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THIRD MEETING OF THE SIGNATORIES TO THE
MEMORANDUM OF UNDERSTANDING CONCERNING
CONSERVATION MEASURES FOR THE WEST AFRICAN
POPULATIONS OF THE AFRICAN ELEPHANT (*Loxodonta Africana*)

Online, 30 November – 1 December 2021

**FUTURE OF THE MEMORANDUM OF UNDERSTANDING CONCERNING CONSERVATION
MEASURES FOR THE WEST AFRICAN POPULATIONS OF THE AFRICAN ELEPHANT
(*LOXODONTA AFRICANA*)**

(Prepared by the Secretariat)

Summary:

Decision 13.99 of the 13th meeting of the Conference of the Parties to CMS (COP13) encourages the Signatories to the West African Elephant MOU to consider replacing their Work Programme with the African Elephant Action Plan (AEAP) and to implement the MOU through the AEAP and the African Elephant Fund (AEF) structure. Furthermore, COP13 encourages the Signatories to meet and decide on the future of the MOU. This document provides the background to the evolution of the MOU and sets out a number of options for its future.

FUTURE OF THE MEMORANDUM OF UNDERSTANDING CONCERNING CONSERVATION MEASURES FOR THE WEST AFRICAN POPULATIONS OF THE AFRICAN ELEPHANT (*LOXODONTA AFRICANA*)

Background

1. The Memorandum of Understanding concerning Conservation Measures for the West African Populations of the African Elephant (*Loxodonta africana*) ('MOU') was established in 2005. Today, there are 13 Signatories to the MOU: Benin, Burkina Faso, Cote d'Ivoire, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo. All of these countries are also Parties to the Convention on Migratory Species (CMS) except for Sierra Leone. These Signatories comprise all the Range States that are considered eligible for signing the MOU.
2. The MOU was concluded to address the dire status of elephant populations in West Africa: The region lost more than 90% of its elephant range during the 20th century, and in 2005 most elephant populations were already small and isolated. A sub-regional approach to elephant conservation was considered necessary because the problems were common to all of these countries and some important populations straddled international frontiers.
3. Attached to the MOU is the [Strategy for the Conservation of West African Elephants](#), which forms an integral part of the MOU. The Strategy was developed in a participatory manner by the International Union for the Conservation of Nature's (IUCN) African Elephants Specialist Group (AfESG) and consists of seven results and associated activities. The results are:
 1. Information Necessary for Management
 2. Better Understanding and Effective Control of the Ivory Trade
 3. Enhanced Institutional Capacity for Elephant Management
 4. Reduction in the Rate of Loss of Elephant Range
 5. Illegal Killing of Elephants Contained
 6. Elephant Conservation Issues Better Understood at all Levels
 7. Regional Understanding and Cooperation Strengthened
4. The Strategy was supposed to be implemented over the course of ten years, starting in 2005. Considering the lack of resources available, implementation of the results was to be concentrated upon populations that have more than 100 elephants. Later, as more information was available, other criteria reflecting the long-term viability of each population should have been used.
5. A Medium-Term International Work Programme was developed for 2012-2014 and adopted by the Second Meeting of the Signatories (MOS2), which took place in Niger in 2011. It prioritized activities and identified partners for implementation and can be found as Annex to document [UNEP/CMS/WAE2/Report](#).
6. As described in document [UNEP/CMS/WAE/MOS3/Doc.3](#), the funding of the MOU has been a challenge since MOS2, resulting in inadequate coordination and implementation of the MOU.

Policy developments since 2005

7. Following increasing numbers of elephant poaching incidents, Range States came together to negotiate and agree the African Elephant Action Plan (AEAP) in the margins of the 15th meeting of the Conference of the Parties to CITES (COP15, Doha, 2010). This was the first time that a continent-wide action plan was developed and consensually agreed by all 37 African elephant Range States.

8. The Plan has eight objectives along with related strategies and activities for each objective. Recognizing likely funding limitations, the Range States prioritized the objectives as follows:
- Objective 1: Reduce Illegal Killing of Elephants and Illegal Trade in Elephant Products
 - Objective 2: Maintain Elephant Habitats and Restore Connectivity
 - Objective 3: Reduce Human-Elephant Conflict (HEC)
 - Objective 4: Increase Awareness on Elephant Conservation and Management of Key Stakeholders that include Policy Makers and Local Communities among Other Interest Groups
 - Objective 5: Strengthen Range States' Knowledge on African Elephant Management
 - Objective 6: Strengthen Cooperation and Understanding among Range States
 - Objective 7: Improved Local Communities Cooperation and Collaboration on African Elephant Conservation
 - Objective 8: African Elephant Action Plan is Effectively Implemented
9. Given that the Medium-Term International Work Programme of the MOU had expired in 2014 and given that African Elephant Range States had agreed on the AEAP while at the same time no planning document for elephant conservation existed in CMS, CMS COP12 (Philippines, 2017) adopted [CMS Resolution 12.19 Endorsement of the African Elephant Action Plan](#), recognizing the AEAP as the principal strategy for the conservation of African Elephants.
10. Along with the agreement on the AEAP, the African Elephant Fund (AEF) was established to allow Range States to implement the Plan. The AEF is governed solely by the Range States, which are all represented at the sub-regional level in the AEF Steering Committee. Following the endorsement of the AEAP by CMS Parties, the CMS Secretariat holds an *ex officio* seat on the Steering Committee as does the CITES Secretariat. Donors hold a limited number of non-voting seats on the Steering Committee. The Secretariat of the AEF is hosted by UNEP. To date, the AEF has received a total of USD 4,296,438.83 and initiated 66 projects of which it completed 40.
11. In 2019, the Range States decided to start a process to update the AEAP, a project which is funded by the AEF and supported by the IUCN AfESG. The revision process also considers mechanisms for the monitoring of the implementation of the AEAP. The revised plan should become available in 2022.
12. Following the endorsement of the AEAP by CMS COP12 and due to the continued challenges in sourcing funding for the implementation of the MOU, the CMS Secretariat organized an informal meeting of Signatories to the MOU in the margins of COP13 (India, 2020) to seek the informal views of Signatories regarding the future of the MOU. Based on the many questions asked during the informal meeting, it became apparent that many representatives of the Signatories at COP were not very familiar with the MOU. The participants of the meeting requested that the future of the MOU should be formally discussed at a MOU Meeting of Signatories. The full report of the informal meeting is contained in [UNEP/CMS/WAE/MOS3/Inf.3](#).
13. Resulting from the discussions at the informal meeting during COP13, CMS Parties adopted [Decisions 13.99 – 13.100 African Elephant Action Plan](#), providing:

Decision 13.99:

The Signatories of the Memorandum of Understanding concerning Conservation Measures for the West African Populations of the African Elephant (West African Elephant MOU) are encouraged to consider replacing their Work Programme with the African Elephant Action Plan (AEAP) and to implement the MOU through the AEAP and the African Elephant Fund structure. The Signatories of this MOU are encouraged to meet and decide on the future of this MOU.

Decision 13.100:

Subject to external resources, the Secretariat shall facilitate communication among the Signatories of the West African Elephant MOU, in order to assist their discussions and catalyze conclusions as per Decision 13.99.

14. In line with Decisions 13.99-13.100, the Secretariat is organizing MOS3 of the MOU. Looking at Decision 13.99 in more detail, the question arises whether COP meant to refer to the expired Work Programme of the MOU or its Strategy. Given that the Strategy largely overlaps with the AEAP and that the expired Work Programme of the MOU was a prioritization of the activities contained in the Strategy, it would be more logical if COP recommended the replacement of the Strategy with the AEAP.

IUCN species nomenclature and Red List Assessment 2021

15. African Elephants were listed on CMS Appendix II in 1979, as a single species *Loxodonta africana*. Since 2008, when the 9th meeting of the CMS Conference of the Parties (COP9) adopted Wilson & Reeder, 3rd edition (2005), as reference for taxonomic nomenclature, the Parties have recognized *Loxodonta africana* and *L. cyclotis* as two distinct species, both of which have been listed on Appendix II of the Convention.
16. On 25 March 2021, the International Union for Conservation of Nature (IUCN) announced that it now recognizes *L. africana* and *L. cyclotis* as two distinct species. In addition, the IUCN African Elephant Specialist Group revised its assessment of the conservation status of African Elephants, finding that *L. cyclotis* is Critically Endangered, and *L. africana* is Endangered. Previously, the conservation status of African Elephants as a single species, *L. africana*, was assessed as Vulnerable.
17. The new assessment report shows that the number of *L. cyclotis* fell by more than 86 percent over a period of 31 years, while *L. africana* numbers decreased by at least 60 percent over the last 50 years. The report also indicates that ongoing land conversion, primarily to agricultural uses, is significantly reducing elephant habitats and that this is now a key threat to their conservation.
18. In consequence to the revised IUCN assessment, the 5th Sessional Committee of the CMS Scientific Council in 2021 included in its Programme of Work ([UNEP/CMS/ScC-SC5/Outcome 1.3](#)):

*Encourage African Range States, and IGO and NGO partners, to take actions commensurate with the needs of the savanna and forest African elephants (*Loxodonta cyclotis* and *L. africana*) in relation to the recently revised Red List Assessment and within their local context.*

19. In deliberating the future of the MOU, the Signatories are, thus, encouraged to consider the recommendation of the Scientific Council.

Discussion and analysis

20. Against the backdrop of policy developments set out above and in light of the challenges experienced by the Signatories, the Secretariat and other stakeholders in raising funds for the coordination and implementation of the MOU, a number of options can be envisaged for the future of the MOU:

a. *Termination of the MOU*

With the development and adoption of the AEAP and its associated AEF, it could be argued that the MOU has become duplicative. Indeed, the objectives of the AEAP are largely the same as the Results of the Strategy of the MOU. Since the funding for the coordination and implementation of the MOU has been a major challenge since the establishment of the MOU, all scarce resources could better be channelled towards the implementation of the AEAP rather than spent on secretariat services and the convening of policy meetings. The CMS Secretariat could focus its efforts on fundraising for the implementation of the AEAP through the AEF, as envisaged in CMS Resolution 12.19. In summary, the advantage of this option would be that resources could be saved but that no platform exists for discussing and planning specific activities for the West African elephant populations. To give effect to such a decision, all Signatories would need to decide consensually to terminate the agreement. The MOU would then no longer exist.

b. *Amendment of the MOU*

Following the recommendations of CMS COP13, Signatories could adopt the AEAP as the core strategy for elephant conservation under the MOU and replace the Strategy with the AEAP (see paragraph 14 above). This would avoid the duplication of strategic planning. Given the dire situation of Western African Elephant populations and, in particular, the Critically Endangered Forest elephants, Signatories could focus their efforts on the development of project proposals to implement the AEAP and for submission to the AEF or other donors. Instead of convening Meetings of Signatories to monitor the implementation of the AEAP (which would be done under the AEAP/AEF process), MOU meetings could be used to discuss transboundary projects. This could be done as and when necessary through either physical or online meetings pending the availability of resources. In summary, the advantages of this option would be that no resources are spent on policy processes while the Western African elephants still received more attention than if the MOU was terminated. The disadvantage of this option would be that it might still duplicate work that is already done under the AEAP/AEF process. To give effect to such a decision, the MOU would need to be amended by consensus of all Signatories.

c. *Maintaining the status quo of the MOU*

Western African elephant populations are at specific risk, as they are declining rapidly. Hence it could be argued that the MOU has become even more relevant to draw attention to the plight of the species. Given that the Strategy attached to the MOU is very broad, a prioritization of activities in the form of a new work programme would, however, still be necessary. Also, specific attention might have to be drawn to the needs of the Forest elephant given its assessment as Critically Endangered by IUCN. Signatories and the Secretariat would continue having to raise resources. Meetings of Signatories would be convened as and when funding would become available. The advantages of this option would be that specific attention could be paid to Western African elephant populations, while the disadvantages of this option would be that it largely duplicates ongoing work under the AEAP and that resources are very hard to be secured for policy meetings. This option would not follow the recommendation of CMS COP. No amendments to the MOU itself would be necessary.

Recommended actions

21. The Signatories are recommended to:
 - a. Discuss options a., b. and c. on the future of the MOU.
 - b. Come to a unanimous agreement on the future of the MOU.
 - c. Direct the Secretariat to facilitate any agreed changes to the MOU, if any.