



Convention on the Conservation of Migratory Species of Wild Animals

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16TH MEETING OF THE CMS SCIENTIFIC COUNCIL

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RANGE STATES CLASSIFICATION

(Prepared by Pierre Devillers, Vice Chair of the CMS Scientific Council and Councillor for the European Union in consultation with the Secretariat)

Background

1. There is general consensus on granting the status of Range State to any party which exercises jurisdiction over part of the present habitual or occasional range of a taxon, with particular provisions for flag vessels. Article 1, paragraph 1 of the Convention indeed indicates that:

“ ...

h) "Range State" in relation to a particular migratory species means any State (and where appropriate any other Party referred to under subparagraph (k) of this paragraph) that exercises jurisdiction over any part of the range of that migratory species, or a State, flag vessels of which are engaged outside national jurisdictional limits in taking that migratory species;

in which:

...
f)

"Range" means all the areas of land or water that a migratory species inhabits, stays in temporarily, crosses or overflies at any time on its normal migration route;

i) "Taking" means taking, hunting, fishing capturing, harassing, deliberate killing, or attempting to engage in any such conduct;

2. Additionally, at its First Meeting (Geneva, 10 October 1988), the Scientific Council indicated (in paragraph 15 of the report) that "*problems of interpretation only occurred in relation to species occurring irregularly in a particular country. It was agreed that a country should be considered a Range State when a significant proportion of a geographically separate population occasionally occurs in its territory*". The guideline was formally adopted by the Conference of the Parties in Resolution 3.1 "Listing of Species in the Appendices of the Convention" which stated among other things, that "*a State should be considered a "Range State" for a migratory species when a significant proportion of a geographically separate population of that species occasionally occurs in its territory*".

3. It was clarified by the Fifth Meeting of the Scientific Council (Nairobi, 4-5 June 1994) and the Fourth Meeting of the Conference of the Parties (Nairobi, 7-11 June 1994) that these provisions also apply to the historic range of species. The only ambiguity that arises in this respect is in the definition of “historical range”, specifically on the time interval that should be taken into consideration.
4. There are various interpretations on how accidental occurrences should be treated.
5. The wording of Article VI of the Convention clearly leaves it to the discretion of the Parties to declare themselves Range States for particular species, presumably in cases that are not unambiguously treated by the Convention, thus, in particular, in case 3 above.
6. The UNEP/CMS Secretariat in fact produces and maintains a list of Range States of all migratory species included in Appendices I and II on the basis of information included in the proposals for inclusion of species on the Appendices, adopted by the meetings of the Conference of the Parties.
7. It however appeared that historically, in some cases the listing of countries as Range States did not comply with the provisions of the Convention.
8. Several countries were in fact considered as Range States for certain species, e.g. *Numenius tenuirostris*, on the basis of records of sightings rather than established patterns of migration.
9. Particularly at the 15th Meeting of the Scientific Council, it was pointed out that classifying countries as Range State only on the basis of single records of occurrence of a particular species would just be a burden on their administrative and financial resources without bringing any significant contributions to the species conservation.
10. Following this request, the Council agreed to discuss criteria for classification of species’ Range States at its next intersessional meeting.
11. The Activity Planning Meeting which took place on 13 June 2009, reconsidered the issue and agreed to draft a proposal for the 16th Meeting of the Scientific Council drawing on the COP5 definition.

Proposed guidelines

I. Historic Range

12. The inclusion of the historic range, as addressed at COP5 in Nairobi in 1994, is of paramount importance to the work of the Convention as:
 - a. It erases the paradox that, as its range shrinks, a species could lose its migratory status, since it would no longer cross present-day national boundaries.
 - b. It provides a framework for restoration efforts which have been characterised as a paradigm for twenty-first century conservation biology (Donlan et al. 2005. Re-wilding North America. *Nature* 436: 913-914).
 - c. It is the key element in determining the difference between introductions and re-introductions.

d. It makes Parties willing to engage in often difficult and costly restoration efforts eligible for funding through project participation.

13. From this point of view, time-baselines are an essential parameter. They are a prerequisite for any restoration project, and yet one of the most difficult, controversial and debated aspect of these projects. In general, cultural and bio-geographical authenticity can be regarded as the strongest frame of reference for the choice of time-baselines. Time-limits should be set by eco-ethological and bio-geographical plausibility, on the one hand, and by the relevance of cultural identification and the likelihood of patrimonial appropriation, on the other (e.g. Devillers & Beudels-Jamar. 2008. The role of megafauna restoration in dryland natural and cultural heritage conservation. pp. 101-113 in Lee & Schaaf Eds. The Future of Drylands. International Scientific Conference on Desertification and Drylands Research, Tunis, Tunisia, 19-21 June 2006).

14. These limits will of necessity, differ from one bio-geographical realm to another. Thus, in Western Europe, artistic testimonies to the fauna go back to 30000 BCE and are very much part of European heritage. However, these achievements of Palaeolithic populations were created within a bio-geographical and ecological environment that had nothing to do with today's landscapes. It is only around 1000 BCE that environments broadly comparable to present-day ones became established. Choosing earlier baselines for Europe would be entirely artificial. In the arid lands of western Asia, of the Iranian Plateau, of south-western Central Asia and of north-western India, a baseline extending back to 11000 BCE is legitimate. A profusion of artistic and cultural testimonies to the fauna, generated by the prestigious past of human populations that continuously occupied the area, provides an ample foundation for cultural identification and appropriation throughout the period. Rich cultural material is also available for the Sahara, the Sahel and Mediterranean North Africa, in particular rock art spanning at least six millennia. However, between about 8000 BCE and 2000 BCE, humid episodes in the Sahara favoured its invasion by Sudanese savannas and wooded savannas and opened wide connections between Mediterranean and sub-Saharan Africa. These connections no longer exist. Re-establishing a fauna that existed prior to 2000 BCE and depended on these connections for its viability would be meaningless.

15. It is suggested that the Council summarily review the conditions pertinent to each broad region of interest for the work of the Convention and present the Parties with proposed guidelines for the choice of regional time-baselines. These would apply in the definition of Concerted Actions and other collective instruments of the Convention, as well as for the determination of migratory status, but the decision of individual Parties to declare themselves Range States for particular species would of course be left to their discretion, as provided for by Article VI of the Convention.

II. Accidental occurrences

16. As Article 1 of the Convention refers to the "normal migration route" it seems that truly exceptional, off-course, occurrences were intended to be excluded from the definition of Range States status. However, this conflicts with the definition of indigenous species in force in the legislation and practice of several parties, e.g. the European Union. It thus seems that the best course remains to allow individual Parties to declare themselves Range States on the basis of isolated sightings, or not, as clearly provided for by Article VI of the Convention.

Action requested:

- The Scientific Council is asked to review these guidelines and see whether they can be endorsed.