



Earth Negotiations Bulletin

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BRIEFING NOTE ON THE NEGOTIATION OF THE PARIS AGREEMENT ON THE CONSERVATION OF GORILLAS AND THEIR HABITATS (THE GORILLA AGREEMENT) UNDER THE CONVENTION ON MIGRATORY SPECIES OF WILD ANIMALS

Museum of Natural History, Paris, France
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Three days of negotiations on the Paris Agreement on the conservation of gorillas and their habitats (the Gorilla Agreement) under the Convention on Migratory Species of Wild Animals (CMS) were held from 22 to 24 October 2007 in the Museum of Natural History, Paris, France. The negotiations were hosted by the Government of France and convened by the UN Environment Programme (UNEP)/CMS Secretariat. Nine gorilla Range States attended, together with representatives from donor States, UN bodies, intergovernmental, regional and non-governmental organizations, and scientific institutions.

On the morning of 22 October, participants heard welcoming and introductory speeches and a presentation on the conservation of gorillas. In the afternoon and throughout 23 and 24 October, they reviewed and agreed the text of the Gorilla Agreement, as well as a Resolution and the Final Act of the Meeting, which was signed by five of the Range State delegates. The Gorilla Agreement was signed by Ministers from the Central African Republic and the Republic of Congo on Friday, 26 October 2007 during the meeting of the Congo Basin Forest Partnership (CBFP) in the Natural History Museum, Paris.

The meeting on the Paris Agreement was one of four related events held during the "Paris Primates" week of 22-26 October 2007, hosted by the French government. The Natural History Museum in Paris was also the venue for meetings of the: Francophone Primatologists; donors to the UNEP/UN Educational, Scientific and Cultural Organization (UNESCO) Great Apes Survival Project Partnership (GRASP); and Congo Basin Forest Partnership (CBFP).

On a broader scale, the meeting also formed part of the "CMS October Pentathlon," with meetings to negotiate four other new agreements under the auspices of the Convention, including: Western African Talks on Cetaceans and Their Habitats (WATCH); a new CMS agreement for the West African monk seal; negotiations towards an agreement on migratory birds of prey in Africa, Asia and Europe; and a meeting of Pacific and Indian Ocean range states in Abu Dhabi on implementation of a CMS agreement protecting the dugong (sea cow) throughout its southern ocean.

This briefing note provides highlights of the opening statements and of key discussions and the outcomes of the negotiations. References to article and paragraph numbers refer to the final Agreement text which will be available on the CMS Convention website shortly (<http://www.cms.int>).

OPENING OF THE MEETING

On Monday morning, participants elected as Chair, Samy Mankoto, UNESCO, with Claude-Anne Gauthier, French Ministry of Foreign Affairs, elected Vice-Chair. Delegates also adopted the meeting agenda.

Stanley Johnson, CMS Ambassador, speaking on behalf of CMS Executive Secretary Robert Hepworth, welcomed participants, saying that the Gorilla Agreement will play a crucial role in forming a framework to promote the survival and long-term conservation of gorillas and their habitats. Noting the potential economic benefits from gorilla tourism, he underscored the challenge of ensuring that local people share in these benefits.

Véronique Herrenschmidt, French Ministry of Ecology and Sustainable Development, emphasized the emblematic nature of the gorilla, and said that the ultimate objective is to ensure that gorilla range states find the means to implement the Agreement.

Melanie Virtue, GRASP Secretariat, referred to synergies between CMS and GRASP, with the CMS Executive Secretary, Robert Hepworth, having been one of the partnership's founders. Outlining the nature of the partnership, she highlighted activities towards assisting the government of the Democratic Republic of Congo in relation to the current crisis facing gorilla populations in that country.

Christophe Besacier, Congo Basin Forest Partnership (CBFP), explained that the partnership was launched at the same time as GRASP, at the World Summit on Sustainable Development in 2002. Highlighting that the Congo Basin contains much of the range of great apes, he outlined the different threats to these species, including selective timber exploitation, mining, road building, poaching, the agro-foodstuff industry and fires. He referred to CBFP activities to address these threats including support for the Congo Basin Forests Commission (COMIFAC) Convergence Plan, combating poaching, improving governance, and applying an integrated approach.

Chair Samy Mankoto outlined the work of UNESCO in great ape conservation since the launch of GRASP, highlighting progress in awareness raising, the first expert conference in November 2003, and the adoption of the Kinshasa Declaration at the Inter-governmental Meeting on Great Apes (IGM) and GRASP Council meeting in Kinshasa, Democratic Republic of Congo, in September 2005. He also announced the intention to organize a tripartite meeting towards a memorandum of cooperation on a transboundary reserve between Rwanda, Uganda and the Democratic Republic of Congo.

Patrick van Klaveren, Permanent Delegation relating to International Scientific, Environmental and Humanitarian Organizations, Principality of Monaco, lauded concerted efforts in achieving progress so far on the Gorilla Agreement. He emphasized the value of Agreements under the Convention's Article IV (Appendix II species) and of the collaboration, harmonization and synergies enabled by CMS, and urged using the potential of international law to the fullest extent possible.

Damien Caillaud, Max Planck Institute, Germany, presented a detailed report on gorillas and their conservation status. Emphasizing that there is "not just one gorilla

in Africa,” he described the four gorilla taxa and highlighted regional differences and the variability of their ecological habitats, morphology, dietary regime, social systems and behavioral characteristics. On the conservation status of gorillas, he described threats to the different taxa and emphasized the need for concerted policies to preserve these gorillas and their forest habitats.

THE GORILLA AGREEMENT NEGOTIATIONS

On Monday afternoon, Chair Samy Mankoto introduced the text of the draft Gorilla Agreement, outlining the rules of procedure for the negotiations and noting that the text had been circulated in April 2007. Explaining that the objective was that the Agreement would be signed by ministers during the CBFP meeting on Friday 26 October, he also noted that the draft action plan, originally to be discussed at the meeting, would be presented for discussion and adoption at the first meeting of the parties (MOP) of the Agreement during the conference of the parties (COP) to CMS in November 2008.

DEFINITIONS AND SCOPE OF THE AGREEMENTS (ARTICLES I AND II):

Delegates initially discussed and agreed on definitions and the fundamental scope of the Agreement. Gabon questioned whether the Agreement should refer to coordinated measures to “protect” gorillas rather than “maintain them in a favorable conservation status” and World Association of Zoos and Aquariums (WAZA), explained that conservation is a broader concept than protection and therefore appropriate. The text was agreed.

GENERAL CONSERVATION MEASURES (ARTICLE III): Deliberations focused on addressing measures to be undertaken by the Range States, with agreement to leave guidelines on specific actions to the Action Plan. Delegates agreed on conserving all populations of gorillas (paragraph 1) and discussed language affording the same “strict protection” as provided under the CMS Convention Article III paragraphs 4 and 5 (Appendix I species) (paragraph 2(b)). Uganda, supported by Cameroon, IUCN, Wildlife Conservation Society and others, said that the exceptions such as for subsistence use provided for in paragraph 5 would for the most part not be appropriate for gorilla species. Gabon preferred to maintain the exceptions, asking for clarification on the impact on national legislation. Chair Samy Mankoto clarified that the Agreement would prevail over national laws. Several participants proposed language to delete reference to these exceptions, and delegates approved language to this effect.

On addressing threats posed by human activities (paragraph 2(d)), WWF proposed including a reference to addressing poaching, but Cameroon, supported by WCS, suggested that this be addressed in a separate clause. Delegates ultimately agreed to text proposed by Cameroon on coordinating efforts to eradicate activities related to poaching, particularly in transboundary habitats.

Against the background of the emergency concerning gorillas in the Democratic Republic of Congo, delegates discussed how to address international concerted action in emergency situations (paragraph 2(e)). Uganda proposed clearly defining such situations and providing guidelines so as to enable effective action. Roseline Beudels-Jamar, CMS Scientific Council, and Vice-Chair Claude-Anne Gauthier, noted that guidelines would be specified in the action plan. Cameroon stressed that emergencies were matters of national concern whereas Gabon suggested that there were also situations requiring international action. Following lengthy deliberations, including on whether to include wildlife trafficking and human-gorilla conflict as an emergency situation, and how to address situations where humanitarian agencies do not take into account environmental priorities, it was agreed that the action plan

would contain a definition and guidelines to be agreed by the MOP. Delegates agreed separate text on ensuring that humanitarian agencies prioritize environmental issues (paragraph (g)).

Delegates also agreed new text on: strengthening law enforcement and judicial procedures; initiatives addressing ebola; addressing human-gorilla conflicts through appropriate land-use planning; ensuring that humanitarian agencies prioritize environmental issues; training and awareness raising; and development, harmonization and enforcement of national policies.

IMPLEMENTATION AND FINANCING (ARTICLE IV): On designation of the relevant implementation authorities and focal point for the Agreement, Ian Redmond, GRASP, proposed utilizing the GRASP focal point. The Democratic Republic of Congo agreed, whereas the Republic of Congo proposed each country find its own solution and, following further discussion, this was agreed, with additional language on ensuring cross-sectoral coordination.

On range state contributions to the Agreement budget (paragraph 2(a)), Range State delegates all expressed concern that the Agreement specified contributions based on the UN scale of assessment, stressing that this was unrealistic, the funding would not be available and that such a commitment would not be approved at the political level. Several urged deleting the requirement to make contributions, others proposed making such contributions voluntary. Central African Republic and Democratic Republic of Congo referred to the lack of funding following the GRASP Inter-governmental Meeting. Robert Hepworth proposed utilizing the CMS Convention practice, in this case that the MOP would agree the scale of contributions. Delegates agreed to this suggestion, and also agreed to establish a conservation fund based on voluntary contributions.

On text concerning the provision by parties of technical and financial support to other parties to assist in implementation of the Agreement (paragraph 4), several delegates, including Cameroon, Gabon, and Angola expressed concern about the reference to financial support, whereas others, including Uganda and the Central African Republic, urged collaboration as well as allowing support from regional blocks and other development partners. Uganda noted the timeliness of African countries to support each other in noble causes. The clause was agreed with the deletion of "financial support" and adding text urging the seeking of support from other States, agencies or organizations.

MEETING OF THE PARTIES, TECHNICAL COMMITTEE AND SECRETARIAT (ARTICLES V, VI and VII): It was agreed that the MOP would be the decision-making body of the Agreement (Article V.1) and that the CMS Secretariat, as depositary, would convene a meeting of the parties within a year of the Agreement's entry into force (Article V.2). Delegates further agreed that the first MOP would, *inter alia*, establish an Agreement secretariat within the CMS Secretariat and the technical committee, as well as adopt the action plan. Delegates agreed that the Technical Committee shall comprise one representative of each range State, a representative of GRASP, and experts, including one wild animal health expert (Article VI.1). Article VII on the functions of the Agreement secretariat was agreed with minor amendments.

ACTION PLAN (ARTICLE VIII): Discussion on the action plan focused on WWF's proposal to include law enforcement and by Democratic Republic of Congo, supported by Equatorial Guinea, to include the development of local communities. On law enforcement, several Range State delegates argued that this should be a matter

of national sovereignty, but Elizabeth Mrema, Division of Environmental Law and Conventions, UNEP, explained that enforcement refers to measures such as establishing judiciary and education to enable the application of the laws. Delegates ultimately agreed to specify additional actions to be included in the action plan on: implementation and enforcement of gorilla conservation policies; reduction of the impact of disease; sustainable development of local communities; and reduction of human-gorilla conflicts.

RELATIONS WITH INTERNATIONAL BODIES (ARTICLE IX): Discussions focused on the international bodies with which to consult, with delegates adding, among others: the Lusaka Agreement on Co-operative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (1994), and the Treaty on the Conservation and Sustainable Management of Forest Ecosystems in Central Africa and to Establish the Central African Forests Commission (2005). Ian Redmond, supported by UNEP and Cameroon, proposed encouraging parties to join the Lusaka Task Force, in particular in addressing wildlife trafficking. Some Range State delegates however, preferred including such encouragement in an informal statement, which was agreed. Reference was also included to collaboration with GRASP and CBFP. WWF proposed requiring the Agreement secretariat to take actions to streamline reporting requirements under various processes, which was also agreed.

GENERAL PROVISIONS (ARTICLES X TO XVII): Discussion focused on the provisions relating to the signature and entry into force of the Agreement, particularly on the legal and practical requirements of signature, ratification and accession. Ultimately delegates agreed on amended text allowing two options for signature, either, subject to, or not subject to ratification, acceptance or approval, in line with Range State constitutional requirements. Delegates also agreed to: the CMS Secretariat as the depositary of the Agreement (Article XVII.1); preparation of a Spanish language version of the Agreement text by the secretariat (Article XVII.2); the Agreement not being subject to any reservations (Article XV); and an annex specifying the Agreement's geographic scope as the gorilla Range States. It was also agreed that the Agreement would remain open for signature in Paris for six months from 26 October 2007 (Article XIII.2).

Preambular text was agreed with no amendments, but a request by the Democratic Republic of Congo to change the name of the agreement to the Paris Agreement on the Conservation of Gorillas and their Habitats, with a short title "the Gorilla Agreement," was agreed.

RESOLUTION ON INTERIM ARRANGEMENTS FOR THE GORILLA AGREEMENT: Delegates then approved a Resolution on Interim Arrangements for the Gorilla Agreement in the English and French languages providing that the CMS Secretariat would perform interim secretariat services, with CMS Executive Secretary Robert Hepworth, supported by Uganda, explaining that the GRASP Scientific Commission and other institutions would also be closely involved. It was agreed that the Agreement would remain open for signature for six months from 26 October 2007 to 25 April 2008 in Paris.

FINAL ACT OF THE NEGOTIATION MEETING TO ADOPT THE GORILLA AGREEMENT: Delegates approved with minor amendments the Final Act of the Negotiation Meeting to Adopt the Gorilla Agreement.

Immediately following the close of the meeting, delegates from the Central African Republic, Democratic Republic of Congo, Republic of Congo, Nigeria, and Uganda signed the Resolution and Final Act.

SIGNATURE OF THE GORILLA AGREEMENT

On Friday 26 October 2007, during the meeting of the CBFP in the Natural History Museum, Paris, the Gorilla Agreement was signed by ministers from the Central African Republic, and Republic of Congo, following a presentation by CMS Executive Secretary, Robert Hepworth in which he emphasized the legally-binding nature of the Agreement and lauded the gorilla Range State delegates on the fact that the negotiations had been completed in "record time." He also invited all participants to sign the Paris Gorilla Declaration on the Conclusion of an Agreement on the Conservation of Gorillas and their Habitats as well as the Forests Now Declaration sponsored by the Global Canopy Programme, both of which were available for signature. Following the signing ceremony, Henri Djombo, Minister of Forestry Economy, Republic of Congo, after signing the Agreement, thanked all those who had participated in the negotiations, stressing the importance of great apes as part of a general conservation programme.

Weblinks

http://www.cms.int/bodies/meetings/regional/gorillas/gorilla_meeting.htm

<http://www.naturalsciences.be/science/projects/gorilla>

http://www.diplomatie.gouv.fr/en/france-priorities_1/environment-sustainable-development_1097/events_2130/paris-meetings-on-primates-and-their-habitats-22-26.10.07_10133.html?var_recherche=cms