant Habitat and Corridor Protection

226. The Central African range States have asked specifically for an instrument (or an agreement) for elephants in their region. This Option is developed specifically to answer the face-value position of that request.

227. CMS may be the appropriate instrument to sustain an inter-Governmental process for dialogue and decisions relating to the creation of a network of elephant habitats and corridors across the Central African region, complementing the work of CITES and its MIKE and ETIS programmes, as well directly involving the work of regional processes and programmes of COMIFAC, RAPAC, IUCN AfESG and the Central African Elephant Conservation Strategy and FLEGT as well as associated ecosystem conservation issues on broader forest management and protection.

228. If CMS is to proceed with an Agreement, it seems advisable that it be a legally binding Agreement, to ensure that there is national level legislative, financial and implementation/ compliance commitment to the instrument. The human and financial resources required for negotiating and developing CMS MoUs and Agreements are similar enough that in this circumstance, and noting the issues of regional governance, the additional hurdle of creating a legally binding Agreement would probably be the most effective use of these resources. Noting the funding difficulties experienced by the CMS Gorilla Agreement and also the CMS West African Elephant MoU (explained in Section 5), it would also be advisable that the CMS CoP stipulates that the budget and resources for negotiating this Agreement and for establishing an appropriate Secretariat must be secured prior to proceeding with negotiation. The text of the Agreement should also place a precondition that Party contributions should be current before any Agreement meetings proceed.

229. Through this Option, CMS's value would be to provide a mechanism through which region-wide habitat protection can be negotiated, agreed, and conservation progress considered. CMS's other value through this Option would be that there would be sufficient human resources to provide a connection point focusing on how elephant habitat protection connects with the various existing regional processes and programmes (including COMIFAC, RAPAC, IUCN AfESG and the Central African Elephant Conservation Strategy, FLEGT, CITES) so that the these mechanisms and programmes complement each other and duplication for the Governments and Secretariats can be reduced.

230. While a legal binding Agreement might be the most appropriate Option, this would not need to be developed in an onerous way. The CMS already has a history of sharing Action Plans with other instruments, and there is a general move towards scheduling meetings and processes to coincide with other bodies. It would therefore be possible to have the CMS contribution managed in conjunction with existing CITES elephant related meetings, for example as an independent session before or after, to review the progress of transboundary habitat protection and coordinator creation, while reporting into and contributing to the broader context of the range of threats faced by Central African elephants.

231. Consideration might also be given to having the Gorilla Agreement meetings or the West African Elephant MoU meetings similarly coincide, so that a natural cross pollination of information and data can be more easily facilitated.

232. The specific aspects of the Elephant Action Plan that would be pertinent to this Agreement Option are Objective 2 (*Maintain Elephant Habitats and Restore Connectivity*), Objective 6 (*Strengthen Cooperation and Understanding among range States*) and Objective 8 (*African Elephant Action Plan is Effectively Implemented*):

- Strategy 2.1: Ensure connectivity, where possible, between elephant ranges within and among range States.
- Strategy 2.2: Establish and strengthen bilateral and multilateral support for the management of sites and corridors across borders.
- Strategy 2.3: Promote internal and cross border land use planning within and among elephant range States.
- Strategy 2.4: Ensure adequate maintenance of current elephant habitat within and between elephant range States
- Strategy 6.1: Foster cross-sectoral, cross-border, regional and continental exchanges to integrate the needs of elephant conservation and management into national priorities and agendas
- Strategy 6.2: Use existing political, economic and other frameworks to promote cooperation on elephant conservation and management, e.g. African Union, ECOWAS, SADC, EAC, COMIFAC, and COMESA.
- Strategy 8.1: Establish a sustainable funding mechanisms to implement the African Elephant Action Plan
- Strategy 8.2: Develop and implement monitoring indicators
- Strategy 8.3: Link the African Elephant Action Plan with the African Elephant Fund

Institutional arrangements

233. The analysis of information and opinion in this review indicates that a merger of the West African Elephant MoU or the Gorilla Agreement with a new Central African Elephant Agreement would not be desirable from a conservation delivery perspective. There is a view that such a merger could constitute a cost saving, but this review recommends that such economy should be pursued in other ways. The West African Elephant MoU Signatories specifically sought a close working relationship but separate instruments.

234. The most politically appropriate model would be to seek to co-locate the pre-funded Secretariat within one of the regional bodies. This would serve to share resource and infrastructure costs, but also to increase the transference of information and cooperation between the CMS and other activities present in the region. It would also build greater information flows into and about regional discussions of trans-boundary issues.

Financial arrangements

235. A budget sufficient to cover salaries, information management, significant levels of regional travel, regular travel to CMS and CITES meetings, telecommunications and work infrastructure as well as an appropriate budget to convene regular regional meetings would be a necessary pre-condition of this Option. Additional staffing resources might also be considered to assist range States with reporting. Given the significant level of activity in the region and the necessity to be integrated into and provide a positive contribution to regional programmes already underway or planned, the Agreement would require a significant and consistent budget to have any positive impact.

236. As a legal binding Agreement, there would be appropriate financial input from Party contributions, but this Option may also require donor contributions to cover all the associated expenses of an Agreement. Again, having the funding secured should be a pre-condition before proceeding

237. Shared resource and infrastructure under the co-location arrangement would reduce ongoing administrative and infrastructure costs. Similarly, sharing resource and infrastructure with other CMS agreement staff would also be a cost saving. An Agreement, if administered by UNEP, could be responsible for its own financial management. However an Agreement can also be hosted and administered by an inter-governmental body, or by a Government, which provides a different range of options for consideration.

238. An indicative Agreement negotiation and Secretariat budget for this Option would be:

2012		
	Salary and oncost	€110,000
	Regional and international travel	€22,000
	Communications, IT and office	€7,500
	Rent, maintenance and insurance	€12,000
	Agreement negotiation meeting	€25,000
2013		
	Salary and oncost	€110,000
	Regional and international travel	€22,000
	Communications, IT and office	€7,500
	Rent, maintenance and insurance	€12,000
	First Agreement meeting	€25,000
2014		
	Salary and oncost	€110,000
	Regional and international travel	€22,000
	Communications, IT and office	€7,500
	Rent, maintenance and insurance	€12,000
	Total 3 year Secretariat and meeting budget	**€504,500**

239. Please note that additional funds would also be advisable to support conservation activities on the ground. The exact amount would need to be determined by the Agreement Parties.

Implications and comparative benefits

240. This Option is specifically 'Government decision led' as it emphasises the facilitation of inter-Governmental negotiation, agreement and coordination of trans-border protection (protected areas, networks and corridors).

241. Establishing an Agreement within the region would also demonstrate that CMS is committed to being directly involved in Central African elephant conservation in this triennium. The pre-funded nature of this Option would provide financial security for a programme of work to be actively pursued.

242. As a binding Agreement, Party monitoring and reporting could be prescribed to ensure that the Agreement was making progress in conservation, and providing value to the financial investment of Parties.

243. This Option is the most costly of the three and would need to be pre-funded by Party contributions. Funding for a legally binding Agreement should not be drawn from CMS core funds. It would be critical for the Secretariat staff to be sufficiently empowered and resourced to pursue regional and international relationships with other instruments and programmes and, especially, to interact actively and productively with CITES and its MIKE and ETIS programmes, acknowledging that these bodies lead on trade issues. Insufficient mandate and budget would undermine effectiveness.

6.2.2 Option 2: Providing capacity support for increasing African Elephant habitat protection

244. The second Option CMS might consider is to place a new CMS officer with a specific focus on supporting regional Governments to achieve Objective 6: *Strengthening cooperation and understanding among Range States* of the African Elephant Action Plan.

245. The focus of the officer's work would be functionally similar to what might an Agreement Secretariat might do (Option 1) but the officer would not be working within a regional agreement structure. There would be no meetings to arrange, nor any Party reporting to coordinate. This role should not fall to the existing CMS Secretariat staff. It would be necessary to employ an additional CMS staff member that would be co-located within the region. It would be necessary for this role to be pre-funded, and therefore follow through with this Option there should be a decision of the CMS CoP to provide for this role within the CMS core budget before any work on recruitment proceeds.

246. Consideration could be given to placing a staff member within the region with the specific expertise and function to aid the capacity building and support of Governments to increase Central African elephant conservation, by working collaboratively with CITES, COMIFAC, RAPAC, IUCN AfESG and FLEGT, and other regional programmes and initiatives as appropriate.

247. The specific aspects of the Elephant Action Plan that would be pertinent to this Option are reflected under Objective 6 (*Strengthen Cooperation and Understanding among range States*):

- Objective 6.1: Foster cross-sectoral, cross-border, regional and continental exchanges to integrate the needs of elephant conservation and management into national priorities and agendas;
- Objective 6.2: Use existing political, economic and other frameworks to promote cooperation on elephant conservation and management, e.g. African Union, ECOWAS, SADC, EAC, COMIFAC, and COMESA.

Institutional arrangements

248. The most institutionally appropriate model would, once again, seek to locate a CMS staff member within the region, and within one of the regional bodies that CMS would be seeking to work closely with.

249. Once again, this would serve to share resource and infrastructure costs, and to increase the transfer of information between the CMS staff and other regional political activities.

Financial arrangements

250. A budget that covered appropriate salaries, significant levels of regional travel as well as regular travel to CMS and CITES meetings, telecommunications and work would be needed.

251. Shared resource and infrastructure under a co-location arrangement would reduce ongoing administrative and infrastructure costs. Depending on the co-location arrangement, financial arrangements could be managed by the co-locator, UNEP or CMS as appropriate. However, this role should be an institutional one, with funding secured. It would not be advisable to have this staff member spend time searching for funding for any part of the forward budget.

252. An indicative single officer and programme budget for this Option would be:

2012		
	Salary and on-cost	€90,000
	Regional and international travel	€22,000
	Communications, IT and office	€7,500
	Rent, maintenance and insurance	€12,000
2013		
	Salary and on-cost	€90,000

	Regional and international travel	€22,000
	Communications, IT and office	€7,500
	Rent, maintenance and insurance	€12,000
2014		
	Salary and on-cost	€90,000
	Regional and international travel	€22,000
	Communications, IT and office	€7,500
	Rent, maintenance and insurance	€12,000
	Total 3 year budget	**€394,500**

Implications and comparative benefits

253. Once again, this Option would also demonstrate to Central African elephant range States that CMS is committed to being directly involved in Central African elephant conservation in this triennium

254. While marginally less expensive than Option 1, this Option (Option 2) is still expensive with arguably for fewer outcomes. To ensure benefit, it would be critical that the officer was sufficiently empowered and resourced to pursue regional relationships and interact actively and productively with Central African Governments, CITES, COMIFAC, RAPAC, IUCN AfESG, FLEGT and other relevant regional bodies and initiatives. It would also be necessary to ensure that a very tight programme of work was created for the officer involved, to avoid overlapping into the competency areas of the other instruments and programmes, and to ensure that CMS related progress was the priority.

255. Assessing the impact of this Option would be much more difficult than Option 1, as there would be no mechanism for reporting and monitoring of Central African CMS Party progress. However, the networking potential alone may be considered of value to the region.

6.2.3 Option 3: Facilitated consultation with Central African CMS Parties

256. This review has described significant existing regional and international mechanisms and programmes focusing on or indirectly benefiting Central African elephants, as well as the other CMS agreements in the region. The review has also noted that the Gorilla Agreement currently lacks sufficient financial support. Yet Central African CMS Parties have clearly requested (through CMS Recommendation 6.5, CMS Recommendation 9.5 and CMS Resolution 9.2) a CMS agreement to be developed. That this request has been sustained over the period of three CMS CoPs is a significant signal.

257. However, there has been a low level of response from Central African CMS Parties in the development of this review, which may indicate that the region's perspectives have changed, or that practical engagement by these Government stakeholders in taking action towards a new Agreement is low. It has not been possible to determine the precise nature of the support sought, or the scope and content of the agreement to be developed. It was therefore also not possible to determine what commitments the Range States would be prepared to make towards the implementation of an agreement.

258. It therefore seems prudent that the Option 3 should involve CMS facilitating a focused consultation process for the Central African CMS Parties to articulate what their specific needs are, and if an Agreement is actively sought what levels of contribution and longer-term commitment they are prepared to make. This approach would be especially relevant given the general directions within the ISWGoFS process to ensure that all new agreements are appropriately resourced.

259. The CMS CoP10 could agree on a Central African CMS Party to step forward to lead a regional consultation process. This regional leadership role could be supported by a consultant who could ,

under the direction of the regional leader, facilitate Central African CMS Parties to provide some key information, including:

a) An articulation of the nature of their request for CMS activity in the region;
b) An articulation of the relationship they would like to see develop, for the benefit of Central African elephant conservation, between, inter alia:
    i. CITES and CITES/MIKE,
    ii. COMIFAC,
    iii. RAPAC,
    iv. FLEGT, and
    v. IUCN AfESG;
c) A preliminary review of their legislative and institutional preparedness for addressing key aspects of the African Elephant Action Plan (in particular Objective 2 (*Maintain Elephant Habitats and Restore Connectivity*) and Objective 6 (*Strengthen Cooperation and Understanding among range States*) and Objective 8 (*African Elephant Action Plan is Effectively Implemented*);
d) A preliminary review of their Government agency preparedness for reporting of implementation and progress; and
e) An identification of which agencies would lead on this work within their domestic process.

260. Once this information gathering process was completed, a workshop of Central African CMS Parties, Chaired by the regional leader, should be convened to consider and discuss the information provided by the Central African CMS Parties and prepared by the consultant, the information and recommendations available within this review, the focus areas of the African Elephant Action Plan and the Central African Elephant Conservation Strategy, and progress and priorities of the African Elephant Fund. Involving CITES and CITES/MIKE, COMIFAC, RAPAC, FLEGT, IUCN AfESG, WCS, WWF and other relevant NGOs as contributing observers in this workshop would also be valuable. This workshop would articulate the specific nature of the support being requested. The CMS Secretariat could provide support through the organisation of the workshop. The consultant could provide support by presenting the gathered information, and completing the workshop report for the Chair of the workshop

261. Finally, the CMS CoP10 could agree that the final workshop report would be first endorsed by the Central African CMS Parties (through a correspondence process to be agreed upon during the workshop) and then presented by the CMS Secretariat to the CMS Standing Committee for discussion and forward decision.

Institutional arrangements

262. There would be no new institutional arrangements in the immediate short term with this option, as further consultation would take place to determine the future course of action.

Financial arrangements

263. A budget that covered a consultant to facilitate the Central African CMS Party information gathering process and the subsequent recommendations of the workshop, as well as sufficient travel stipend to ensure that all range States and the consultant were present for the workshop would be necessary. The participation of other instruments and programmes in the workshop should be self-funded

264. The consultant should also be responsible for preparing the resulting workshop report, noting that this would take time unavailable to the CMS Secretariat.

265. An indicative budget for this Option would be:

2012	
Pre-workshop process facilitation (consultant)	€15,000
Workshop	€28,000
Post-workshop process documentation (consultant)	€10,000
Total budget	**€53,000**

Implications and comparative benefits

266. The comparative benefit of this Option would be that it would require no additional staffing or infrastructure to be developed prior to a Central African CMS Party-led proposal was developed. The outcome of that proposal could be more easily and fully costed once the nature and shape of the preferred direction for CMS and Central African elephants was established.

267. The negative implication of this Option is that it might appear to some to be a delay of a requested action. However, it can equally be argued that this Option should be the first stage of any new CMS agreement. Participation in the analysis of what is needed must involve those who will be bound or impacted by the outcome, and in this case the Central African CMS Parties will need to assess their preparedness, their capacity and the preferred shape of any new agreement anyway. Establishing this process before the agreement is developed can only assist in developing the most appropriate outcome.

268. This Option is put forward with full understanding that after due consideration, the Central African CMS Parties might prefer not to progress an agreement through CMS, but instead may want to utilise the existing regional mechanisms more fully.

7. Recommendations

7.1 Overarching recommendations

269. We recommend that CMS consider the following overarching recommendations:
   a) To formally acknowledge, either through the decisions of the CMS CoP or other appropriate process or statements, that the recently adopted the African Elephant Action Plan, (CITES CoP 15 Inf.68, 2010), combined with the greater detail of the Central African Elephant Conservation Strategy, is the region's collective decision of the priorities going forward.
   b) That the commitment to the existing collaboration between CITES and CMS and the envisaged closer collaboration between CMS and the CITES MIKE programme in the region that is articulated in the CITES/CMS Joint Work Plan 2012-2014 should be maintained.
   c) To provide sufficient core budget to allow full participation of CMS staff in discussions and reviews of the African Elephant Action Plan or the Central African Elephant Conservation Strategy, as well as a the regular CITES programme meetings relating to Central African elephants should be prioritised.
   d) That a merger of the West African Elephant MoU or the Gorilla Agreement with any new Central African elephant Agreement is not recommended from a conservation delivery perspective.
   e) To consider investigating institutional sharing of Secretariat resources for a number of Central and West African agreements including elephant, turtle and aquatic mammals, and potentially aligning meetings to take place in consecutively to reduce costs as well as enabling other international organisations to interact more readily with the CMS instruments.

7.2 Option recommendations

270. We further recommend that CMS consider the following Option recommendations:

271. That Option 3: *Facilitated consultation with Central African CMS Parties*, the preferred Option of this review, is adopted and implemented~~,~~ by:
   a) The CMS CoP10:
      i. Note this review;
      ii. Note the Central African Elephant Conservation Strategy; and
      iii. Acknowledge the African Elephant Action Plan.
      iv. Seek a Central African CMS Party to step forward to lead a regional consultation process.
      v. Prioritising the budget for the process to be supported by a consultant who could, under the direction of the Central African CMS Party leading the process, facilitate all Central African CMS Parties to provide some key information, including:
         - An articulation of the nature of their request for CMS activity in the region;
         - An articulation of the relationship they would like to see develop, for the benefit of Central African elephant conservation, between, inter alia CITES and CITES/MIKE, COMIFAC, RAPAC, FLEGT, and IUCN AfESG
         - A preliminary review of their legislative and institutional preparedness for addressing key aspects of the African Elephant Action Plan (in particular Objective 2 (*Maintain Elephant Habitats and Restore Connectivity*) and Objective 6 (*Strengthen Cooperation and Understanding among range States*) and Objective 8 (*African Elephant Action Plan is Effectively Implemented*);
         - A preliminary review of their Government agency preparedness for reporting of implementation and progress*)*; and

- An identification of which agencies would lead on this work within their domestic process

vi. A workshop of Central African CMS Parties, Chaired by the Central African CMS Party leading the process, considers and discusses the information provided through the process, the information and recommendations available within this review, the focus areas of the African Elephant Action Plan and the Central African Elephant Conservation Strategy, and progress and priorities of the African Elephant Fund. Involving CITES and CITES/MIKE, COMIFAC, RAPAC, FLEGT, IUCN AfESG, WCS, WWF and other relevant NGOs as contributing observers in this workshop would also be valuable. This workshop would articulate the specific nature of the support being requested.

vii. That the CMS Secretariat provides support through the organisation of the workshop, and the consultant provides support by presenting the gathered information, and completing the workshop report for the Chair of the workshop.

viii. The final workshop report, once endorsed by the Central African CMS Parties (through a correspondence process to be agreed upon during the workshop) and then presented by the Chair of the workshop to the CMS Standing Committee for discussion and forward decision, and that the CMS CoP10 mandate the Standing Committee to make that decision.

272. If either Option 1: *an Agreement for the Coordination of Central African Elephant Habitat and Corridor Protection*, or Option 2: *Providing capacity support for increasing African elephant habitat protection*, are considered the preferred Options, this review recommends a number of preconditions are met:

a) For Option 1, this review recommends that:
   i. A legal binding Agreement is to be pursued, to ensure that there is range State Ministerial level legislative and financial commitment;
   ii. The CMS CoP10 stipulates the budget and resources prior to proceeding negotiation must be secured before negotiations commence, that the Agreement text should also include a precondition that contributions should be paid before Agreement meetings are arranged once the instrument is in force;
   iii. The Agreement should adopt and implement the African Elephant Action Plan and integrate the Central African Elephant Conservation Strategy; and
   iv. The Agreement should seek to involve CITES, CITES/MIKE, COMIFAC, RAPAC, AfESG and FLEGT.

b) For Option 2, this review recommends that:
   i. The new CMS officer should be placed within the region to aid the capacity building and support of Central African Governments to increase elephant conservation; and
   ii. The officer should be sufficiently empowered and resourced to pursue regional relationships and interact actively and productively with Central African Government as well as CITES, MIKE, ETIS and COMIFAC, RAPAC, AfESG and the Central African Elephant Conservation Strategy, FLEGT.

273. If after considering all three Options and the information provided by this review, the CMS CoP10 determines that there none of these Options are appropriate or that the information provided does not support moving forward with CMS's involvement in Central African elephant conservation at this stage, a final Option could be to retire CMS Recommendation 6.5, CMS Recommendation 9.5 and CMS Resolution 9.2.

Annex A. Bibliography and list of documents consulted

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Annex B. List of stakeholders contacted

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Véronique Herrenschmidt	Germany	CMS	-
Bert Lenten	Germany	CMS	Deputy Executive Secretary
Elizabeth Maruma Mrema	Germany	CMS	Executive Secretary

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Melanie Virtue	Germany	CMS	Acting Agreements Officer
Colin A. Galbraith	United Kingdom	CMS Scientific Council	Vice-Chairman
Emmanuel de Merode	DRC	Congolese Wildlife Authority (ICCN)	Chief Warden of Virunga National Park
Anthony Agbor	Equatorial Guinea	Conservation International	Assistant de recherche pour le recensement national primates/éléphants
Antoine Berlemont	Equatorial Guinea	Conservation International	Assistant de recherche pour le recensement national primates/éléphants
Domingo Mbomio	Equatorial Guinea	Conservation International	Coordinator
Mizuki Murai	Equatorial Guinea	Conservation International	Assistant de recherche pour le recensement national primates/éléphants
Heidi Ruffler	Equatorial Guinea	Conservation International – Equatorial Guinea	Director
Alfred Oteng-Yeboah	Ghana	Council for Scientific and Industrial Research; C/o Wildlife Division, Forestry Commission of Ghana	CMS Appointed Councillor for African Fauna
Diosdado Obiang	Equatorial Guinea	Département de la foresterie en INDEFOR-AP	Directeur du Département ; point focal IUCN/CARPE en Guinée Equatoriale
George Wittemyer	USA	Department of Environmental Science, Policy, and Management University of California, Berkeley	Postdoctoral Researcher
Joseph Tiebou	Cameroon	Department of Wildlife & Protected Areas Ministry of Forest and Wildlife	Officier National
René Beyers	Canada	Department of Zoology, University of British Columbia	Postdoctoral Fellow
Dieudonné Ankara	Congo	Direction Générale de l'Environnement (MODEFE)	Directeur de la Conservation des Ecosystèmes
John Fa	Jersey	Durrell Wildlife Conservation Trust	Chief Conservation Scientist,
Cyril Pelissier	CAR	Dzanga-Sangha Project	Technical advisor for anti-poaching
Tarla Francis Nchembi	Cameroon	Ecole de Faune de Garoua (EFG)	Director
Kate Evans	United Kingdom	Elephants for Africa	Director/Founder

Name	Country	Organisation/ institution	Position
Lauren Coad	United Kingdom	Environmental Change Institute, Oxford University	James Martin Research Fellow
Edgar Kaeslin	Italy	FAO	Forestry Officer, Wildlife and Protected Area Management
John Hyelakuma Mshelbwala	Nigeria	Federal Ministry of Environment	Ag. Deputy Director; Chairman, CMS Scientific Council
Dan Stiles	Kenya	Freelance	Independent consultant
Bryan Curran	-	Freelance (ex-WCS)	Independent consultant
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Moses Kofi Sam	Ghana	Ghana Wildlife Division	Executive director
Cosma Wilungula Balongelwa	DRC	ICCN	Administrateur Délégué Général
Ekhassa Boyzibu	DRC	ICCN	Officier National MIKE
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Geoffroy Mauvais	Burkina Faso	IUCN PACO	Coordinator, PAPACO
Holly Dublin	Kenya	IUCN/SSC AfESG	AfESG Chair
Aime Nianogo	Burkina Faso	IUCN-PACO	Regional Director for West and Central Africa

Name	Country	Organisation/ institution	Position
Stephen Blake	Germany	Max Planck Institute for Ornithology	Programme Coordinator
Crisantos Obama	Equatorial Guinea	Ministère de l'Agriculture et des Forêts	Coordonnateur National de la COMIFAC et Point Focal Adjoint du GRASP
Michaël Adande	Gabon	Ministère de l'Economie Forestière Des Eaux de la Pêche et de l'Aquaculture	General Secretary
Emile Mamfoumbi	Gabon	Ministère de l'Economie Forestière des Eaux de la Pêche et de l'Aquaculture	Conseiller du Ministre
Baba Malloum Ousman	Cameroon	Ministère de l'Elevage, des Pêches et Industries Animales	Directeur des Pêches et de l'Aquaculture
Bob Félicien Konzi-Sarambo	CAR	Ministère de l'Environnement et de l'Ecologie	Environnementaliste Gestionnaire ; Chargé de Mission en Matière d'Ecologie
Ban-Ymary D. Daboulaye	Chad	Ministère de l'Environnement et des Ressources Halieutiques ; Direction des Parcs Nationaux, Réserves de Faune et de la Chasse	Directeur
Habib Gademi	Chad	Ministère de l'Environnement, de l'Eau et des Ressources Halieutiques	Directeur Adjoint des Parcs Nationaux, de Reserve de Faune et de la Chasse
Mahamat Hassane Idriss	Chad	Ministère de l'Environnement, de la Qualité de Vie et des Parcs Nationaux ; Direction des Parcs Nationaux, des Réserves Faune et de la Chasse	Ingénieur des Eaux et Forêts ; Chef de Service de Sensibilisation d'Information et de Formation
Ngoande Salvador	Cameroon	Ministère de l'Elevage, des Pêches et Industries Animales	Sous-directeur de la Pêche Industrielle et Artisanale
Ngala Israel Revell	Cameroon	Ministère de l'Environnement et de la Protection de la Nature	Sous Directeur de la Promotion et de la Restauration de la Nature
Mike Ipanga Mwaku	DRC	Ministère de l'Environnement, Conservation de la Nature et Tourisme	Direction du Développement Durable
Odette Nekoanodji	Chad	Ministère de l'Environnement, de l'Eau et des Ressources halieutiques	National MIKE Officer
Emmanuel Bayani Ngoyi	Gabon	Ministère des Eaux et Forêt, de l'Environnement et du Développement Durable	Chargé d'études du Directeur Général de l'Environnement et de la Protection de la Nature
Daniel Idiata Mambounga	Gabon	Ministère des Eaux et Forêts ; Gestion de la Faune et de la Chasse	Director
Adrien Noungou	Gabon	Ministère des Eaux et Forêts, de la Pêche ; Direction Générale des Eaux et Forêts	Directeur, Chargé du Reboisement

Name	Country	Organisation/ institution	Position
Gustave Doungoube	CAR	Ministère des Eaux, Forêts, Chasses et Pêches	Chargé de Mission
Jéremie Ndallot Olobanda	CAR	Ministère des Eaux, Forêts, Chasses et Pêches	Officier National MIKE
Jean Baptiste Mamang-Kanga	CAR	Ministère des Eaux, Forêts, Chasses et Pêches ; Direction Générale des Eaux, Forêts, Chasses et Pêches	Directeur de la Faune et des Aires Protégées ; Officier National MIKE
Koulagna Koutou Denis	Cameroon	Ministère des Forêts et de la Faune	Secrétaire Général du Ministère
Robert Gbayanga	Cameroon	Ministère des Forêts et de la Faune	Sous-Directeur de la Valorisation et de l'Exploitation de la Faune
Ibrahim Linjouom	Cameroon	Ministère des Forêts et de la Faune	Sous-directeur de la Conservation de la Faune
Philip Tabi Tako-Eta	Cameroon	Ministère des Forêts et de la Faune	Directeur de la Faune et des Aires Protégées
Claude Etienne Massimba	Congo	Ministère du Développement Durable, de l'Economie Forestière et de l'Environnement	Directeur de la Faune et des Aires Protégées
Dieudonné Moubiala	Congo	Ministère du Développement Durable, de l'Economie Forestière et de l'Environnement	Officier National MIKE Congo
Augustin Ngoliele	Congo	Ministère du Développement Durable, de l'Economie Forestière et de l'Environnement ; Centre d'Etudes sur les Ressources Végétales (CERVE)	Botaniste, Chercheur au CERVE
Jérôme Mokoko Ikonga	Congo	Ministère du Tourisme et de l'Environnement	Directeur Adjoint WCS Congo
Santiago Biyang	Equatorial Guinea	Ministerio de Pesca y Medio Ambiente; Delegación Regional de Pesca y Medio Ambiente	Chef de section; point focal national CMS
Santiago-Francisco Engonga Esono	Equatorial Guinea	Ministerio de Pesca y Medio Ambiente; Dirección General de Medio Ambiente	Director General de Medio Ambiente
Crescencio Tamarite Castano	Equatorial Guinea	Ministerio y Medio Ambiente	General Director
Lee White	Gabon	National Parks Agency; Government of Gabon's Climate Change Task Force	Director
Domingos Dos Santos	Congo	Nouabale Ndoki National Park	Conservator

Name	Country	Organisation/ institution	Position
Bihini Won Wamusiti	Cameroon	PACEBCo	Coordonnateur
Naftali Honig	Congo	PALF	Coordinator
Rita Aimée Liliane Eouani	Congo	Parc National d'Odzala	Conservateur Adjointe du Parc National d'Odzala
Iain Douglas-Hamilton	Kenya	Save the Elephants	Founder
Sally A. Lahm	USA	School of Public Health and Health Professions, Department of Social and Preventive Medicine	Research Assistant Professor
John Hart	DRC	Searching for Bonobo in Congo	Scientific director
Terese Hart	DRC	Searching for Bonobo in Congo	Director
Marco Barbieri	Germany	Secretariat, UNEP/African-Eurasian Waterbird Agreement	Acting Executive Secretary (formerly CMS Agreements Officer)
Léonard Muamba Kanda	DRC	Service de la Conservation de la Nature	Directeur Chef
Elizabeth White	UK	Species Programme, UNEP World Conservation Monitoring Centre	Programme Officer
Kate Abernethy	United Kingdom	The African Forest Ecology Group, University of Stirling	Senior Research Fellow
Cleveland Hicks	DRC	The Wasmoeth Wildlife Foundation	Guest researcher at the Max Planck Institute for Evolutionary Anthropology, Department of Primatology
Germain Ngandjui	Cameroon	TRAFFIC Central Africa	Senior Programme Officer
Stéphane Ringuet	Cameroon	TRAFFIC Central Africa	Regional director
Roland Melisch	Kenya	Traffic International	Senior Director Africa and Europe
Tom Milliken	Zimbabwe	TRAFFIC International	Global Lead for Elephants and Rhinoceros; Manager of ETIS on behalf of CITES Parties
Martha Ebot Bechem	Cameroon	UICN	Coordonnatrice Adjointe MIKE Afrique Centrale
Doug Cress	Kenya	UNEP-GRASP	Coordinator
Andrew Plumptre	-	WCS	Assistant Director for the Africa Wildlife Program
Roger Fotso	Cameroon	WCS	Director of the Cameroon Program
Andrea Turkalo	CAR	WCS	Associate Conservation Scientist

Name	Country	Organisation/ institution	Position
Tomo Nishihara	Congo	WCS	Senior technical advisor for operations and protection in northern Congo
Hugo Rainey	Congo	WCS	Technical Advisor, northern plains Project, Cambodia
Emma Stokes	Congo	WCS	Conservation scientist
Paul Telfer	Congo	WCS	Country director
Hilde VanLeeuwe	Congo	WCS	Project director of Conkouati-Douli National Park
Thomas Breuer	DRC	WCS	Nouabale-Ndoki Project principal investigator
Falk Grossmann	DRC	WCS	Pilot
Deo Kujirakwinja	DRC	WCS	Landscape leader, Eastern DRC
Innocent Liengola	DRC	WCS	Bonobo Conservation Project director
Ashley Vosper	DRC	WCS	Inventory and Monitoring Coordinator
Malcolm Starkey	Gabon	WCS	-
Mattthew Hatchwell	United Kingdom	WCS	Director and NGO representative for the GRASP executive commission
Liz Bennet	USA	WCS	Head of Species Programme
Mike Fay	USA	WCS	Biologist
Fiona (Boo) Maisels	Central Africa	WCS / GRASP	Surveys and monitoring coordinator
Ruth Starkey	Gabon	WCS Gabon	Technical Advisor
David Greer	-	WWF	African Great Ape Manager
Jean Pierre d'Huart	Belgium	WWF	-
Zach Nzooh	Cameroon	WWF	Programme Officer
Martin Tchamba	Cameroon	WWF	Country director
Omari Ilambu	DRC	WWF	Salonga National Park Advisor and Landscape Lead
Lamine Sebego	Kenya	WWF ESARPO	Coordonnateur du Programme WWF Eléphants d'Afrique
Pauwel De Wachter	Gabon	WWF Gabon	-
Diane Walkington	United Kingdom	WWF UK	Species Programme head
David Hoyle	Cameroon	WWF-CARPO	Conservation Director
PJ Stephenson	Switzerland	WWF-International African Elephant Programme	Coordinator
Stuart Nixon	DRC	ZSL	Okapi Project Manager/Field Coordinator,

Name	Country	Organisation/ institution	Position
Juliet Wright	Equatorial Guinea	ZSL	Coordonatrice
Marcus Rowcliffe	United Kingdom	ZSL	Research Fellow
Angeles Mang Eyene	Equatorial Guinea	ZSL, INDEFOR-AP	Assistante coordonatrice

Notes on stakeholder consultations:

1. Contacts with stakeholders remain confidential, so that anonymity is preserved.
2. Questionnaires were sent to 139 stakeholders: 44 in national government positions in Central Africa; 95 in non-governmental organisations, including donor or other bilateral or multilateral organisations, academic institutions, NGOs or the private sector. Responses were received from 3 government officials, a response rate of 6.8%, and from 31 non-governmental stakeholders, a response rate of 32.6%. The overall response rate was 34 / 139 = 24.5%.
3. Email dialogues were held with 7 key stakeholders.
4. Telephone interviews were held with 4 key stakeholders.
5. Comments on the draft text were received from 10 key stakeholders.

Annex C. CMS Secretariat accompanying letter and questionnaire (English version)

Convention on the Conservation of Migratory Species of Wild Animals
Secretariat provided by the United Nations Environment Programme

July 2011

Dear questionnaire recipient,

The **Convention of Migratory Species of Wild Animals** (CMS) Conference of the Parties (CoP) has a long-standing direction for CMS to support African Elephant Range States in Western and Central Africa to develop one or more agreements to improve the conservation status of elephants in these regions (CMS Recommendation 6.5). An agreement (in the form of a Memorandum of Understanding) supporting the coordination of conservation measures for the West African populations of the African elephant was concluded in 2005. During the 2008 CMS CoP, further direction was given to commence work on the development of an appropriate instrument for the conservation of elephants in Central Africa, either as a standalone CMS agreement or by the extension of an existing regional instrument (CMS Resolution 9.2 and Recommendation 9.5).

In order to discern the most appropriate role and contribution by the CMS for the conservation of elephants in Central Africa, the CMS Secretariat has engaged a Partnership between *The Environment and Development Group* and the *Migratory Wildlife Network*. They are to develop a comprehensive review that considers the current elephant conservation situation in Central Africa, that overlays existing instruments, initiatives and plans, and that proposes options for the CMS to consider.

As part of this review, the Partnership is engaging CMS Parties and Range States, as well as other key stakeholders, in a questionnaire to provide a greater depth of information to the review.

We appreciate in advance the time you are taking to complete the questionnaire. Your answers will be important to build a more accurate picture of what contribution the CMS can make to elephant conservation in Central Africa and will inform the forward strategy for consideration by the CMS Secretariat and CMS Parties, including the Central African Range States.

Yours sincerely,

Bert Lenten
Officer in Charge
UNEP/CMS Secretariat

CMS COP10 Norway
Networking for Migratory Species
Bergen, 20-25 November 2011

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Questionnaire on African elephant conservation status and actions in Central Africa

Study on "Analyzing Gaps and Options for Enhancing Elephant Conservation in Central Africa"

EDG and the MWN on behalf of the CMS Secretariat

Introduction

The Convention on Migratory Species of Wild Animals (CMS) is an international convention with a unique role to play in focusing attention on migratory species. Many of these species are not dealt with adequately in other global conventions due to their scope or taxonomic coverage. The CMS's provisions are more direct and concrete than many other multilateral instruments, such as CITES (which addresses international trade), or the CBD (which address biodiversity and ecosystem conservation). The CMS provides a comprehensive package of tools for Parties to work with nationally and in a transboundary context to conserve migratory species and the habitats on which they depend.

The CMS acts as a Framework Convention: migratory species that need or would significantly benefit from international cooperation are listed by Parties in Appendix II of the Convention and Range States are encouraged to conclude global or regional agreements for these species. CMS agreements can range from legally binding treaties (for instance the Agreement on the Conservation of Gorillas and their Habitats) to less formal instruments such as Memoranda of Understanding (for instance the West African Elephant MoU), and can be adapted to the requirements of particular regions. The development of tools tailored to the conservation needs of the migratory range is a unique capacity of the CMS. All agreements are based on concrete management and conservation plans.

There are over 115 Parties to the CMS (which include most of the African continent), but non-CMS Parties may become Signatories to CMS agreements, so there is no impediment to agreement participation. Since 1990, more than two dozen international agreements have been concluded under the CMS umbrella.

In 1999, the CMS CoP (CMS CoP6), led by the African States, agreed that the CMS should support African elephant (*Loxodonta africana*) Range States in Western and Central Africa to develop one or more agreements and associated action plans to improve the conservation status of elephants in these regions (CMS Rec. 6.5). African elephants were also identified by the CMS Scientific Council as needing urgent cooperative action, placing an additional emphasis on agreement development.

How to fill in the questionnaire

This questionnaire is part of a study on ***"Analyzing Gaps and Options for Enhancing Elephant Conservation in Central Africa"*** that EDG and the MWN are producing for the CMS and its Parties, for consideration during the 10th meeting of the Convention on Migratory Species (CMS CoP10). It intends to explore the conservation issues facing Central African elephants, and asks whether an instrument under the CMS would provide additional value for addressing those issues.

Your response to this questionnaire will be greatly appreciated. Please answer as many of the questions as are relevant to your level of knowledge/field; feel free to leave blank those that do not apply to you, and to add any useful information in the tables or boxes provided.

1

SECTION 1 – Background information

1. Name:

2. What organisation do you work for and what is your position?

3. What areas of expertise/ knowledge of elephants will be covered by your answers in this questionnaire?

4. Please indicate which local area / country / Central African region / other you specialise in/with. You may choose more than one.

5. How long have you been working in the area(s) identified in question 4 above?

SECTION 2 - Status

6. **In the area(s) of Central Africa identified in question 4 above, what are the current trends (over the past 10 years) for elephant numbers, habitat and range?**

Please provide links to relevant information and /or peer-reviewed or grey literature references.

Please feel free to expand this table.

Population trend:	1. Increasing	2. Stable	3. Decreasing	
Magnitude:	1. Small	2. Moderate	3. Significant	4. Very significant
Geographical scale:	1. Localised	2. Intermediate	3. Widespread	

	Numbers	Habitat	Range	Information source /data quality (opinion, survey reports, etc.)
POPULATION/AREA 1 (please provide details):				
Population trend				
Magnitude				
Geographical scale				
POPULATION/AREA 2 (please provide details):				
Population trend				
Magnitude				
Geographical scale				
POPULATION/AREA 3 (please provide details):				
Population trend				
Magnitude				
Geographical scale				
POPULATION/AREA 4 (please provide details):				
Population trend				
Magnitude				
Geographical scale				
POPULATION/AREA 5 (please provide details):				
Population trend				
Magnitude				
Geographical scale				

SECTION 3 - Threats

7. **What are the direct factors influencing positive or negative trends in elephant status?**

Please provide links to relevant information and /or peer-reviewed or grey literature references.

Please feel free to expand this table.

Direct factors		Magnitude 1. Small 2. Moderate 3. Significant 4. V. significant	Scope (populations/ areas affected)	Information source /data quality (opinion, survey reports, etc.)
Bushmeat demand	Locally			
	Nationally			
	Regionally (nearby countries)			
	Internationally (overseas)			
Ivory demand	Locally			
	Nationally			
	Regionally (nearby countries)			
	Internationally (overseas)			
Conflict situations	Human-Elephant conflict			
Habitat	Deforestation			
	Reforestation			
	Development of infrastructure (e.g. settlements, roads, railways, mining operations, etc.) *			
Range	Demographic pressure			
	National protection			

** Please record any important differences between these effects in the box below.*

Please provide more details or clarifications, if needed, on the direct factors influencing elephant trends, as well as links to any relevant information

8. **What are the indirect factors affecting elephant conservation?**

Please provide links to relevant information and /or peer-reviewed or grey literature references.

Please feel free to expand this table.

Underlying factors	Magnitude 1. Small 2. Moderate 3. Significant 4. V. significant	Scope (populations/ areas affected)	Information source /data quality (opinion, survey reports, etc.)
Policy on conservation of elephant populations /range in relation to policies in other branches of government			
Legislation covering direct threats to elephant conservation (rule of law)			
Land use planning in forest habitat areas			
Judicial action in prosecution of violations			
Control of corruption			
Government effectiveness			
Political stability and absence of violence			
Regulatory quality			
Voice and accountability			
Human or financial resources for the prevention of habitat conversion			
Human or financial resources for the prevention of illegal killing			
Human or financial resources for the prevention of human-elephant conflict			
Human or financial resources for understanding, assessing and analysing scientific data, and key information being made available by experts			
Intergovernmental cooperation and information exchange			
Educational attainment			

Please provide more details or clarifications, if needed, on the indirect factors affecting elephant conservation, as well as links to any relevant information

SECTION 4 - Ways to address the threats

9. What actions have been attempted and to what extent are they effective or ineffective in reducing threats to elephants?

Please provide links to relevant information and/or peer-reviewed or grey literature references.

Please feel free to expand this table.

Actions/status	Effectiveness 1. Totally ineffective 2. Partially effective 3. Completely effective	Status (i.e. implemented, piloted, etc.)	Scope (populations/areas affected)
Law enforcement			
Ensuring the judiciary follow through wildlife crime cases			
Ensuring transparency at local level (both law enforcement and the courts) in wildlife crime cases			
Capacity of law enforcement authorities/agencies (to combat poaching and illegal trade)			
Existence of laws relevant to elephant conservation and management			
Law enforcement relevant to elephant conservation and management			
Officialising of protected areas			
Illegal trade and cross-border cooperation			
Prevention of ivory transport, export, sale, import			
Prevention of bushmeat transport, export, sale, import			
Ensuring transparency in export permits by national CITES agency			
Connectivity between and among elephant range States			
Bilateral and multilateral support for the site management of sites and corridors across borders			
Internal and cross-border land-use planning within and among elephant range States			
Conflicts			
Adaptive management approaches in addressing Human-Elephant conflict mitigation			
Participatory processes for mitigation of Human-Elephant conflict			
Information			

Awareness among stakeholders on African elephant conservation			
Indigenous/traditional knowledge use			
Information sharing on elephant conservation and management research findings			
Status monitoring of elephant populations and their habitat within and among elephant range States			
Mechanisms of acquiring and disseminating information within and among elephant range States			
Policy			
Cross-sectoral, cross-border, regional and continental exchanges to integrate the needs of elephant conservation and management into national priorities and agendas			
Existing political, economic and other frameworks to promote cooperation on elephant conservation and management			
Sustainable incentive schemes to benefit local communities			
Policy relating directly to elephant conservation			
Policy in other sectors (forestry, agriculture, mining, infrastructure, etc.) indirectly affecting elephant conservation			

Please provide more details or clarifications, if needed, on the effectiveness or ineffectiveness of actions taken in elephant conservation, as well as links to any relevant information

7

SECTION 5 – Agreements and mechanisms

10. Please list the mechanisms in place at the Central African /international level (in the context of species conservation, protected area conservation or broader international agreements, e.g. about forests) and answer to what extent are they effective or ineffective in reducing threats to elephants.

Please provide links to relevant information and /or peer-reviewed or grey literature references.

Please feel free to expand this table.

Mechanisms (please list)	Effectiveness 1. Totally ineffective 2. Partially effective 3. Completely effective	Status (i.e. implemented, piloted, etc.)	Scope (populations /areas affected)

Please provide more detail, if needed, on existing activities to build on or difficulties to overcome and why you think they are effective or ineffective

11. Please identify or prioritise the most effective elephant conservation actions in Central Africa from those listed in question 10 above.

12. The Central African Elephant Conservation Strategy has already been written and adopted by range States. What is its role in coordinating approaches to elephant conservation and how has it worked/ not worked since 2005?

13. Of the new actions which could be taken to decrease the threats, and not attempted so far at the Central African /international level:

    a. Could the existing mechanisms for providing resources, dialogue, cooperation and collaboration, listed in question 11 above, be adapted? If so, how?

8

b. Is there an existing mechanism in the region that works well and would benefit from a CMS approach to assist the region with elephant conservation?
If so, which mechanism and what type of cooperation/ collaboration would be helpful?
If the region can accomplish elephant conservation through means other than the CMS, how could this be achieved?

c. Is there a need for a new mechanism for dialogue, cooperation and collaboration to assist elephant conservation and management? Why /why not?

14. If a new CMS agreement for Central African elephants was developed:

a. Do you think it would need to be a binding treaty or a less formal Memorandum of Understanding?

b. What and how would this CMS agreement contribute?

c. What resources do you think would be available from NGOs, donors, and range States to implement a CMS mechanism if it were created?

d. Please define its complementarities/differences to the existing mechanisms.

9

Annex D. CMS Secretariat accompanying letter and questionnaire (French version)

Convention sur la conservation des espèces migratrices appartenant à la faune sauvage
CMS
Secrétariat assuré par le Programme des Nations Unies pour l'Environnement
PNUE

Juillet 2011

Cher Monsieur, Chère Madame,
Cher destinataire du questionnaire,

Depuis longtemps la Conférence des Parties (COP) a mandaté la Convention sur la conservation des espèces migratrices appartenant à la faune sauvage (CMS) à soutenir les Etats de l'Aire de répartition de l'Eléphants d'Afrique en Afrique occidentales et centrale pour développer un ou plusieurs accords afin d'améliorer l'état de conservation de l'éléphants d'Afrique dans ces régions (Recommandation 6.5). Un accord (sous la forme d'un Mémorandum d'Entente) soutenant la coordination de mesures de conservation des populations ouest-africaines d'éléphants d'Afrique a été conclu en 2005. Durant la CdP de la CMS en 2008, des instructions supplémentaires ont été données pour commencer les travaux sur l'élaboration d'un instrument approprié pour la conservation des éléphants en Afrique centrale, soit sous forme d'un accord CMS autonome, soit par l'extension d'un instrument régional existant (Résolution 9.2 et Recommandation 9.5).

Afin de discerner le rôle et la contribution les plus appropriés par la CMS pour la conservation des éléphants en Afrique centrale, le Secrétariat de la CMS a créé un partenariat entre *The Environment and Development Group* et le *Migratory Wildlife Network* . Ils doivent développer une revue complète prenant en compte la situation actuelle de la conservation des éléphants en Afrique centrale, en superposant les instruments, les initiatives et les plans existants, et proposant des options pour considération à la CMS.

Dans le cadre de cette revue, ce partenariat livre un questionnaire aux Parties à la CMS, aux Etats de l'aire de répartition, ainsi qu'aux autres parties prenantes, afin d'élargir la dimension de la revue.

Nous vous remercions à l'avance de bien vouloir compléter le questionnaire. Vos réponses seront indispensables pour identifier plus précisément la contribution possible de la CMS à la conservation des éléphants en Afrique centrale et informeront sur la stratégie à suivre par le Secrétariat de la CMS et les Parties à la CMS, y compris les Etats de l'aire de répartition.

Veuillez agréer, chère Madame, cher Monsieur, l'expression de mes sentiments distingués,

Bert Lenten
Responsable en charge
Secrétariat PNUE/CMS

CMS COP10 Norway
Networking for Migratory Species
Bergen, 20–25 November 2011

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Questionnaire sur le statut et les actions de conservation de l'éléphant d'Afrique en Afrique centrale

Etude sur « l'analyse des lacunes et des options pour l'amélioration de la conservation des éléphants en Afrique centrale »

EDG et le MWN, sous contrat du Secrétariat CMS

Introduction

La Convention sur la Conservation des Espèces Migratrices appartenant à la faune sauvage (CMS) est une convention internationale avec un rôle unique à jouer pour attirer l'attention sur les espèces migratoires. Beaucoup de ces espèces ne sont pas traitées de manière adéquate dans d'autres conventions mondiales, en raison de leur portée ou de leur couverture taxonomique. Les dispositions de la CMS sont plus directes et plus concrètes que de nombreux autres instruments multilatéraux, tels que CITES (qui traite du commerce international) ou la CDB (qui aborde les problèmes de la conservation de la biodiversité et des écosystèmes). La CMS fournit un ensemble complet d'outils pour que les Parties travaillent dans des contextes nationaux et transfrontaliers pour conserver les espèces migratrices et les habitats dont elles dépendent.

La CMS agit comme une Convention-Cadre : les espèces migratrices qui ont besoin ou qui bénéficierait grandement de la coopération internationale sont répertoriées par les Parties dans l'Annexe II de la Convention, et les Etats des aires de répartition sont encouragés à conclure des accords internationaux ou régionaux pour ces espèces. Les accords de la CMS sont très divers ; ils peuvent inclure des traités juridiquement contraignants (tel que l'Accord sur la Conservation des Gorilles et de leurs Habitats) ou des instruments moins formels, tels que les protocoles d'entente (tel que celui de l'éléphant d'Afrique de l'ouest), et peuvent être adaptés aux exigences de régions particulières. Le développement d'outils adaptés aux besoins de conservation des zones de migration est une capacité unique de la CMS. Tous les accords sont basés sur une gestion et des plans de conservation concrets.

La CMS contient plus de 115 Parties (comprenant la plupart des pays D'Afrique), mais les Parties non-membres de la CMS peuvent devenir des Parties signataires des accords de la CMS ; il n'y a donc aucun obstacle à la participation aux accords. Depuis 1990, plus de deux douzaines d'accords internationaux ont été conclus sous l'égide de la CMS.

En 1999, la CdP de la CMS (CdP6 CMS), dirigée par les Etats africains, a convenu que la CMS devait soutenir les Etats d'Afrique de l'ouest et centrale de l'aire de répartition de l'éléphant d'Afrique (*Loxodonta africana*) pour développer un ou plusieurs accords et plans d'action connexes pour améliorer la situation de conservation des éléphants dans ces régions (CMS Rec. 6.5). Les éléphants d'Afrique ont également été identifiés par le Conseil Scientifique de la CMS comme nécessitant une action urgente de coopération, mettant un accent supplémentaire sur le développement d'accords.

Comment remplir le questionnaire

Ce questionnaire fait partie d'une étude sur « ***l'analyse des lacunes et des options pour l'amélioration de la conservation des éléphants en Afrique centrale*** » produite par EDG et le MWN pour le CMS et ses Parties, pour examen lors de la 10ème session de la Conférence des Parties de la CMS (CdP10 CMS). Il entend explorer les enjeux de conservation faisant face aux éléphants d'Afrique centrale, et demande si un instrument sous le CMS donnerait une valeur supplémentaire pour répondre à ces enjeux.

Vos réponses à ce questionnaire seront grandement appréciées. Veuillez répondre à autant de questions se rapportant à votre niveau de connaissance/ terrain que possible, laissant celles ne s'appliquant pas à vous, et veuillez ajouter toute information utile dans les tableaux ou cases prévus.

1

SECTION 1 – Informations générales

1. Nom :

2. Pour quelle organisation travaillez-vous et quelle est votre position au sein de celle-ci ?

3. Quels domaines d'expertise / de connaissances des éléphants seront couverts par vos réponses à ce questionnaire ?

4. Veuillez indiquer dans, ou avec quel(les) aire/ pays / région d'Afrique centrale ou / autres vous vous spécialisez. Il est possible d'en choisir plus d'un.

5. Combien de temps avez-vous travaillé dans le(s) domaine(s) identifié(s) dans la question 4 ci-dessus ?

2

SECTION 2 - Situation

6. **Quelles sont les tendances actuelles (au cours des 10 dernières années) sur la quantité, les habitats et l'aire de répartition des éléphants dans le(s) endroit(s) d'Afrique Centrale identifié(s) dans la question 4 ci-dessus ?**

Veuillez fournir des liens vers les informations considérées pertinentes et / ou vers les articles scientifiques ou la littérature grise.

N'hésitez pas à élargir ce tableau.

Tendance des populations :	1. Croissante	2. Stable	3. Décroissante	
Ampleur :	1. Petite	2. Modérée	3. Importante	4. Très importante
Echelle géographique :	1. Localisée	2. Intermédiaire	3. Répandue	

	Quantité	**Habitat**	**Aire de répartition**	**Source d'information /qualité des données (opinion, rapports d'enquête, etc.)**
POPULATION/AIRE 1 (veuillez fournir des détails) :				
Tendance des populations				
Ampleur				
Echelle géographique				
POPULATION/AIRE 2 (veuillez fournir des détails) :				
Tendance des populations				
Ampleur				
Echelle géographique				
POPULATION/AIRE 3 (veuillez fournir des détails) :				
Tendance des populations				
Ampleur				
Echelle géographique				
POPULATION/AIRE 4 (veuillez fournir des détails) :				
Tendance des populations				
Ampleur				
Echelle géographique				
POPULATION/AIRE 5 (veuillez fournir des détails) :				
Tendance des populations				
Ampleur				
Echelle géographique				

SECTION 3 - Menaces

7. **Quels sont les facteurs influençant directement les tendances positives ou négatives de la situation de l'éléphant ?**

Veuillez fournir des liens vers les informations considérées pertinentes et / ou vers les articles scientifiques ou la littérature grise.

N'hésitez pas à élargir ce tableau.

Facteurs directs		**Ampleur** **1. Petite** **2. Modérée** **3. Importante** **4. T. importante**	**Portée (populations/ aires concernées)**	**Source d'information /qualité des données (opinion, rapports d'enquête, etc.)**
Demande de viande de brousse à l'échelle…	Locale			
	Nationale			
	Sous-régionale (pays limitrophes)			
	Internationale			
Demande d'ivoire à l'échelle…	Locale			
	Nationale			
	Sous-régionale (pays limitrophes)			
	Internationale			
Situation de conflit	Conflit homme-éléphant			
Habitat	Déforestation			
	Reboisement			
	Développement d'infrastructures (ex. peuplements, routes, chemins de fer, exploitation minière, etc.)*			
Aire de répartition	Pression démographique			
	Protection nationale			

** Veuillez noter toutes les différences importantes entre ces types d'infrastructures dans l'encadré ci-dessous.*

Veuillez donner plus de détails ou précisions, si besoin, sur les facteurs directs influençant directement les tendances de la situation de l'éléphant, ainsi que des liens vers toute information pertinente

8. **Quels sont les facteurs indirects affectant la conservation des éléphants ?**

Veuillez fournir des liens vers les informations considérées pertinentes et / ou vers les articles scientifiques ou la littérature grise.

N'hésitez pas à élargir ce tableau.

Facteurs sous-jacents	Ampleur 1. Petite 2. Modérée 3. Importante 4. T. importante	Portée (populations/ aires concernées)	Source d'information /qualité des données (opinion, rapports d'enquête, etc.)
Politique sur la conservation des populations / aires de répartition des éléphants par rapport aux politiques dans les autres branches du gouvernement			
Législation couvrant les menaces directes pour la conservation des éléphants (primauté du droit)			
Aménagement du territoire dans les zones d'habitats forestiers			
Action judiciaire dans la poursuite des infractions			
Contrôle de la corruption			
Efficacité gouvernementale			
Stabilité politique et absence de violence			
Qualité de la réglementation			
Voix et responsabilisation			
Ressources humaines ou financières pour la prévention de la conversion d'habitat			
Ressources humaines ou financières pour la prévention de l'abattage illégal			
Ressources humaines ou financières pour la prévention de conflits homme-éléphant			
Ressources humaines ou financières pour comprendre, évaluer et analyser les données scientifiques, et les informations clés mises à disposition par les experts			
Coopération intergouvernementale et échange d'information			
Niveau de scolarité			

Veuillez donner plus de détails ou précisions, si besoin, sur les facteurs indirects influençant directement la conservation des éléphants, ainsi que des liens vers toute information pertinente

5

SECTION 4 – Moyens pour aborder les menaces

9. **Quelles actions ont été tentées, et dans quelle mesure sont-elles efficaces ou inefficaces pour réduire les menaces contre les éléphants ?**

Veuillez fournir des liens vers les informations considérées pertinentes et / ou vers les articles scientifiques ou la littérature grise.

N'hésitez pas à élargir ce tableau.

Actions/situations	Efficacité 1. Totalement inefficace 2. Partiellement efficace 3. Complètement efficace	Situation (ex. mis en œuvre, piloté, etc.)	Portée (populations/ aires concernées)
Application de la loi			
S'assurer que le système judiciaire suive les cas de crimes contre la faune			
S'assurer du niveau de transparence à l'échelle locale (pour l'application de la loi et les tribunaux) pour les cas de crimes contre la faune			
Capacité des autorités/ agences répressives (pour lutter contre le braconnage et le commerce illégal)			
Existence de lois pertinentes à la conservation et à la gestion des éléphants			
Application des lois pertinentes à la conservation et à la gestion des éléphants			
Officialisation des aires protégées			
Commerce illégal et coopération transfrontalière			
Prévention du transport, de l'export, de la vente et de l'import d'ivoire			
Prévention du transport, de l'export, de la vente et de l'import de viande de brousse			
S'assurer de la transparence pour les permis d'exportation des agences nationales CITES			
Connectivité entre et parmi les Etats d'aire de répartition des éléphants			
Soutien bilatéral et multilatéral pour la gestion des sites et des corridors à travers les frontières			
Aménagement du territoire au sein et entre les Etats d'aire de répartition des éléphants			
Conflits			
Approches de gestion adaptive dans l'atténuation des conflits homme-éléphant			

6

Processus participatifs pour l'atténuation des conflits homme-éléphant			
Information			
Sensibilisation des parties prenantes sur la conservation des éléphants			
Utilisation des connaissances autochtones / traditionnelles			
Partage d'informations : résultats et recherches sur la conservation et la gestion des éléphants			
Surveillance de l'état des populations d'éléphants et de leurs habitats au sein et entre les Etats d'aire de répartition des éléphants			
Mécanismes d'acquisition et de diffusion de l'information au sein et entre les Etats d'aire de répartition des éléphants			
Politique			
Echanges intersectoriels, transfrontaliers, régionaux et continentaux pour intégrer les besoins de conservation et de gestion des éléphants dans les priorités et les programmes nationaux			
Cadres politiques, économiques et autres existants pour promouvoir la coopération pour la conservation et la gestion des éléphants			
Programmes durables d'intéressement, afin de bénéficier les communautés locales			
Politique directement liée à la conservation des éléphants			
Politique dans d'autres secteurs (foresterie, agriculture, mines, infrastructures, etc.) influençant directement la conservation des éléphants			

Veuillez donner plus de détails ou précisions, si besoin, sur l'efficacité ou l'inefficacité des actions prises pour la conservation des éléphants, ainsi que des liens vers toute information pertinente

7

SECTION 5 – Accords et mécanismes

10. Veuillez noter les mécanismes en place en Afrique centrale/au niveau international et veuillez répondre dans quelle mesure sont-ils efficaces ou inefficaces pour réduire les menaces contre les éléphants.

Veuillez fournir des liens vers les informations considérées pertinentes et / ou vers les articles scientifiques ou la littérature grise.

N'hésitez pas à élargir ce tableau.

Mécanismes (énumérez-les)	Efficacité 1. Totalement inefficace 2. Partiellement efficace 3. Complètement efficace	Situation (ex : mis en œuvre, piloté, etc.)	Portée (populations/ aires concernées)

Veuillez donner plus de détails ou précisions, si besoin, sur les activités existantes ou sur les difficultés à surmonter, et pourquoi vous pensez quelles sont efficaces ou inefficaces

11. De celles listées dans la question 10 ci-dessus, veuillez identifier ou hiérarchiser les actions de conservation les plus efficaces pour les éléphants d'Afrique centrale.

12. La Stratégie de Conservation des Eléphants d'Afrique Centrale est déjà rédigée et a été adoptée par les Etats d'aire de répartition des éléphants. Quel est son rôle dans la coordination des approches de conservation des éléphants et comment a-t-elle fonctionné/pas fonctionné depuis 2005 ?

13. Des nouvelles mesures pouvant être prises pour diminuer les menaces et pas encore essayées jusqu'ici en Afrique centrale/au niveau international :

    a. Est-ce que les mécanismes fournissant des ressources, un dialogue, une coopération et une collaboration, listés dans la question 11 ci-dessus, pourraient être adaptés ? Si oui, comment ?

8

b. Y a-t-il un mécanisme existant dans la région qui fonctionne bien et qui bénéficierait d'une approche CMS pour aider la région dans la conservation des éléphants ?
Si oui, quel mécanisme et quel type de coopération/collaboration serait utile ?
Si la région peut accomplir la conservation des éléphants par des moyens autres que le CMS, comment cela pourrait-il être atteint ?

c. Y a-t-il besoin d'un nouveau mécanisme de dialogue, de coopération et collaboration pour aider la conservation et la gestion des éléphants ? Pourquoi /pourquoi pas ?

14. Si un nouvel accord CMS pour les éléphants d'Afrique centrale était développé :

a. Pensez-vous que celui-ci devrait être un traité contraignant ou alors un protocole d'accord moins formel ?

b. Qu'est-ce que cet accord CMS apporterait et comment ?

c. Selon vous, quelles ressources seraient disponibles de la part des ONG, des donateurs et des Etats d'aire de répartition des éléphants pour mettre en œuvre un mécanisme CMS si il était créé ?

d. Veuillez définir ses complémentarités / différences par rapports aux mécanismes existants.

Annex E. Regional Elephant range, input zones and protected areas map for Central Africa

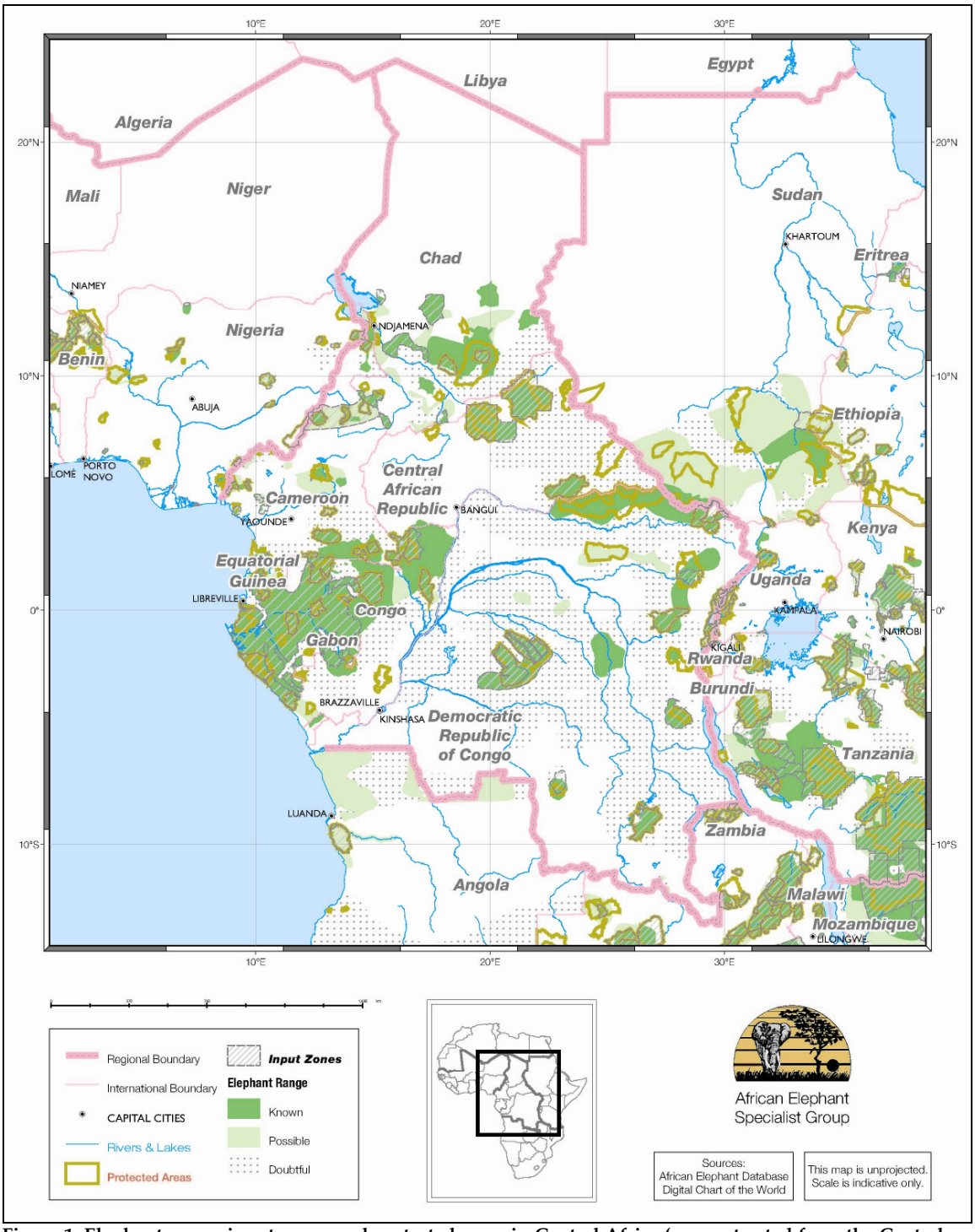

Figure 1. Elephant range, input zones and protected areas in Central Africa (map extracted from the Central African Elephant Conservation Strategy, 2005)

Annex F. Tabulated answers to questionnaires

Table 3. Direct factors affecting elephant conservation, responses from questionnaires (0=None; 1=Small; 2=Moderate; 3=Significant; 4=Very significant)

Direct factors		Congo Basin					CAR	Congo						DRC			EG	Gabon
Bushmeat demand	Locally	3	3	2	1	1- 2	4	1	2	1	4	1	2	2	0	2	1	2
	Nationally	3	-	3	1	1- 2	4	1	2	1	3	1	4	1	1	4	1	2
	Regionally (nearby countries)	1	-	3	1	1 - 2	-	2	2	1	3	1	4	1	1	4	1	1
	Internationally (overseas)	1	-	3	1	1	-	1	1	N/A	1	1	1	-	1	1	1	1
Ivory demand	Locally	1	4	2	1	2 - 3	-	1	4	4	4	4	1	2	0	2	1	1
	Nationally	3	4	3	2	3	-	2	4	4	2	4	2	1	1	4	1	2
	Regionally (nearby countries)	3	4	4	3	2 - 4	4	2	4	4	3	4	2	2	1	4	2	3
	Internationally (overseas)	3	4	4	4	4	3	3	4	4	4	4	3	-	4	4	?	4
Conflict situations	HEC	1	1	1	2	N/A	2	1	1	1	2	1	1	3	2	2	3	2
	Insecurity	-	-	-	-	-	-	-	-	-	-	-	-	3	-	-	-	-
Habitat and range loss	Deforestation	2	0	2	1	2	2	1	1	1	2	1	3	1	2	2	1	2
	Reforestation	2	0	1	1	N/A	0	1	1	N/A	1	1	1	1	0	1	1	1
	Development of infrastructure	3	3	3	2	2	4	3	3	3	3	1	4	1	3	3	4	1
	Demographic pressure	3	-	3	2	1	-	1	1	1	3	4	3	2	3	2	1	1
	National protection	3	-	1	2	1	1	3	1	1	2	4	1	2	4	4	2	3
Law enforcement	Law enforcement	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table 4. Indirect factors affecting elephant conservation, responses from questionnaires (1=Small; 2=Moderate; 3=Significant; 4=Very significant)

Indirect factors	Congo Basin					CAR	Congo						DRC			EG	Gabon
Policy on conservation of elephant populations /range in relation to policies in other branches of government	1	4	3	1	1	4	3	4	1	3	2	1	1	4	3	3	3
Legislation covering direct threats to elephant conservation	1	-	3	1	2	4	2	4	1	1	2	3	4	4	3	2	3
Land use planning in forest habitat areas	1	-	-	2	4	-	2	3	3	2	1	4	3	2	1	1	2
Judicial action in prosecution of violations	2	4	4	2	3	-	3	4	3	3	4	4	4	4	3	1	2
Control of corruption	4	4	4	4	4	4	4	4	2	3	4	4	4	4	3	1	2
Government effectiveness	4	4	4	3	3	-	4	4	4	3	4	4	4	4	3	3	2
Political stability and absence of violence	2	-	4	2	4	4	1	4	2	3	3	1	3	4	3	3	3
Regulatory quality	4	-	4	2	1	-		4	4	3	3	2	3	4	2	1	3
Voice and accountability	1	-	2	3	-	-	4	3	4	3	4	3	2	4	3	1	2
Human or financial resources for the prevention of habitat conversion	1	-	2	3	3	-	4	3	2	2	4	4	1	3	3	1	1
Human or financial resources for the prevention of illegal killing	4	-	2	3	4	-	4	3	4	3	4	4	4	4	3	1	1
Human or financial resources for the prevention of human-elephant conflict	3	-	2	3	1	-	3	3	2	2	2	2	2	3	2	1	1
Human or financial resources for understanding, assessing and analysing scientific data, and key information being made available by experts	2	-	2	3	2	-	3	3	3	1	2	1	4	3	2	2	2
Intergovernmental cooperation and information exchange	1	-	2	2	1	-	4	3	2	2	3	4	2	4	3	2	2
Educational attainment	1	-	2	2	1	-	3	2	3	3	3	3	2	4	1	2	3
Rule of law – law enforcement	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Government will or incentive to place a higher priority on elephant protection / ivory trade law enforcement	-	-	-	3	-	-	-	-	-	-	-	-	-	-	-	-	-
Lack of information about elephant populations	-	-	-	-	-	-	3	-	-	-	-	-	-	-	-	-	-

Table 5. Actions attempted in Central Africa for the conservation of elephants and the extent to which they have been effective, responses from questionnaires (1=Totally ineffective; 2=Partially effective; 3=Completely effective)

Actions/status	Congo Basin				CAR	Congo							DRC		EG	Gabon
Law enforcement																
Ensuring the judiciary follow through wildlife crime cases	2	2	2	2	2	1	1	2	2	2	3	-	1	2	1	2
Ensuring transparency at local level in wildlife crime cases	1	2	2	1	-	1	2	2	2	2	2	-	1	1	1	1
Capacity of law enforcement authorities/agencies (for poaching & illegal trade)	2	2	2	2	2	1	2	2	2	2	2	-	2	3	2	2
Existence of laws relevant to elephant conservation and management	3	2	2	2	-	2	-	2	2	2	2	2	1	2	2	2
Law enforcement relevant to elephant conservation and management	2	2	2	2	1	1	2	2	2	2	2	2	1	3	2	2
Officialising of protected areas	-	2	2	2	2	1	2	2	2	2	2	2	2	3	3	3
Illegal trade and cross-border cooperation																
Prevention of ivory transport, export, sale, import	2	2	2	1	1	1	2	2	1	-	3	2	-	3	1	2
Prevention of bushmeat transport, export, sale, import	1	2	2	1	1	1	2	2	1	-	2	2	-	3	1	2
Ensuring transparency in export permits by national CITES agency	2	1	2	2	-	1	-	1	2	-	-	-	-	3	2	3
Connectivity between and among ERS	1	1	2	1	-	1	3	2	2	-	2	-	-	3	2	3
Bilateral & multilateral support for site management of cross-border sites & corridors	1	2	2	2	2	1	2	2	2	-	2	-	-	2	2	2
Internal and cross-border land-use planning within and among ERS	1	2	2	1	-	1	2	2	2	-	2	2	-	2	2	1
Conflicts																
Adaptive management approaches in addressing HEC mitigation	1	-	2	2	-	1	1	1	2	-	-	1	-	2	1	1
Participatory processes for mitigation of HEC	1	-	2	1	-	1	2	1	2	-	-	1	-	2	2	1
Information																
Awareness among stakeholders on African elephant conservation	2	-	2	2	2	1	1	2	2	-	2	-	-	2	2	2
Indigenous/traditional knowledge use	1	-	2	2	-	1	2	2	2	-	2	-	-	1	3	2
Information sharing on elephant conservation & management research findings	1	-	2	2	-	1	2	2	3	-	2	-	-	1	2	1
Status monitoring of elephant populations & their habitat, within & among ERS	1	-	2	2	2	1	-	2	3	-	2	2	-	2	2	1
Mechanisms of acquiring & disseminating information within and among ERS	2	-	2	1	-	1	-	2	3	-	2	2	-	1	2	1
Policy																
Cross-sectoral, cross-border, regional & continental exchanges to integrate elephant conservation & management needs into national priorities & agendas	3	-	2	1	1	1	-	2	2	-	2	-	-	1	2	2
Existing political, economic & other frameworks to promote cooperation on elephant conservation and management	2	-	2	1	2	1	-	2	1	-	2	-	-	1	2	2
Sustainable incentive schemes to benefit local communities	1	-	1	2	-	1	2	2	2	-	3	1	-	2	2	1
Policy relating directly to elephant conservation	2	-	2	1	-	1	-	2	2	-	3	2	-	2	2	2
Policy in other sectors indirectly affecting elephant conservation	1	-	2	1	-	1	2	2	1	-	3	-	-	1	2	2

Annex G. Limitations of the methodology

Limitations of the methodology

274. The overall limitations to the methodology encountered during this review included:

- A lack of opportunity for field work, which would have enabled us to communicate more effectively with government stakeholders and field experts;
- Insufficient time within the project timeline to seek detailed MEA feedback on the well formed draft document: we were therefore reliant on desk-top and phone interview analyses of decisions taken by the various MEAs;
- Insufficient time within the project timeline to seek reflective and contextual feedback from regional and elephant experts on the well formed draft document as a whole.

275. There was a limited period of time available to conduct key telephone interviews which might have provided a greater depth of information

276. A review of national legislation and implementation was not part of the proposal. As the project developed, it became apparent that this was an area where further analysis might have contributed value to the overall outcome.

277. A questionnaire was used to collect primary data. A draft of the questionnaire was sent to some key stakeholders with considerable experience of elephant conservation issues and of consultation methodology, and their useful feedback served to improve the design. Despite the effort put into refining the questionnaire design and the distribution list , there were the following limitations:

- As the questionnaire was sent to a range of stakeholders, the questions could not be tailored to individuals;
- We were dependent on a large number of stakeholders replying;
- Some respondents were unable to provide certain information, either due to lack of knowledge, lapse of memory, or inability to identify motives and provide reasons for their actions;
- Despite having designed the questionnaire to avoid the issue of respondent bias in interpretation, questions may have had different meanings to different respondents.

Concerns encountered

278. The main concerns encountered during this review were:

- The level of responses to the questionnaire from stakeholders was much lower than anticipated: the return rate of questionnaires sent to Government officials was 6.8% (or 3 out of 44), and the return rate from non-governmental institutions was 32.6% (or 31 out of 91). The overall response rate was therefore 24.5% (or 34 questionnaires out of 139).
- As a result of the low level of responses to the questionnaire, certain countries and areas were overrepresented in the analysis of the responses (this was mainly the case for Congo and DRC), which in turn made comparisons and generalisations per country difficult.

279. Having two similar projects being conducted through the same period perhaps confused stakeholders, giving an impression that they should respond to one or the other. Each project would have probably benefited from a period where the contractors could have reviews and feedback comments and insights to each other.

280. With a longer contract period it may have been possible to redress this potential bias, however, a some measure of caution should be applied acknowledging the short contract timeline.

Annex H. Terms of reference

Convention on the Conservation of Migratory Species of Wild Animals

Secretariat provided by the United Nations Environment Programme

CMS

UNEP

Terms of Reference

Analyzing Gaps and Options for Enhancing Elephant Conservation in Central Africa

Position: Independent Contractor
Organization: United Nations Environment Programme
Convention on the Conservation of Migratory Species of Wild Animals (CMS)
Duration: Mid June until mid September, 2011

SUMMARY STATEMENT OF REQUIREMENT

The contractor is to survey existing initiatives and conservation activities for elephants *(Loxodonta africana)* in Central Africa in order to: (1) analyze how these instruments and projects address threats to elephants in this region and; (2) undertake a gap analysis identifying threats that are not being addressed. The analysis should result in an options paper identifying ways to progress elephant conservation in Central Africa, as well as specifying information needed to assess these options when developing a new instrument for the conservation of Central African elephants under the aegis of the Convention on the Conservation of Migratory Species of Wild Animals (CMS).

BACKGROUND

in 1999, the Sixth Meeting of the Conference of the Parties to CMS (COP6) through Recommendation 6.5 stated that African Elephant Range States in Western and Central Africa envisaged developing one or more Agreements, including action plans to improve the conservation status of elephants in these regions. A Memorandum of Understanding (MOU) concerning conservation measures for the West African populations of the African elephant was concluded in 2005. No measures have yet been undertaken for elephant populations in Central Africa.

Therefore, COP9 requested the Secretariat, through Recommendation 9.5 to "include in its programme of work the development of an appropriate instrument on the conservation of elephants in Central Africa, and to engage in relevant consultations with range states." Taking into account this Recommendation – as well as the proposal of the Scientific Council in support of *Loxodonta africana* through Cooperative Action – Resolution 9.2 paragraph 5 E(j) confirms that preparatory work on the development or extension of an appropriate instrument on the conservation of elephants in Central Africa should be undertaken in accordance with Recommendation 9.5.

AIMS AND OBJECTIVES

Given the number of existing instruments and projects to conserve African elephants, a survey of these initiatives is needed prior to developing, or considering development of, a CMS instrument. Therefore, the main objectives of the survey, gap analysis and the options paper are to address the following questions:

CURRENT SITUATION

1a. What current agreements, initiatives, and instruments (national-level/regional/international; formal/informal; government/non-governmental) exist for the conservation of elephants and their habitat in Central Africa?

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1b. How do these agreements, initiatives, and instruments address threats to elephants and their habitat in Central Africa?

1c. How well are these agreements, initiatives, and instruments working?

GAPS

2a. What conservation threats to elephants are not being addressed by current agreements, initiatives, and instruments in Central Africa?

2b. Why haven't these threats been addressed through the current agreements, initiatives, and instruments?

OPTIONS

3a. How might an additional agreement within the CMS framework address the identified gaps and contribute effectively to elephant conservation in Central Africa?

3b. What would be the advantages and disadvantages of a new instrument for Central African elephant populations next to the one for Western African elephants?

3c. Would an agreement designed specifically for this region be more effective than one overarching agreement for the Western and Central African elephant populations?

3d. What would be the anticipated operational costs of such an agreement?

3e. Are there any alternate international or regional collaborative arrangements that might be more effective than a multilateral agreement?

The evaluation will review the existing instruments and initiatives for elephant conservation in Central Africa and identify strengths, synergies, gaps or overlaps. It should examine progress in the implementation of instruments such as the existing Sub-regional Action Plan for the Conservation of Elephants in Central Africa and consider how a CMS instrument could contribute to the implementation of such activities.

Based on this gap analysis, options for effectively addressing these gaps should be developed. The results are expected to identify potential solutions, including strengthening of existing instruments, enhancing cooperation and synergy between these initiatives as well as guidelines for the potential development of an additional instrument for elephants under CMS.

Specifically, the analysis should focus on the potential added value of a new instrument and identify possible financial/institutional arrangement that would ensure its long term sustainability. Contiguity with the existing MOU on West African Elephants and overlap with the Gorilla Agreement need to be taken into account as well as the following issues:

- The viability of an additional instrument for elephants, including the identification of a potential host country or institution for the secretariat of such an agreement, the commitment and capacities of the range states and the interest of potential donors necessary to support effective implementation of the instrument;
- The suitability of the current institutional and organisational setting established under the different initiatives and how a new instrument under CMS would fit into this setting.

METHODS

The review will be based on the following:

- Comprehensive review of the relevant literature on the status of, and conservation action on, *Loxodonta africana*, including official documents and outputs of activities, scientific papers, reports and relevant websites;

- Comprehensive review of the current landscape of agreements, initiatives and instruments related to the conservation of elephants and their habitat in Central Africa;
- Written inquiries, interviews and/or discussions with all the range states;
- Written inquiries, interviews and/or discussions with key stakeholders known to be involved in elephant conservation in the region, such as the IUCN/SSC African Elephant Specialist Group (AfESG), CITES and its MIKE (Monitoring the Illegal Killing of Elephants) programme, Bushmeat Working Group, the CBD Liaison Group on Bushmeat, COMIFAC, the Congo Basin Forest Partnership (CBFP), the Lusaka Agreement Task Force, WWF, IFAW, WCS, etc.

OUTPUT

The contractor shall provide a final report fulfilling the objectives (1-3) identified above. The report should include: an explanation of the purpose of the review; issues and documents evaluated; and the methodology used. The report should also: underline any methodological limitations; identify major concerns; and present evidence-based findings, consequent conclusions and recommendations.

The report will have an indicative length of 20-40 pages, excluding annexes. It will be written in English with numbered paragraphs and can include charts and tables.

PROGRAMME OF WORK

The assignment is expected to have a duration of 3 months, covering the period mid June – mid September 2011. It will be undertaken according to the following schedule:

ACTION/PRODUCT	TIMELINE
Definition of a preliminary table of contents of the report in consultation between the contractor and the CMS Secretariat	Mid June 2011
Submission of the first draft of the report to the CMS Secretariat	Mid August 2011
Submission of comments on the draft report by the CMS Secretariat	End of August 2011
Submission of the final report by the contractor, addressing the comments on the first draft	Mid September 2011

ORGANISATIONAL SETTINGS

The Contract will be managed in accordance with the UNEP "Standard Terms and Conditions for Research and Development Contracts".

The incumbent will work in close collaboration with the CMS Secretariat.

The CMS Agreement Development & Servicing Officer will act as the principal point of contact for the contractor to provide all information that has been identified as necessary or useful basis for the assessment.

The CMS Secretariat is looking forward to receiving offers, including fee, from interested candidates by 27 May **2011.** Please send your offer, together with a detailed Curriculum Vitae to: Jeanybeth Mina jmina@cms.int

For any clarifications concerning these Terms of Reference, you can contact Melanie Virtue, Acting Agreement Development and Servicing Officer; email: mvirtue@cms.int; Tel.: (+49 228) 815 2462