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## EXECUTIVE SUMMARY: ANALYSING GAPS AND OPTIONS FOR ENHANCING ELEPHANT CONSERVATION IN CENTRAL AFRICA

*(Introductory note prepared by the Secretariat and Summary prepared jointly by The Environment and Development Group, and The Migratory Wildlife Network)*

1. Reproduced below is the Executive Summary of 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. The full version of the report can be found in the information document: UNEP/CMS/Inf.10.27.
2. The analysis was commissioned, after a tender process, in response to Rec.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.

### **Action requested:**

The Conference of the Parties is requested to:

- a. Note the outcomes of the analysis report; and
- b. Make recommendations on the way forward for Central African elephants, which could be added to the draft Resolution on Priorities for Agreements, in UNEP/CMS/Resolution10.16.

# **Analysing gaps and options for enhancing elephant conservation in Central Africa**

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



**The Environment and Development Group**



**Migratory Wildlife  
Network**

# 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 3<sup>rd</sup> 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 (in order of severity):

- 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 been 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, (10) 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
- OCFA-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: (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 61<sup>st</sup> 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 overlapping 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 recommend that CMS COoP10 consider the following Option related recommendations, that:

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.