



# CONVENTION ON MIGRATORY SPECIES

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MEETING TO NEGOTIATE AN AGREEMENT ON THE  
CONSERVATION OF GORILLAS AND THEIR HABITATS  
UNDER THE CONVENTION ON MIGRATORY SPECIES  
Paris, France, 22-24 October 2007

## MEETING REPORT

### Welcome

1. Claude-Anne Gauthier of the French Ministry of Foreign and European Affairs called the meeting to order at 10:50 and invited Stanley Johnson, CMS Ambassador to give an opening address on behalf of CMS Executive Secretary, Robert Hepworth, who was in Scotland at a meeting negotiating a raptors agreement and would be travelling to Paris next day.
2. Mr Johnson said that the Great Ape Survival Project (GRASP) partnership had been launched in 2001, a year after Mr Hepworth had joined UNEP. This meeting it was hoped would make a significant step forward for gorilla conservation, by finalising an agreement to rescue one of our closest relatives from extinction. The threats the species faced were varied, and further coordinated actions were required to address them above and beyond existing measures. A legally binding instrument under the auspices of CMS would complement both GRASP and Convention on the International Trade in Endangered Species (CITES). A CMS Agreement as well as providing a legal framework could help raise awareness, capacity building and lever finances and address threats, both direct and indirect, such as logging and other habitat degradation, hunting, war and disease. He also pointed to the synergies being achieved by holding a series of four primate related meetings together.
3. The draft Agreement provided a framework for conservation all populations of all species and subspecies of gorilla. It would seek to ensure the survival of the gorilla by restoring and maintaining their habitats for the benefit of both the animals and humans.
4. Mr Johnson then welcomed the CMS Scientific Councillor for Belgium and Councillor for Terrestrial Mammals, Dr. Roseline C. Beudels (IRSNB) who had done much of the preparatory technical work for the Agreement and Samy Mankoto of UNESCO who had chaired the Great Ape inter-governmental conference in 2005 and who had agreed to chair the current proceedings with Ms Gautier as Vice-Chair.
5. Veronique Herrenschmidt, the CMS Focal Point for France thanked Mr Johnson for his words and wished the delegates well for the coming days. She was pleased that most of the range states had sent delegations to the meeting and stressed the need for marshalling all the human and financial resources available to save the emblematic and charismatic species at the centre of the draft agreement.
6. The next speakers, representing GRASP and Congo Basin Forest Partnership (CBFP), underlined the synergies to be developed between their institutions and the future CMS Gorilla Agreement. Melanie Virtue (GRASP Secretariat) restated that the GRASP initiative had begun when Mr Hepworth first joined UNEP. GRASP was a partnership between UNEP and UNESCO, with all twenty-three range states and forty NGOs covering all the great apes of Africa and South-East Asia. GRASP organised projects in the

range states, helped develop national survival plans and had sent a mission to the Democratic Republic of the Congo to help with the crisis in the east of that country.

7. Christophe Besacier (CBFP) gave a presentation explaining the scope of the partnership. Stretching from the Atlantic in the west to the mountains in the east, it covered two million hectares of forest. It contained many populations of apes and elephants. Human population density varied greatly.

8. Poaching, mining, logging, road building and fires were the main threats affecting species and habitats both directly and indirectly. The Commission des forêts d'Afrique centrale (COMIFAC) provided a policy framework for forest conservation and use and had long term funding.

9. This partnership started in Johannesburg and Germany was about to assume the role of facilitator. The partnership had a growing membership with more than 30 governmental and non-governmental organisations.

10. The Basin was home to bonobos (pygmy chimpanzees), chimpanzees, and gorillas. The World atlas of great apes which was about to be translated from English into French, showed that some species were endemic to one country while others were widespread. A great deal of the remaining Gorilla habitat was found in the Congo Basin.

11. Cross border action was being taken against poaching. As with all migratory species, gorillas did not respect political frontiers. Awareness of gorilla conservation concerns was being raised; one logging company had set aside part of its concession because of the presence of gorillas.

12. The Chairman, Mr Samy Mankoto recalled that he was not the only person present in Paris who had attended the Intergovernmental Conference on the Great Apes. A great deal had been achieved then through cooperation and teamwork and he was sure the same would be true in Paris. He expressed his thanks to the organisers, the hosts and the delegates.

13. The warning signs for great apes and gorillas were clear and as a result, UNEP and UNESCO had combined in a type II alliance as foreseen by the World Summit on Sustainable Development to protect these species. All 21 African Range States and both in South-East Asia were involved, as were local communities and NGOs. In November 2003 a conference of technical experts achieved press coverage, and this was followed up by the Intergovernmental Conference in the Democratic Republic of the Congo, leading to the so-called Kinshasa Declaration. The UN had built up structures and capacity through an education programme for experts (up to PhD level) for managers emphasising the ecosystem approach. As a result, the habitat of mountain gorillas in Democratic Republic of the Congo had been mapped using funding from the French FFEM, Belgium and the European Commission.

14. The CMS initiative for an agreement was a means to share resources to save the gorilla. UNESCO was playing its full part and in conjunction with the Spanish Government was organising the 3<sup>rd</sup> World Conference on Biosphere Reserves (4-9 February 2008), a major event bringing together political decision makers, scientists, conservationists and park authorities. Another significant event had been the three-country summit involving the Democratic Republic of the Congo, Rwanda and Uganda to agree cooperation in 2004. The World Heritage site in Uganda would link up with the neighbouring reserves in the Democratic Republic of the Congo to form a cross border reserve. Gorillas could serve as peace ambassadors. The duty of the delegations at this meeting was to negotiate a binding Agreement.

15. Stanley Johnson emphasised that the aim of the meeting was indeed to secure agreement on a legally binding instrument for all gorilla taxa and then called upon Patrick Van Klaveren the Environment Councillor from Monaco who had a longstanding association with CMS to speak.

16. Mr Van Klaveren described gorillas as breath-taking, magnificent creatures which had unfortunately suffered neglect at the hands of humans. He expressed his pleasure at the speedy progress

which had been made on the negotiations which meant that securing agreement on a binding CMS instrument was a realistic hope. A CMS Article IV agreement would complement the GRASP initiative.

17. Monaco was small in size but totally committed to CMS, and was the host country of the Agreement on the Conservation of Cetaceans in the Black and Mediterranean Seas (ACCOBAMS). CMS aimed to restore threatened species to a favourable conservation status and built on international cooperation. Drawing on the example of ACCOBAMS for cetaceans in the Mediterranean and Black Seas, increased recognition of the impacts of other activities on whales had helped foster cross sectoral partnerships. ACCOBAMS also helped spread expertise and share resources. He also cited Prince Albert I who having visited Yellowstone Park in the USA, decided to champion the designation of a similar reserve in the Pyrenees.

18. He described GRASP as a wide partnership of flexible and imaginative partners. An Agreement under CMS would give gorilla conservation the weight of international law, something he was sure the gorillas themselves would welcome. The Chairman then called upon Damien Caillaud from the Max Planck Institut to give a presentation which Mr Caillaud and Martha Robbins had prepared on the conservation status of gorilla species in the ten range states. A summary of the presentation appears as an Annex.

19. The Chairman thanked Mr Caillaud for his presentation. Suspending the session for lunch, he asked for a committee to be formed to examine the credentials submitted to the secretariat by the delegations. Cameroon assumed the chair of this committee and was joined by Uganda and supported by Elizabeth Mrema of UNEP and Liam Addis of CMS.

### **Credentials and Rules of Procedure**

20. Reconvening the session after the lunch break, the Chairman explained that as the meeting was negotiating a binding international treaty, it had to be conducted in accordance with internationally accepted rules, and he proposed that standard CMS rules of procedure be used *mutatis mutandis*.

21. Elizabeth Mrema (UNEP/DELCO) explained the two types of document that were required from delegates to confirm their status in the meeting. In order to participate fully in the negotiations, delegations required credentials. In order to be able to sign the final document, they required full powers. Full powers were usually signed by the Minister of Foreign Affairs or Head of State, while credentials were usually signed by the Minister of Foreign Affairs.

22. The Chairman explained that he aimed to secure agreement to the instrument through consensus as was the norm for CMS. A draft text had been circulated in April and the chair said that he proposed to go through the document Article by Article. In accordance with the rules of procedure adopted, precedence would be given to range states over observers and NGOs. One change had been made to the draft text since April, and it was no longer intended to consider the Action Plan as an integral part of the Agreement. This was standard practice in CMS Agreements and would facilitate amendment to the plan in the future. It would be left to the first Meeting of the Parties of the Agreement, provisionally scheduled to coincide with the parent Convention's Conference of the Parties in December 2008 in Rome, to adopt the Action Plan. The meeting had a great deal of work to do to agree a text by the close of business on Wednesday so that the Agreement could be signed on Friday.

23. The rules of procedure for the meeting could be summarised thus: first, the rules were informal; 2. they followed generally accepted norms for international negotiations; 3. as was the normal practice with CMS, decisions would be reached by consensus 4. the chair reserved the right to curtail speaking time; 5. priority would be given to range states' delegates and 6. all opinions would be given equal weight in writing up the report of the meeting.

## **Agreeing the Text**

24. Article I.1: At the request of Congo, the phrase “Agreement Area” was changed to “Agreement Range”. Cameroon wanted to ensure that by specifying a geographic range, the Agreement was not precluded from engaging in educational activities in third countries. Uganda suggested that as the range of gorillas coincided with the range of other primates and because of the link to the GRASP, the Agreement should also include chimpanzees and bonobos. The Chairman felt that it was too late to make that change at this juncture and Dr. Beudels (IRSNB) pointed out that the gorilla was the only primate listed on the appendices of CMS.

25. Article I.2: the sub-paragraphs concerning the definition of the Convention, the Convention Secretariat, Agreement Secretariat and “parties present and voting” were adopted without substantial discussion but with some minor linguistic changes. The definition of “gorillas” was amended to read “all subspecies of the genus gorilla” as scientists were discussing the recognition of a fifth subspecies and this would be consistent with the parent Convention’s listing. The definition of “parties” was revised to ensure that any REIO that might be created within the region could, if eligible through policy competence, become a party. It was also agreed to retain the reference to the definitions contained in the parent Convention, Article I, sub-paragraphs 1 (a)-(k).

26. Ian Redmond suggested that the model of CMS and existing Agreements be followed as far as possible to avoid “reinventing the wheel”.

27. Article II.1: there was a discussion over the merits of the words “protection” and “conservation”, with the latter considered a broader term, and it was pointed out that the term “favourable conservation status” was explained fully in the parent Convention. There was further discussion over whether national legislation, competence or jurisdiction would be the most appropriate wording.

28. Article III: It was suggested that the latest IUCN Red List data from 2007 be inserted in place of the 2006 references. Gabon however felt that the use of parentheses should be avoided in a legal text. Angola commented that the reference was descriptive and explanatory and therefore not necessary.

29. III 2 a: There was a long discussion over the application of the derogations allowed under the parent Convention to the prohibition of taking Annex I species. One derogation envisaged by CMS was for traditional, subsistence hunting. While the Agreement allowed Parties to apply stricter provisions which would allow individual parties not to allow any derogations, it was agreed to apply Article III paragraphs 4 and 5 of the parent Convention but without the right to derogate. Gabon questioned whether this would be entirely practical and sought UNEP DELC’s advice. A working group was established to finalise the text.

30. Reconvening the meeting on the second day, Ms Gauthier asked for the credentials committee to meet during the morning coffee break and then announced the results of the working group’s discussions on the wording of Article III 2 (a) and (b), which was displayed on screen.

31. Congo requested that reference be added at the end of Article III 2 (b) to new sites identified for rehabilitation and reintroduction programmes conducted in accordance with IUCN guidelines. This proposal did not obtain support from other delegates who felt that the point was already adequately covered.

32. WWF suggested that Article III 2 (d) be amended to reflect the points raised in the previous day’s presentation on threats and proposed that specific mention be made of poaching and trade. Referring to poaching, Cameroon thought Article III 2 (d) should mention parties’ coordinated activities to eliminate poaching and concerted measures of control and surveillance.

33. When the meeting reached Article III 3 (e) a broad debate about the meaning of “emergency” began. The Central African Republic was concerned that international aid should be made available rapidly when emergencies arose. Uganda cited the conflicts in the Democratic Republic of the Congo, where

neighbouring states and the wider world community might effectively intervene; guidelines were all very well, but crises required a response and positive action. Cameroon however believed that ground rules for international interventions were useful. Equatorial Guinea asked whether extraordinary levels of poaching might be considered an emergency. The chairman suggested that the details of appropriate response might be better placed in the Action Plan but a small working chaired by Uganda was asked to devise appropriate wording to define emergencies.

34. WWF proposed that Article III 2 (f) be broadened to include capacity building of judicial and law enforcement agencies. WCS supported initiatives to counter the spread of Ebola and work on a cure.

35. Gabon requested that subparagraphs (f) and (g) be swapped round. Other delegations agreed that the reordering was logical, as training should precede research.

36. WAZA commented that the subtitle of the Article was “general” conservation measures, but more and more specific points were being added. Angola agreed that the detail belonged in the Action Plan rather than the Agreement text and Democratic Republic of the Congo added that the Agreement should be a legal text and the Action Plan should deal more with the conservation. The Chairman felt that the Agreement text needed a skeletal outline to be fleshed out in the Action Plan.

37. There was further debate about reordering and restructuring the subparagraphs. Democratic Republic of the Congo felt discrete subjects merited their own subparagraph. DELC stressed the need to underscore the international nature of the Agreement, as it was important that all range states collaborate. Lax enforcement in one country would undermine the efforts of the others. WWF recognised that it was important to emphasise cooperation, but this had to lead to effective implementation and legal enforcement on the ground. Cameroon cited the draft Article on cooperation with international bodies and suggested that Interpol could be used to combat crime. The chair invited Cameroon and WWF to liaise to propose a form of words. Patrick Mehlman (Conservation International) supported Gabon in requesting that Article III clearly reflect the international nature of the Agreement.

38. Dr. Beudels introduced draft Article IV concerning the Action Plan. She proposed that this Article be moved to Article VIII with consequent renumbering. The reference to guidelines was deleted.

39. On Article V (Implementation and Finance), it was suggested that links be established with existing agreements and networks, such as RAPAC (Réseau des Aires Protégées d'Afrique Centrale – the network of protected areas of Central Africa), linking to the Article on collaboration with other bodies dealing with gorilla conservation. WWF noted that conservation impinged on the work of many ministries and industrial sectors, so the cross-sectoral nature of the agreement should be highlighted.

40. Mr Hepworth (Executive Secretary, CMS) asked delegates to consider whether it would make more sense to designate a single national focal point for other range states to contact or to have a number of correspondents in various ministries. His advice was to keep the list as short as possible with one focal point per country if possible. Ian Redmond (GRASP) suggested that synergies could be achieved by ensuring that the GRASP focal point was also the Agreement Focal Point.

41. Regarding funding the Agreement, Gabon pointed out that most range states had undertaken a number of efforts to achieve gorilla conservation, at the cost of economic development when they were burdened with debt repayments. The Agreement would further restrict the range states’ room for manoeuvre and it would be necessary to find means of tapping international funding mechanisms. The Central African Republic felt that the proposed wording was standard and reflected the generally accepted philosophy that rights and obligations needed to be balanced. Democratic Republic of the Congo was apprehensive that delegates would negotiate a text but not have the means to implement it, citing the example of GRASP which was moving slowly as range states were not paying. Uganda agreed with Gabon and thought that range states would be able to make in kind payments rather than cash contributions according to the UN scale. Equatorial Guinea concurred that the funding issue was difficult and range

states had to balance the need for gorilla conservation and the legitimate demands of their people. Cameroon agreed that a trust fund for voluntary contributions should be established but this would depend on third parties and it would need to be a reliable source. Depending on Range state contributions was unrealistic. Gabon proposed the deletion of paragraph 2 (funding from parties) entirely and suggested that range states concentrate on paragraph 3 (voluntary contributions).

42. Robert Hepworth advocated the retention of text reflecting the equivalent provisions of the parent Convention, which was quite broadly drawn. It would give the Meeting of the Parties (MOP) considerable flexibility in setting a budget. It was premature to make budgetary decisions as it was not clear how many range states would have ratified and become parties by the time of the first MOP. The Democratic Republic of the Congo warned that at Kinshasa a great deal was said about raising significant funds for GRASP, but little had yet been achieved. Cameroon stressed that in order to obtain clearance to sign the Agreement, the Finance Ministry would need to know how much it was committing itself to. Mr Hepworth thought it was an important principle that every party should contribute something directly to the budget. An average African country might pay \$400 per annum to CMS, so a fee of (say) \$1000 per country for the gorilla agreement might be one starting point. Other CMS parties outside the Agreement range might be persuaded to assist, alongside other donors. The Convention Trust Fund itself would help initially. In reality the Agreement would need a mixture of funding sources in order to operate effectively.

43. Cameroon suggested deleting subparagraphs 2 (a) and 2 (b) and setting a minimum level of contribution. Uganda said that long term funding was needed but parties needed to be honest about the resources they had available. Heavy burdens on the Parties would deter membership and support from outside was likely to form the basis of the Agreement budget. Subscriptions needed to be affordable and realistic.

44. The Chairman reopened debate on the finance Article (now renumbered as Article IV). Summing up the earlier discussion, he said that subparagraph 2 (a) had been retained by reference to the UN scale and the 25% cap had been removed and that subparagraph 2 (b) left it to the MOP to settle the budget by consensus. Paragraph 3 established a fund, possibly a trust fund administered by the UN, for voluntary contributions from a variety of sources. Later Articles regarding the MOP and the Secretariat dealt with setting and managing the budget.

45. WWF raised again the issue of the need for cross-sectoral cooperation, citing the recent negotiations in Tenerife for a CMS MOU for cetaceans and suggested adding some text between subparagraphs 2 (a) and 2 (b). Range State delegations questioned whether the proposed wording would work while Robert Hepworth felt that the text would sit better in Article II; Uganda suggested Article IV 1a. Gabon suggested wording to the effect that all necessary measures, national and cross-border, should be taken in accordance with objectives of this agreement, national and cross border.

46. On paragraph 4, Gabon thought that the text was redundant in view of the discussion on the Action Plan. Congo agreed that the theme of training and support had been covered in the general measures in Article III. Cameroon, supported by others, thought that mutual assistance was a significant theme and it should be stressed, adding that support from outside and not just between range states was important. Congo thought it optimistic to expect range states to provide each other with financial support when all lacked resources. Uganda cited an example of in kind support that was occurring between Uganda, Rwanda and the Democratic Republic of the Congo, where training course were being run on collaborative lines and Ugandan staff were being sent into Democratic Republic of the Congo. Stanley Johnson proposed additional wording to cover possible support from outside agencies. After some discussion it was agreed to retain reference to the possibility of parties offering each other financial as well as technical support.

47. Paragraph 5 was adopted with the word “viable” amended to “sustainable” and the reference to the year 2015 being deleted.

## **Credentials (part 2)**

48. A provisional report of the Credentials Committee was taken. Five countries had provided credentials for the negotiation meeting (Central African Republic, Democratic Republic of the Congo, the Republic of the Congo, Nigeria and Uganda) and full powers for signing the agreement had been received from Democratic Republic of the Congo and the Republic of the Congo.

49. Resuming the discussion after lunch, Ian Redmond (GRASP) pointed out that many of the emergencies were likely to be natural disasters affecting human populations as well as gorillas. They were likely to attract worldwide global attention. Responses to such crises needed to be well planned and forward-looking. He cited the example of camps established for Rwandan refugees which were placed next to nature reserves. When inadequate supplies of fuel were provided, the people started felling trees for firewood, thus destroying key habitats and making the land more susceptible to flooding. The Central African Republic agreed that the actions of humanitarian and conservation organisations were not always compatible. Stanley Johnson reminded delegates that the wording of the agreement needed to be addressed to the parties and not to the NGOs. Ian Redmond undertook to draft some appropriate wording.

50. Delegations pondered the role of CMS and the agreement in the case of emergencies which affected gorillas which remained in one country. Central African Republic suggested that the Agreement provided a framework for cooperation and the detail of what collaborative actions were required could be decided ad hoc. Gabon asked whether the list of emergencies needed to be exhaustive or whether it was only meant to be illustrative.

51. The Central African Republic suggested that trafficking be added to trade to broaden the scope. Although international trade in gorillas was regulated and prohibited under CITES, the Agreement needed to go further. Patrick Mehlman (Conservation International) felt that illegal internal trade was covered by the term “poaching”. Democratic Republic of the Congo stressed the damage done by any level of illegal trade and requested the deletion of the word “escalation” as even current levels were not acceptable.

52. Many delegations raised the problem of human-ape conflicts, with Equatorial Guinea citing crop loss as a major cause of difficulties. The Central African Republic recognised the need to compensate farmers for their losses. It was agreed that crop raiding was an every day occurrence which could not be described as an emergency. Congo pointed out the problems caused by infrastructure and stressed the need for proper environment impact assessments to be carried out.

53. Daniel Bucknell (Gorilla Organisation Regional Programme Manager) suggested that the key element of “emergency” was not the nature of the crisis but the speed at which it escalated and that emergency should be defined accordingly. France pointed out that the draft Agreement proposed charging the first Meeting of the Parties with defining “emergency” (Article V 7(e)) and therefore the useful points being raised in discussion should be noted for reconsideration then.

54. With regard to the sectors of society most urgently requiring training, WCS suggested adding specific reference to law enforcement agencies, game wardens and military. Angola suggested “at all levels” while Gabon felt that “public” was all-embracing. France suggested that mention of the sectors to be targeted for training was better suited in the Action Plan.

55. WWF pointed out that text elaborated with Cameroon on poaching had not been added and added their support for providing training for the judiciary.

56. The Chair moved the discussion on to Article V (the Meeting of the Parties) where the text had been borrowed from other CMS agreements and was therefore based on tried and tested provisions.

57. Subject to some minor changes, the Article was adopted. One more significant change was the deletion of part of paragraph 2 to take account of the fact that the CMS Secretariat was likely to serve as

Depositary and therefore there would be no need for the Depositary and Secretariat to liaise over arrangements for the first MOP. In most previous cases with CMS Agreements, a lead country had assumed the role of depositary and had organised the first MOP. Elizabeth Mrema (UNEP/DELIC) confirmed that the depositary and secretariat were usually separate roles.

58. On Article VI (Technical Committee) Robert Hepworth introduced “Conference Room document II” setting out possible models for the constitution of the Technical Committee. The Agreement could establish its own independent advisory body or share with GRASP or the parent Convention. Dr. Beudels set out a model for an independent technical committee made up of representatives of the parties, representatives from key bodies (e.g. GRASP) and experts from relevant fields (e.g. forest conservation). Congo suggested adding animal health to the list of expert fields. WWF suggested deleting the limit of four independent observers and to extend the chairman’s discretion to invite experts to participate.

59. Stanley Johnson suggested that the detailed structure of the technical committee should be left to the first MOP and that the text should contain a simple reference to the need for such a body. The MOP could consider the cost of maintaining a separate advisory body and the advantages and disadvantages of combining with GRASP or the CMS Scientific Council. Congo felt that the structure should be made clearer at this stage so that Ministers would know what they were committing themselves to. Text was agreed appointing a representative of GRASP to the technical committee but leaving open which other organisations should also be included.

60. The Chairman described the proposals for the Secretariat set out in Article VII as standard for CMS. Some minor changes were made, adding responsibility for administering working groups and preparation of draft budgets.

61. Resuming the discussion on the final day, the meeting examined Article VIII (former Article IV on the Action Plan). The title of the Article was amended removing the reference to conservation guidelines and the final paragraph was deleted. WWF advocated the addition of “enforcement” and hoped that a suitable translation could be found for the French text. Democratic Republic of the Congo wanted the addition of the development of local communities, but Ian Redmond thought that any reference to development should be qualified by “sustainable”. There followed a discussion about the meaning of implementation, compliance and enforcement which was clarified by an intervention from Elizabeth Mrema (UNEP/DELIC) who cited UNEP terminology guidelines. WCS proposed adding a further sub-paragraph on the reduction of the impact of disease. Angola noted the absence of any reference to reducing the impact of human/animal conflicts, although the Central African Republic thought this was implicit in sub-paragraph (c) on the management of human activities.

62. On relations with International bodies, Congo thought that the Lusaka agreement (signed in 1994 and which entered into force in 1996) was relevant to cross-border crime. Ian Redmond pointed out that some range states present had not signed the Lusaka agreement. Elizabeth Mrema (UNEP/DELIC) echoed Uganda’s call for countries to sign the agreement which had been updated at Maputo in 2003. Democratic Republic of the Congo stated that it was in the process of joining Lusaka but cooperated bi- and trilaterally with Uganda and Rwanda. It was suggested that references to COMIFAC and the Democratic Republic of the Congo suggested UNESCO (WHC 1972) and RAPAC be added. Dr. Beudels suggested reference to the Congo Basin Partnership, rather than UNESCO under whose auspices the partnership operated. Ian Redmond advocated adding an appeal for all range states to join all relevant international fora. Stanley Johnson with support from Democratic Republic of the Congo thought the Final Act was the most appropriate place to add such an appeal.

63. Elizabeth Mrema (UNEP/DELIC) cautioned against mentioning initiatives which might be short-lived. It would make more sense to mention established institutions like UNESCO rather than GRASP. Stanley Johnson thought that organisations with WSSD Part II partnership status, such as GRASP and the Congo Basin Partnership, merited mention. WWF noted that there was scope to amend the Agreement if necessary and noted that consultations with all the organisations being listed would add the secretariat’s



burdens. The Central African Republic suggested adding “training and communication” to sub-paragraph (c).

64. Article X, XI and XII being quite standard for international agreements were adopted without amendment.

65. Article XIII: There was some debate about how parties joined the agreement, and it was agreed that range states should be allowed to accede in any widely accepted way in conformity with their national constitutional requirements. This allowed for either: signature without the need for further confirmation of ratification (which the DELC representative confirmed was rare but had been used by one CMS party to join one of the daughter agreements); signature subject to subsequent ratification (which seemed to be the most likely course for most range states) or, finally, accession after the agreement had been closed for signature.

66. Elizabeth Mrema (UNEP/DELC) said that a definition of Regional Economic Integration Organisation (REIO) was needed, although the debate was currently academic as no such organisation existed in Africa. It was conceivable that one might come into being in the future, so the door would have to be left open to REIO membership of the agreement. Robert Hepworth pointed to CMS Article I subparagraph 1 (k) as a model.

67. The discussion on the entry into force of the agreement (Article XIV) reopened the debate on signature, ratification and accession (Article XIII) with Parties wishing to ensure that they had properly understood what they had committed to. Uganda wanted assurance that the procedures being followed were valid. This was resolved in a working group led by Stanley Johnson. It was agreed that three ratifications (or equivalent) were needed and that the Agreement would remain open for signature until 25 April 2008 in Paris at the Ministry of Foreign and European Affairs.

68. Article XV concerning the right of Parties not to apply the terms of the Agreement to certain species was shortened and redrafted to the effect that no reservations were permitted. Elizabeth Mrema (UNEP/DELC) explained that these reservations were not of the same kind as those relating to signature and ratification. Uganda asked that the distinction be made clearer in the text.

69. On Article XVI, Elizabeth Mrema (UNEP/DELC) explained that “denunciation” was the correct legal term for withdrawing from an Agreement after ratification or accession. Regarding Article XVII, Mrs Mrema explained that the depositary was responsible for keeping the original documents and for informing the parties of new accessions. Normally this role was performed by a government, but an international organisation could also serve. The date of 26 October 2007 was added at the end of the main document.

70. In Annex I, the references to Cabinda and Rio Muni were deleted where they appeared respectively next to Angola and Equatorial Guinea. If at any future time, gorillas were found in another country, it would be relatively straightforward to amend the annex

71. The preambular paragraphs were adopted subject to minor changes, including the deletion of references to “Ngagi” as Swahili was only used in three of the range states. Uganda stated a clear preference to retaining the Swahili word, but a majority opted for a reference to Paris, as the venue of the negotiations and Gorilla as it formed the common thread of the taxonomic names.

72. The discussion returned to Article 3 and whether specific points were better mentioned in the text or the Action Plan. In view of the high mortality rates among gorillas due to Ebola, Dr. Beudels thought it appropriate to refer to this disease rather than just disease in general in the text. The reference to emergency actions in response to humanitarian disasters was also amended to reflect Ian Redmond’s observation that short-term benefits might lead to longer-term problems.

**Draft Resolution: Interim Arrangements for the CMS Gorilla Agreement**

73. Some amendments were required in the light of the discussion over the text of the Agreement. The draft was then approved and adopted.

**Credentials (part 3)**

74. The credentials submitted by the Central African Republic, the Democratic Republic of the Congo, Equatorial Guinea, the Republic of the Congo, Nigeria and Uganda had been accepted. The full powers submitted by the Democratic Republic of the Congo and the Republic of the Congo the regarding signing the Agreement were accepted.

**The Final Act**

75. With the title amended to be consistent with the changes agreed in negotiation, the text of the Final Act was agreed and made available for signature.

There being no other business the Chair thanked all the participants for their contributions, France for generously hosting, the interpreters and all support staff; the meeting was then closed.

### **Presentation by Damien Caillaud and Martha Robbins**

Mr Caillaud explained the evolutionary link between humans and gorillas reaching back 9 million years. The split between the two gorilla species and four subspecies occurred 200,000 years ago.

The distance between the easternmost and westernmost populations was 2000 km. The range was scattered and spread over different habitats and the subspecies had evolved adapting to their habitats. Some populations lived at high altitude and some at sea level. Mountains, moist forest and dense forest were among the habitats in which gorillas lived. Physical differences had emerged, with hair length and bone structure noticeably different between the species. The silver back and red crest was typical of the western populations. As well as distinguishing features between the subspecies, each individual had distinct facial and other characteristics.

The different taxa also had distinct diets with lowland species eating greater quantities of fruit than mountain subspecies. Gorillas were social animals living in groups normally of ten or so, but occasionally with as many as 50 members. Typically a group would consist of one mature male plus his “harem” and their young. Gorillas were considered infant up until the age of three and are “pre-juvenile” between the ages of 6 and 9. Young males left their family group to seek mates. Males needed to attract females and intimidate male rivals and they did this by displays such as chest beating and splashing in pools.

Studies of Mountain Gorillas began in earnest in the 1950s and 1960s with the work of Dian Fossey in the Democratic Republic of the Congo and Rwanda. Now satellite imagery showed gorilla habitat restricted to small isolated zones under pressure from human settlement. One zone straddled the borders of Uganda, Democratic Republic of the Congo and Rwanda. The mountain gorilla was found in two populations totalling 700 individuals. Some improvements in numbers had been achieved, but any poaching incident had potentially catastrophic impacts. Trapping, habitat loss and disease were also factors. The gorillas living near densely populated human settlements were susceptible to many human diseases. The gorillas’ low numbers made the populations vulnerable.

Eastern lowland gorillas lived at altitudes of up to 2000 m. The populations were scattered and there was one larger one near Kivu in Democratic Republic of the Congo which was affected by disorder but the extent of the impact was unknown. Before the war the population was estimated at 15,000. The population had certainly declined further and might now be nearer 10,000. Human pressures were also a factor in the decline: human movements, pressure on habitat through logging and mining, trapping and hunting. The area was rich in minerals needed for the telecommunications industry resulting in further habitat loss as miners cut trees for firewood.

The Cross River subspecies was found in the West of the range. It had the smallest population (less than 300) divided into several small groups. Their habitat was made up of hills and forests on the Nigeria-Cameroon border connected by corridors. The population was probably declining and the low numbers and removal of natural corridors meant that inbreeding was taking place leading to genetic weaknesses, further reducing the animals’ resistance to human diseases transmitted from nearby densely populated areas.

The population of the Western lowland gorilla could probably be counted in the tens of thousands although precise figures were difficult to assess because of the terrain. One large population lived in an area covering Gabon, the Republic of the Congo, Equatorial Guinea, Cameroon, Angola and the Central African Republic. The population trend was clearly negative with a 50% decline recorded over a short period. It would take time for the species to recover and it had been upgraded on the IUCN Red List.

In Gabon, maps for the 1980s and the period 1998-02 illustrated a decline across the country, mainly due to commercial hunting and disease. The population had reached such a low level that any loss had a significant impact as it took twenty years to replace an adult animal. An outbreak of the Ebola virus on the

Gabon-Democratic Republic of the Congo border in human populations spread to the apes. Among humans, fatality rates even with hospital treatment could reach 80%. Being social animals, gorillas were particularly susceptible to infectious diseases and nursing females and dependant young were usually worse affected. Losses among gorillas to the epidemic probably reached 10,000s.

Habitat loss was a serious problem and increased logging affected the complex forest ecosystem dynamic. Forests were a significant economic resource, but the roads constructed to support the industry cut through important gorilla habitat. Increased human presence in the forest led to higher levels of direct hunting.

Although the current conservation status of the gorillas was alarming, the position was not yet hopeless provided action was taken. All current populations were still viable even if they were in decline. There had been a number of encouraging actions and further concerted efforts could help save the gorillas and their forest habitat. Gorillas could be used as a flagship species for the conservation of forest ecosystems, but it was incumbent on humans to live up to their scientific name of homo sapiens.