



THIRD MEETING OF THE TECHNICAL COMMITTEE OF THE AGREEMENT ON THE
CONSERVATION OF AFRICAN-EURASIAN MIGRATORY WATERBIRDS (AEWA)
TANZANIA, 27-28 MAY 2002

PROPOSAL FOR AMENDMENT OF THE AEW/ ACTION PLAN

Introduction

In accordance with Article IV, paragraph 2 *the Action Plan shall be reviewed at each ordinary session of the Meeting of the Parties, taking into account the Conservation Guidelines.* Furthermore in the same article under paragraph 3 it is stated that *any amendment to the Action Plan shall be adopted by the Meeting of the Parties, taking in consideration the provisions of Article III of this Agreement.* The latter means that general conservation measures should be taken into account.

The AEW/ Action Plan is an integral part of the Agreement. Therefore Article X is also applicable which describes the rules and procedures for amendment of the Agreement e.g. *the text of any proposed amendment and the reasons for it shall be communicated to the Agreement Secretariat not less than one hundred and fifty days before the opening of the session.* This means that these proposals should be received by the Secretariat by 28 of April 2002 at the latest.

Currently dd. 24 April no proposals have been received so far, but the Secretariat has been informed over the last few months that South Africa would like to propose some amendments to Annex 2 being the list of species included in AEW/.

Furthermore according to Article VII paragraph 3 b *the Technical Committee shall make recommendations to the Meeting of the Parties concerning the Action Plan, implementation of the Agreement and further research to be carried out.*

In the following chapter the Secretariat will make some proposals to amend the Action Plan. These proposals are meant as starting point for further discussion in the coming meeting of the Technical Committee.

Proposal

The following proposals are based on requests the Secretariat has received since the first session of the Meeting of the Parties. Furthermore some proposals are based on discussions in which the Secretariat participated and where some ideas were launched for future development of the Agreement. There is at least one Contracting Party, being South Africa, who wants to propose some amendments to the Action Plan. My suggestion is to start with the last concrete proposal

Amendment of Annex 2 to the Agreement based on the proposal of South Africa

at the 6th meeting of the Conference of the Parties to CMS (November 1999, Cape Town), recommendation 6.2 was put forward for concerted action intersessionally concerning Appendix II species, including the African Penguin *Spheniscus demersus*. The IUCN/ CBSG Spheniscus Penguin Conservation Workshop September 2000, Chile) endorsed the development of a Memorandum of Understanding (MOU) between

South Africa and Namibia in terms of CMS for the African Penguin. However there is a suite of other southern African coastal seabirds that interact with one another, face similar threats and would benefit from international co-operation towards their conservation and management. Thus the idea was born to develop a MOU between South Africa, Namibia, Angola and possibly Mozambique for the following species: African Penguin, Great White Pelican *Pelecanus onocrotalus*, Cape Gannet *Morus capensis*, Bank Cormorant *Phalacrocorax neglectus*, Crowned Cormorant *P. coronatus*, Cape Cormorant *P. capensis*, White-breasted Cormorant *P. carbo lucidus*, Leach's Storm Petrel *Oceanodroma leucorhoa*, South African Kelp Gull *Larus dominicanus vetula*, Grey-headed Gull *L. cirrocephalus poiocephalus*, Hartlaub's Gull *L. hartlaubii*, Swift Tern *Sterna bergii bergii*, Caspian tern *S. caspia*, Roseate tern *S. dougallii*, Damara Tern *S. baleanarum*, Antarctic tern *S. vittata* and the African Black Oystercatcher *Haematopus moquini*.

After the COP6 to CMS the Agreement Secretariat has been informed on the ongoing activities regarding the development of a special MOU under CMS for coastal seabirds in southern Africa. From the beginning onwards the Agreement Secretariat has expressed its concerns regarding the geographical overlap as well as regarding species to be included in the MOU. Of the proposed 17 species 5 are already included in AEW (see Annex 1). Therefore the Executive Secretary decided to participate at the workshop "Conservation Assessment and Management Plan for Southern African Coastal Seabirds", which took place from 4-8 February 2002 in Cape Town, South Africa. The UNEP/ CMS Secretariat was represented by Dr. Gerard C. Boere.

During this workshop it became obvious that all 17 species mentioned above are waterbirds according to Article I of AEW which means that they are ecologically dependent on wetlands for at least part of their annual cycle, have a range which lies entirely or partly within the Agreement Area and are listed in Annex 2 to this Agreement. In the Agreement text no definition is given for wetland, but following the criteria used by the Convention on the Conservation of Wetlands (Ramsar) coastal water till 6 meters deep are included.

It was decided to remove the Leach's Storm Petrel from the suite/ package of the species, as it is strictly pelagic, and has a large Northern Hemisphere population. The idea is that this species could at a later stage be nominated for inclusion in the Agreement on the Conservation of Albatrosses and Petrels (ACAP). For remaining 16 species the workshop decided to go for inclusion in AEW instead of developing a new MOU under CMS. However for an integral approach of the 16 species a multi-species action plan should be developed under AEW. The Action Plan foresees in the development of international single species action plans but no provision has been made for international multi-species action plans. Furthermore the workshop recommended the establishment of a working group in order to stimulate the implementation of the multi-species action plan. Finally South Africa, being the only Contracting Party to AEW in this region was urged to send a proposal for amendment of the Action Plan to the Agreement Secretariat before 28 April 2002.

As said before the Agreement Secretariat has been strongly involved in concerted actions for the coastal seabird of southern Africa and is in favour to include the species mentioned-above in the Action Plan. The Technical Committee is requested to make a recommendation in this respect for MOP2 regarding the following points:

- Inclusion of the 16 coastal seabird species in Annex 2 and table 1 of the Action Plan;
- Amendment of the Action Plan paragraph 2.2 by inclusion the possibility to develop multi species action plans;
- Establishment of a working group under the auspice of the Technical Committee in order to stimulate the implementation of the multi species action plan for coastal seabirds in southern Africa.

Amendment of Annex 2 and table 1 of the Action Plan

From the discussion regarding the proposal of South Africa but also from discussion with a number of other countries it became clear that there is a need to reconsider Annex 2 and link it to table 1 of the Action Plan. The main question is should not all migratory waterbirds species occurring in the Agreement Area, regardless of the conservation status, be included in Annex 2.

The development of AEWA is based on article IV of the Convention text of CMS. This article and in particular paragraph 3 requests '*Parties that are Range States of migratory species listed in Appendix II shall endeavour to conclude Agreements where these would benefit the species and should give priority to those species in an unfavourable conservation status*'. It is clear that from the beginning onwards this article determined which species should be included and which not. During the Negotiation Meeting (June, 1995) a number of species were removed from the list.

The Secretariat receives more and more request to clarify why certain species are not included in the Action Plan. Now the Agreement has entered into force, Parties may decide to include more species including those with a favourable conservation status because there are no formal restrictions. Therefore the Technical Committee is requested to reconsider the species list as given in Annex 2 of the Agreement.

Future development of the Agreement

In the light of the development of an MOU under CMS for the Aquatic Warbler the Secretariat received signals that some Parties would be in favour to include this kind of species also in AEWA. In accordance to Resolution 1.9 the Technical Committee in consultation with the Scientific Council of the Convention Secretariat is requested to consider for addition to Annex 2 a number of species whereas *Crex crex*. Also this species is not a 'typical' AEWA species so far. Thus the Technical Committee is requested to:

- discuss and to draft a recommendation regarding the development of the Agreement in the nearby future.