



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 26.09.1995
COM(95)444 final

Proposal for a

COUNCIL DECISION

**on the signature by the European Community
of the Agreement on the Conservation
of African-Eurasian Migratory Waterbirds**

(presented by the Commission)

Explanatory Memorandum

The Community is a Contracting Party to the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention - CMS)¹.

Article IV of the Bonn Convention provides for the conclusion of regional agreements which for Appendix II species (those with an unfavourable conservation status) should be concluded as soon as possible.

The waterbirds of the African-Eurasian flyways, which are Appendix II species, merit immediate attention in order to improve their conservation status and to gather information as a basis for sound management decisions.

Resolution 1.6 of the first meeting of the Conference of the Parties to the Bonn Convention called for the development of an Agreement for Western Palearctic *Anatidae*. From 1988 to 1991, a draft Agreement, including an Action Plan for *Anatidae* and a management Plan was elaborated by the Government of the Netherlands, acting in agreement with the Community, in collaboration with the Convention Secretariat, IUCN, a Working Group of the CMS Scientific Council and the International Waterfowl and Wetland Research Bureau (IWRB). This was followed by an initiative from the Convention Secretariat which resulted in a new draft agreement with a larger scope including other species of migratory waterbirds.

An informal negotiating meeting took place in Nairobi from 12-14 June 1994 after the fourth meeting of the Conference of the Parties to the Bonn Convention which was held in Nairobi from 7 to 11 June 1994. The meeting was attended by representatives from the Commission.

A revised draft Agreement was prepared by the Convention Secretariat and submitted to the negotiating meeting which took place in the Hague from 12-16 June 1995 as a basis for negotiations. The Agreement was finally adopted by consensus by sixty three Range States and by the European Community. The Agreement will be open for signature from 16 October 1995.

The Agreement aims at creating the legal framework for a concerted conservation policy of the Range States of migratory waterbirds species and populations, individuals of which migrate in the Western Palearctic and Africa, irrespective of their current conservation status.

The Agreement will cover:

- about 170 species;
- an area of 60 million square kilometers encompassing 116 Range States and covering the entire continents of Africa and Europe as well as part of Asia.

¹ OJ L 210, 19.07.1982,p.10.

The Agreement text includes three annexes:

- a map showing the geographical area covered by the Agreement,
- a list of families of migratory birds covered by the Agreement,
- an action plan

The Agreement requests in particular coordinated measures to achieve and maintain a favourable conservation status for African-Eurasian Migratory Waterbirds. Article III of the Agreement provides for the conservation measures to be taken. Annex III (the Action plan) specifies actions which the Parties shall undertake in relation to priority species consistent with the general conservation measures specified in Article III of the Agreement.

The Agreement mainly refers to matters falling within Community competence which at the internal level are regulated by Council Directives 79/409/EEC on the conservation of wild birds² and 92/43/EEC on the conservation of natural habitats and of wild fauna and flora³.

Furthermore, the Community is a Party to the Bern Convention on the Conservation of European Wildlife and Natural Habitats⁴ and of the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution⁵ and to its protocols, in particular to the Protocol on Specially Protected Areas⁶.

Accordingly, it is convenient that the Community signs the Agreement on the Conservation of African-Eurasian Migratory Waterbirds, subject to future conclusion.

² OJ L 103, 25.04.1979, p.1.

³ OJ L 206, 22.07.1992, p.7.

⁴ OJ L 38, 10.02.1982, p.3.

⁵ OJ L 240, 19.09.1977, p.3.

⁶ OJ L 68, 10.03.1984, p.36.

**Proposal for a Council Decision
on the signature by the European Community
of the Agreement on the Conservation
of African-Eurasian Migratory Waterbirds**

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community,

Having regard to the proposal from the Commission,

Whereas the Community is a Contracting Party to the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) ¹ ;

Whereas Article IV of the Bonn Convention provides for the conclusion of regional agreements which for species with an unfavourable conservation status (Appendix II species) should be concluded as soon as possible ;

Whereas the waterbirds of the African-Eurasian flyways, which are Appendix II species, merit immediate attention in order to improve their conservation status and to gather information as a basis for sound management decisions ;

Whereas the first meeting of the Parties to the Bonn Convention called for the development of an Agreement for the Conservation of Western Palearctic *Anatidae*; and whereas the draft agreement has been subsequently developed so as to include other species of migratory waterbirds ;

Whereas the conservation of migratory waterbirds mainly falls within Community competence taking into account Council Directives 79/409/EEC, of 2 April 1979, on the conservation of wild birds² as last amended by Directive 94/24/EC³, and 92/43/EEC, of 21 May 1992, on the conservation of natural habitats and of wild fauna and flora⁴ ;

Whereas the Commission participated on behalf of the Community, and in accordance with the negotiating directives given by the Council on 7 June 1995, in the negotiating meeting that took place from 12 to 16 June 1995 in the Hague; and whereas this meeting adopted by consensus the Agreement on the Conservation of African Eurasian-Migratory Waterbirds (the Agreement);

Whereas the Agreement will be open for signature from 16 October 1995 ;

Whereas it is convenient that the Agreement be signed by the Community, subject to conclusion,

¹ OJ L 210, 19.07.1982, p.10.

² OJ L 103, 25.04.1979, p.1.

³ OJ L 164, 30.06.1994, p.9.

⁴ OJ L 206, 22.07.1992, p.7.

HAS DECIDED AS FOLLOWS:

Sole Article

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the Community, subject to conclusion, the Agreement on the Conservation of African-Eurasian Migratory Waterbirds and to confer upon them the powers necessary for that purpose.

Done at Brussels,

For the Council

The President

**AGREEMENT ON THE CONSERVATION OF AFRICAN-EURASIAN
MIGRATORY WATERBIRDS**

THE CONTRACTING PARTIES,

RECALLING that the Convention on the Conservation of Migratory Species of Wild Animals, 1979, encourages international cooperative action to conserve migratory species;

RECALLING further that the first meeting of the Conference of the Parties to the Convention, held in Bonn in October 1985, instructed the Secretariat of the Convention to take appropriate measures to develop an Agreement on Western Palearctic Anatidae;

CONSIDERING that migratory waterbirds constitute an important part of the global biological diversity which, in keeping with the spirit of the Convention on Biological Diversity, 1992, and Agenda 21 should be conserved for the benefit of present and future generations;

AWARE of the economic, social, cultural and recreational benefits accruing from the taking of certain species of migratory waterbirds and of the environmental, ecological, genetic, scientific, aesthetic, recreational, cultural, educational, social and economic values of waterbirds in general;

CONVINCED that any taking of migratory waterbirds must be conducted on a sustainable basis, taking into account the conservation status of the species concerned over their entire range as well as their biological characteristics;

CONSCIOUS that migratory waterbirds are particularly vulnerable because they migrate over long distances and are dependent on networks of wetlands that are decreasing in extent and becoming degraded through non-sustainable human activities, as is expressed in the Convention on Wetlands of International Importance, especially as Waterfowl Habitat, 1971;

RECOGNIZING the need to take immediate action to stop the decline of migratory waterbird species and their habitats in the geographic area of the African-Eurasian waterbird migration systems;

CONVINCED that the conclusion of a multilateral Agreement and its implementation through coordinated or concerted action will contribute significantly to the conservation of migratory waterbirds and their habitats in the most efficient manner, and will have ancillary benefits for many other species of animals and plants; and

ACKNOWLEDGING that effective implementation of such an Agreement will require assistance to be provided to some Range States for research, training and monitoring of migratory waterbird species and their habitats, for the management of those habitats as well as for the establishment or improvement of scientific and administrative institutions for the implementation of this Agreement,

HAVE AGREED AS FOLLOWS:

ARTICLE I

Scope, Definitions and Interpretation

1. The geographic scope of this Agreement is the area of the migration systems of African-Eurasian waterbirds, as defined in Annex 1 to this Agreement,

hereafter referred to as the "Agreement Area".

2. For the purpose of this Agreement:
 - (a) "Convention" means the Convention on the Conservation of Migratory Species of Wild Animals, 1979;
 - (b) "Convention Secretariat" means the body established under Article IX of the Convention;
 - (c) "Waterbirds" means those species of birds that 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;
 - (d) "Agreement secretariat" means the body established under Article VI, paragraph 7, subparagraph (b), of this Agreement;
 - (e) "Parties" means, unless the context otherwise indicates, Parties to this Agreement; and
 - (f) "Parties present and voting" means the Parties present and casting an affirmative or negative vote; those abstaining from voting shall not be counted amongst the Parties present and voting.

In addition, the terms defined in Article I, subparagraphs 1(a) to (k), of the Convention shall have the same meaning, *mutatis mutandis*, in this Agreement.

3. This Agreement is an AGREEMENT within the meaning of Article IV, paragraph 3, of the Convention.

4. The annexes to this Agreement form an integral part thereof. Any reference to the Agreement includes a reference to its annexes.

ARTICLE II

Fundamental Principles

1. Parties shall take co-ordinated measures to maintain migratory waterbird species in a favourable conservation status or to restore them to such a status. To this end, they shall apply within the limits of their national jurisdiction the measures prescribed in Article III, together with the specific actions determined in the Action Plan provided for in Article IV, of this Agreement.

2. In implementing the measures prescribed in paragraph 1 above, Parties should take into account the precautionary principle.

ARTICLE III

General Conservation Measures

1. The Parties shall take measures to conserve migratory waterbirds, giving special attention to endangered species as well as to those with an unfavourable conservation status.

2. To this end, the Parties shall:

- (a) accord the same strict protection for endangered migratory waterbird species in the Agreement Area as is provided for under Article III, paragraphs 4 and 5, of the Convention;
- (b) ensure that any use of migratory waterbirds is based on an assessment of the best available knowledge of their ecology and is sustainable for the species as well as for the ecological systems that support them;
- (c) identify sites and habitats for migratory waterbirds occurring within their territory and encourage the protection, management,

rehabilitation and restoration of these sites, in liaison with those bodies listed in Article IX, paragraphs (a) and (b) of this Agreement, concerned with habitat conservation;

- (d) coordinate their efforts to ensure that a network of suitable habitats is maintained or, where appropriate, re-established throughout the entire range of each migratory waterbird species concerned, in particular where wetlands extend over the area of more than one Party to this Agreement;
- (e) investigate problems that are posed or are likely to be posed by human activities and endeavour to implement remedial measures, including habitat rehabilitation and restoration, and compensatory measures for loss of habitat;
- (f) cooperate in emergency situations requiring international concerted action and in identifying the species of migratory waterbirds which are the most vulnerable to these situations as well as cooperate in developing appropriate emergency procedures to provide increased protection to these species in such situations and in the preparation of guidelines to assist individual Parties in tackling these situations;
- (g) prohibit the deliberate introduction of non-native waterbird species into the environment and take all appropriate measures to prevent the unintentional release of such species if this introduction or release would prejudice the conservation status of wild flora and fauna; when non-native waterbird species have already been introduced, the Parties shall take all appropriate measures to prevent these species from becoming a potential threat to indigenous species;
- (h) initiate or support research into the biology and ecology of migratory waterbirds including the harmonization of research and monitoring methods and, where appropriate, the establishment of joint or cooperative research and monitoring programmes;

- (i) analyze their training requirements for, *inter alia*, migratory waterbird surveys, monitoring, ringing and wetland management to identify priority topics and areas for training and cooperate in the development and provision of appropriate training programmes;
- (j) develop and maintain programmes to raise awareness and understanding of migratory waterbird conservation issues in general and of the particular objectives and provisions of this Agreement;
- (k) exchange information and results from research, monitoring, conservation and education programmes; and
- (l) cooperate with a view to assisting each other to implement this Agreement, particularly in the areas of research and monitoring.

ARTICLE IV

Action Plan and Conservation Guidelines

1. An Action Plan is appended as Annex 3 to this Agreement. It specifies actions which the Parties shall undertake in relation to priority species and issues, under the following headings, consistent with the general conservation measures specified in Article III of this Agreement:

- (a) species conservation;
- (b) habitat conservation;
- (c) management of human activities;
- (d) research and monitoring;
- (e) education and information; and
- (f) implementation.

2. The Action Plan shall be reviewed at each ordinary session of the Meeting of the Parties, taking into account the Conservation Guidelines.

3. Any amendment to the Action Plan shall be adopted by the Meeting of the Parties, taking into consideration the provisions of Article III of this Agreement.

4. The Conservation Guidelines shall be submitted to the Meeting of the Parties for adoption at its first session, and shall be regularly reviewed.

ARTICLE V

Implementation and Financing

1. Each Party shall:

- (a) designate the Authority or Authorities to implement this Agreement which shall, *inter alia*, monitor all activities that may have impact on the conservation status of those migratory waterbird species of which the Party is a Range State;
- (b) designate a contact point for the other Parties, and communicate without delay its name and address to the Agreement secretariat to be circulated forthwith to the other Parties; and
- (c) prepare for each ordinary session of the Meeting of the Parties, beginning with the second session, a report on its implementation of the Agreement with particular reference to the conservation measures it has undertaken. The format of such reports shall be determined by the first session of the Meeting of the Parties and reviewed as may be necessary at any subsequent session of the Meeting of the Parties. Each report shall be submitted to the Agreement secretariat not less than one hundred and twenty days before the ordinary session of the Meeting of the Parties for which it has been prepared, and copies shall be circulated forthwith to the other Parties by the Agreement secretariat.

2. (a) Each Party shall contribute to the budget of the Agreement in accordance with the United Nations scale of assessment. The contributions shall be restricted to a maximum of 25 per cent of the total budget for any Party that is a Range State. No regional economic integration organization shall be required to contribute more than 2.5 per cent of the administrative costs.

(b) Decisions relating to the budget and any changes to the scale of assessment that may be found necessary shall be adopted by the Meeting of the Parties by consensus.

3. The Meeting of the Parties may establish a conservation fund from voluntary contributions of Parties or from any other source for the purpose of financing monitoring, research, training and projects relating to the conservation, including protection and management, of migratory waterbirds.

4. Parties are encouraged to provide training and technical and financial support to other Parties on a multilateral or bilateral basis to assist them in implementing the provisions of this Agreement.

ARTICLE VI

Meeting of the Parties

1. The Meeting of the Parties shall be the decision-making body of this Agreement.

2. The Depositary shall, in consultation with the Convention Secretariat, convene a session of the Meeting of the Parties not later than one year after the date of the entry into force of this Agreement. Thereafter, the Agreement secretariat shall convene, in consultation with the Convention Secretariat,

ordinary sessions of the Meeting of the Parties at intervals of not more than three years, unless the Meeting of the Parties decides otherwise. Where it is possible to do so, such sessions should be held in conjunction with the ordinary meetings of the Conference of the Parties to the Convention.

3. On the written request of at least one third of the Parties, the Agreement secretariat shall convene an extraordinary session of the Meeting of the Parties.

4. The United Nations, its Specialized Agencies, the International Atomic Energy Agency, any State not a Party to the Agreement, and the secretariats of international conventions concerned *inter alia* with the conservation, including protection and management, of migratory waterbirds may be represented by observers in sessions of the Meeting of the Parties. Any agency or body technically qualified in such conservation matters or in research on migratory waterbirds may also be represented at sessions of the Meeting of the Parties by observers, unless at least one third of the Parties present object.

5. Only Parties have the right to vote. Each Party shall have one vote, but regional economic integration organizations which are Parties to this Agreement shall, in matters within their competence, exercise their right to vote with a number of votes equal to the number of their Member States which are Parties to the Agreement. A regional economic integration organization shall not exercise its right to vote if its Member States exercise theirs, and *vice versa*.

6. Unless provided otherwise in this Agreement, decisions of the Meeting of the Parties shall be adopted by consensus or, if consensus cannot be achieved, by a two-thirds majority of the Parties present and voting.

7. At its first session, the Meeting of the Parties shall:
 - (a) adopt its rules of procedure by consensus;
 - (b) establish an Agreement secretariat within the Convention Secretariat to perform the secretariat functions listed in Article VIII of this Agreement;
 - (c) establish the Technical Committee provided for in Article VII of this Agreement;
 - (d) adopt a format for the reports to be prepared according to Article V, paragraph 1, subparagraph (c), of this Agreement; and
 - (e) adopt criteria to define emergency situations which require urgent conservation measures, and determine the modalities for assigning responsibility for action to be taken.

8. At each of its ordinary sessions, the Meeting of the Parties shall:
 - (a) consider actual and potential changes in the conservation status of migratory waterbirds and the habitats important for their survival, as well as the factors which may affect them;
 - (b) review the progress made and any difficulty encountered in the implementation of this Agreement;
 - (c) adopt a budget and consider any matters relating to the financial arrangements for this Agreement;
 - (d) deal with any matter relating to the Agreement secretariat and the membership of the Technical Committee;
 - (e) adopt a report for communication to the Parties to this Agreement and to the Conference of the Parties of the Convention; and
 - (f) determine the time and venue of the next session.

9. At any of its sessions, the Meeting of the Parties may:
 - (a) make recommendations to the Parties as it deems necessary or appropriate;

- (b) adopt specific actions to improve the effectiveness of this Agreement and, as the case may be, emergency measures as provided for in Article VII, paragraph 4, of this Agreement;
- (c) consider and decide upon proposals to amend this Agreement;
- (d) amend the Action Plan in accordance with Article IV, paragraph 3, of this Agreement;
- (e) establish such subsidiary bodies as it deems necessary to assist in the implementation of this Agreement, in particular for coordination with bodies established under other international treaties, conventions and agreements with overlapping geographic and taxonomic coverage; and
- (f) decide on any other matter relating to the implementation of this Agreement.

ARTICLE VII

Technical Committee

1. The Technical Committee shall comprise:
 - (a) nine experts representing different regions of the Agreement Area, in accordance with a balanced geographical distribution;
 - (b) one representative from the International Union for Conservation of Nature and Natural Resources (IUCN), one from the International Waterfowl and Wetlands Research Bureau (IWRB) and one from the International Council for Game and Wildlife Conservation (CIC); and
 - (c) one expert from each of the following fields: rural economics, game management, and environmental law.

The procedure for the appointment of the experts, the term of their appointment and the procedure for designation of the Chairman of the Technical

Committee shall be determined by the Meeting of the Parties. The Chairman may admit a maximum of four observers from specialized international inter-governmental and non-governmental organizations.

2. Unless the Meeting of the Parties decides otherwise, meetings of the Technical Committee shall be convened by the Agreement secretariat in conjunction with each ordinary session of the Meeting of the Parties and at least once between ordinary sessions of the Meeting of the Parties.

3. The Technical Committee shall:

- (a) provide scientific and technical advice and information to the Meeting of the Parties and, through the Agreement secretariat, to Parties;
- (b) make recommendations to the Meeting of the Parties concerning the Action Plan, implementation of the Agreement and further research to be carried out;
- (c) prepare for each ordinary session of the Meeting of the Parties a report on its activities, which shall be submitted to the Agreement secretariat not less than one hundred and twenty days before the session of the Meeting of the Parties, and copies shall be circulated forthwith by the Agreement secretariat to the Parties; and
- (d) carry out any other tasks referred to it by the Meeting of the Parties.

4. Where in the opinion of the Technical Committee there has arisen an emergency which requires the adoption of immediate measures to avoid deterioration of the conservation status of one or more migratory waterbird species, the Technical Committee may request the Agreement secretariat to convene urgently a meeting of the Parties concerned. These Parties shall meet as soon as possible thereafter to establish rapidly a mechanism to give protection to the species identified as being subject to particularly adverse threat. Where a

recommendation has been adopted at such a meeting, the Parties concerned shall inform each other and the Agreement secretariat of measures they have taken to implement it, or of the reasons why the recommendation could not be implemented.

5. The Technical Committee may establish such working groups as may be necessary to deal with specific tasks.

ARTICLE VIII Agreement Secretariat

The functions of the Agreement secretariat shall be:

- (a) to arrange and service the sessions of the Meeting of the Parties as well as the meetings of the Technical Committee;
- (b) to execute the decisions addressed to it by the Meeting of the Parties;
- (c) to promote and coordinate activities under the Agreement, including the Action Plan, in accordance with decisions of the Meeting of the Parties;
- (d) to liaise with non-Party Range States and to facilitate coordination between the Parties and with international and national organizations, the activities of which are directly or indirectly relevant to the conservation, including protection and management, of migratory waterbirds;
- (e) to gather and evaluate information which will further the objectives and implementation of the Agreement and to arrange for appropriate dissemination of such information;
- (f) to invite the attention of the Meeting of the Parties to matters pertaining to the objectives of this Agreement;

- (g) to circulate copies of the reports of the Authorities referred to in Article V, paragraph 1, subparagraph (a), of this Agreement and of the Technical Committee, along with copies of the reports it must provide pursuant to paragraph (h) of this Article, to each Party not less than sixty days before the commencement of each ordinary session of the Meeting of the Parties;
- (h) to prepare, on an annual basis and for each ordinary session of the Meeting of the Parties, reports on the work of the secretariat and on the implementation of the Agreement;
- (i) to administer the budget for the Agreement and, if established, its conservation fund;
- (j) to provide information for the general public concerning the Agreement and its objectives; and
- (k) to perform such other functions as may be entrusted to it under the Agreement or by the Meeting of the Parties.

ARTICLE IX

Relations with International Bodies dealing with Migratory Waterbirds and their Habitats

The Agreement secretariat shall consult:

- (a) on a regular basis, the Convention Secretariat and, where appropriate, the bodies responsible for the secretariat functions under Agreements concluded pursuant to Article IV, paragraphs 3 and 4, of the Convention which are relevant to migratory waterbirds, the Convention on Wetlands of International Importance, especially as Waterfowl Habitat, 1971, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973, the African Convention on the Conservation of Nature and Natural Resources, 1968, the Convention

on the Conservation of European Wildlife and Natural Habitats, 1979, and the Convention on Biological Diversity, 1992, with a view to the Meeting of the Parties cooperating with the Parties to these conventions on all matters of common interest and, in particular, in the development and implementation of the Action Plan;

- (b) the secretariats of other pertinent conventions and international instruments in respect of matters of common interest; and
- (c) other organizations competent in the field of conservation, including protection and management, of migratory waterbirds and their habitats, as well as in the fields of research, education and awareness raising.

ARTICLE X

Amendment of the Agreement

1. This Agreement may be amended at any ordinary or extraordinary session of the Meeting of the Parties.
2. Proposals for amendment may be made by any Party.
3. 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. The Agreement secretariat shall transmit copies forthwith to the Parties. Any comments on the text by the Parties shall be communicated to the Agreement secretariat not less than sixty days before the opening of the session. The Secretariat shall, as soon as possible after the last day for submission of comments, communicate to the Parties all comments submitted by that day.

4. An amendment to the Agreement other than an amendment to its annexes shall be adopted by a two-thirds majority of the Parties present and voting and shall enter into force for those Parties which have accepted it on the thirtieth day after the date on which two thirds of the Parties to the Agreement at the date of the adoption of the amendment have deposited their instruments of acceptance of the amendment with the Depository. For each Party which deposits an instrument of acceptance after the date on which two thirds of the Parties have deposited their instruments of acceptance, the amendment shall enter into force on the thirtieth day after the date on which it deposits its instrument of acceptance.

5. Any additional annexes and any amendment to an annex shall be adopted by a two-thirds majority of the Parties present and voting and shall enter into force for all Parties on the ninetieth day after the date of its adoption by the Meeting of the Parties, except for Parties which have entered a reservation in accordance with paragraph 6 of this Article.

6. During the period of ninety days provided for in paragraph 5 of this Article, any Party may by written notification to the Depository enter a reservation with respect to an additional annex or an amendment to an annex. Such reservation may be withdrawn at any time by written notification to the Depository, and thereupon the additional annex or the amendment shall enter into force for that Party on the thirtieth day after the date of withdrawal of the reservation.

ARTICLE XI

Effect of this Agreement on International Conventions and Legislation

1. The provisions of this Agreement do not affect the rights and obligations of any Party deriving from existing international treaties, conventions or agreements.

2. The provisions of this Agreement shall in no way affect the right of any Party to maintain or adopt stricter measures for the conservation of migratory waterbirds and their habitats.

ARTICLE XII

Settlement of Disputes

1. Any dispute which may arise between two or more Parties with respect to the interpretation or application of the provisions of this Agreement shall be subject to negotiation between the Parties involved in the dispute.

2. If the dispute cannot be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Parties submitting the dispute shall be bound by the arbitral decision.

ARTICLE XIII

Signature, Ratification, Acceptance, Approval, Accession

1. This Agreement shall be open for signature by any Range State, whether or not areas under its jurisdiction lie within the Agreement Area, or

regional economic integration organization, at least one member of which is a Range State, either by:

- (a) signature without reservation in respect of ratification, acceptance or approval; or
- (b) signature with reservation in respect of ratification, acceptance or approval, followed by ratification, acceptance or approval.

2. This Agreement shall remain open for signature at The Hague until the date of its entry into force.

3. This Agreement shall be open for accession by any Range State or regional economic integration organization mentioned in paragraph 1 above on and after the date of entry into force of the Agreement.

4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

ARTICLE XIV

Entry into Force

1. This Agreement shall enter into force on the first day of the third month after at least fourteen Range States or regional economic integration organizations, comprising at least seven from Africa and seven from Eurasia, have signed without reservation in respect of ratification, acceptance or approval, or have deposited their instruments of ratification, acceptance or approval in accordance with Article XIII of this Agreement.

2. For any Range State or regional economic integration organization which has:

- (a) signed without reservation in respect of ratification, acceptance, or approval;
- (b) ratified, accepted, or approved; or
- (c) acceded to
this Agreement after the date on which the number of Range States and regional economic integration organizations necessary to enable entry into force have signed it without reservation or have ratified, accepted or approved it, this Agreement shall enter into force on the first day of the third month following the signature without reservation, or deposit, by that State or organization, of its instrument of ratification, acceptance, approval or accession.

ARTICLE XV

Reservations

The provisions of this Agreement shall not be subject to general reservations. However, a specific reservation may be entered by any State or regional economic integration organization on signature without reservation in respect of ratification, acceptance or approval or, as the case may be, on depositing its instrument of ratification, acceptance, approval or accession in respect of any species covered by the Agreement or any specific provision of the Action Plan. Such a reservation may be withdrawn at any time by the State or regional economic integration organization which had entered it, by notification in writing to the Depositary; such a State or organization shall not be bound by the provisions which are the object of the reservation until thirty days after the date on which the reservation has been withdrawn.

ARTICLE XVI

Denunciation

Any Party may denounce this Agreement by written notification to the Depositary at any time. The denunciation shall take effect twelve months after the date on which the Depositary has received the notification.

ARTICLE XVII

Depositary

1. The original of this Agreement, in the Arabic, English, French and Russian languages, each version being equally authentic, shall be deposited with the Government of the Kingdom of the Netherlands which shall be the Depositary. The Depositary shall transmit certified copies of these versions to all States and regional economic integration organizations referred to in Article XIII, paragraph 1, of this Agreement, and to the Agreement secretariat after it has been established.

2. As soon as this Agreement enters into force, a certified copy thereof shall be transmitted by the Depositary to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

3. The Depositary shall inform all States and regional economic integration organizations that have signed or acceded to the Agreement, and the Agreement secretariat, of:

- (a) any signature;
- (b) any deposit of instruments of ratification, acceptance, approval or accession;

- (c) the date of entry into force of this Agreement and of any additional annex as well as of any amendment to the Agreement or to its annexes;
- (d) any reservation with respect to an additional annex or to an amendment to an annex;
- (e) any notification of withdrawal of a reservation; and
- (f) any notification of denunciation of the Agreement.

The Depositary shall transmit to all States and regional economic integration organizations that have signed or acceded to this Agreement, and to the Agreement secretariat, the text of any reservation, of any additional annex and of any amendment to the Agreement or to its annexes.

In witness whereof the undersigned, being duly authorized to that effect, have signed this Agreement.

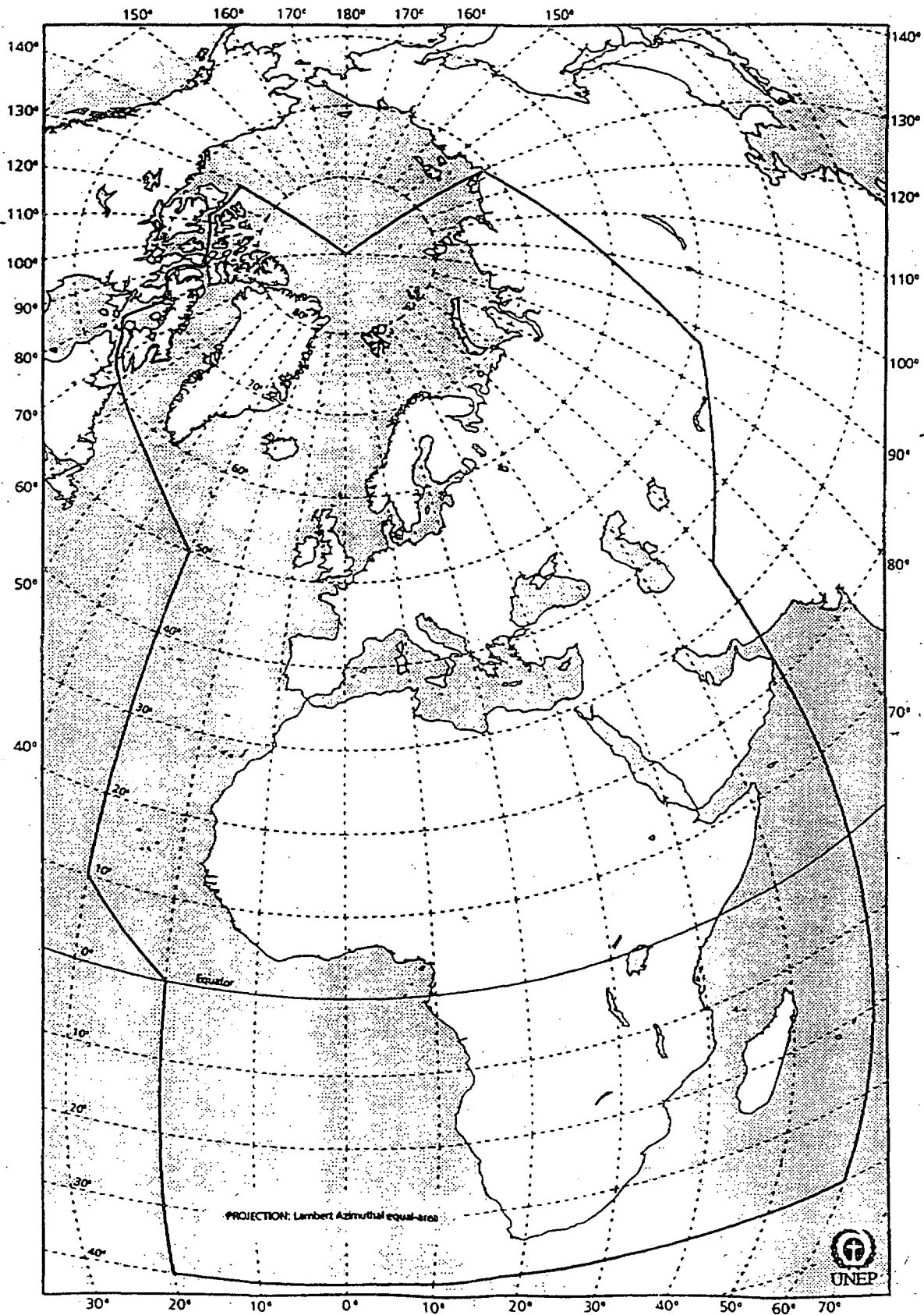
Done at The Hague this sixteenth day of June 1995.

Annex 1

Definition of the Agreement Area

The boundary of the Agreement area is defined as follows: from the North Pole south along the 130°W line of longitude to 75°N; thence east and southeast through Viscount Melville Sound, Prince Regent Inlet, the Gulf of Boothia, Foxe Basin, Foxe Channel and Hudson Strait to a point in the northwest Atlantic at 60°N, 60°W; thence southeast through the northwest Atlantic to a point at 50°N, 30°W; thence south along the 30°W line of longitude to 10°N; thence southeast to the Equator at 20°W; thence south along the 20°W line of longitude to 40°S; thence east along the 40°S line of latitude to 60°E; thence north along the 60°E line of longitude to 35°N; thence east-northeast on a great circle to a point in the western Altai at 49°N, 87°27'E; thence northeast on a great circle to the coast of the Arctic Ocean at 130°E; thence north along the 130°E line of longitude to the North Pole. The outline of the Agreement Area is illustrated on the following map.

Annex 1a: Map of the Agreement Area



Annex 2

Waterbird Species to which this Agreement Applies

GAVIIDAE

<i>Gavia stellata</i>	Red-throated Diver
<i>Gavia arctica</i>	Black-throated Diver
<i>Gavia immer</i>	Great Northern Diver
<i>Gavia adamsii</i>	White-billed Diver

PODICIPEDIDAE

<i>Podiceps grisegena</i>	Red-necked Grebe
<i>Podiceps auritus</i>	Slavonian Grebe

PELECANIDAE

<i>Pelecanus onocrotalus</i>	Great White Pelican
<i>Pelecanus crispus</i>	Dalmatian Pelican

PHALACROCORACIDAE

<i>Phalacrocorax pygmaeus</i>	Pygmy Cormorant
<i>Phalacrocorax nigrogularis</i>	Socotra Cormorant

ARDEIDAE

<i>Egretta vinaceigula</i>	Slaty Egret
<i>Ardea purpurea</i>	Purple Heron
<i>Asmerodius albus</i>	Great Egret
<i>Ardeola idae</i>	Madagascar Pond-Heron
<i>Ardeola rufiventris</i>	Rufous-bellied Heron
<i>Ixobrychus minutus</i>	Little Bittern
<i>Ixobrychus sturmii</i>	Dwarf Bittern
<i>Botaurus stellaris</i>	Great Bittern

CICONIIDAE

<i>Mycteria ibis</i>	Yellow-billed Stork
<i>Ciconia nigra</i>	Black Stork
<i>Ciconia episcopus</i>	Woolly-necked Stork
<i>Ciconia ciconia</i>	White Stork

THRESKIORNITHIDAE

Plegadis falcinellus
Geronticus eremita
Threskiornis aethiopicus
Platalea leucorodia
Platalea alba

Glossy Ibis
Waldrapp
Sacred Ibis
Eurasian Spoonbill
African Spoonbill

PHOENICOPTERIDAE

Phoenicopterus ruber
Phoenicopterus minor

Greater Flamingo
Lesser Flamingo

ANATIDAE

Dendrocygna bicolor
Dendrocygna viduata
Thalassornis leuconotus
Oxyura leucocephala
Cygnus olor
Cygnus cygnus
Cygnus columbianus
Anser brachyrhynchus
Anser fabalis
Anser albifrons
Anser erythropus
Anser anser
Branta leucopsis
Branta bernicla
Branta ruficollis
Alopochen aegyptiacus
Tadorna ferruginea
Tadorna cana
Tadorna tadorna
Plectropterus gambensis
Sarkidiornis melanotos
Nettapus auritus
Anas penelope
Anas strepera
Anas crecca
Anas capensis
Anas platyrhynchos
Anas undulata

Fulvous Whistling-Duck
White-faced Whistling-Duck
White-backed Duck
White-headed Duck
Mute Swan
Whooper Swan
Bewick's Swan
Pink-footed Goose
Bean Goose
Greater White-fronted Goose
Lesser White-fronted Goose
Greylag Goose
Barnacle Goose
Brent Goose
Red-breasted Goose
Egyptian Goose
Ruddy Shelduck
South African Shelduck
Common Shelduck
Spur-winged Goose
Comb Duck
African Pygmy-goose
Eurasian Wigeon
Gadwall
Common Teal
Cape Teal
Mallard
Yellow-billed Duck

Anas acuta
Anas erythrorhyncha
Anas hottentota
Anas querquedula
Anas clypeata
Marmaronetta angustirostris
Netta rufina
Netta erythrophthalma
Aythya ferina
Aythya nyroca
Aythya fuligula
Aythya marila
Somateria mollissima
Somateria spectabilis
Polysticta stelleri
Clangula hyemalis
Melanitta nigra
Melanitta fusca
Bucephala clangula
Mergellus albellus
Mergus serrator
Mergus merganser

GRUIDAE

Grus leucogeranus
Grus virgo
Grus paradisea
Grus carunculatus
Grus grus

RALLIDAE

Sarothrura boehmi
Porzana parva
Porzana pusilla
Porzana porzana
Aenigmatolimnas marginalis
Fulica atra (Black Sea/Mediterranean)

DROMADIDAE

Dromas ardeola

Northern Pintail
Red-billed Duck
Hottentot Teal
Garganey
Northern Shoveler
Marbled Teal
Red-crested Pochard
Southern Pochard
Common Pochard
Ferruginous Pochard
Tufted Duck
Greater Scaup
Common Eider
King Eider
Steller's Eider
Long-tailed Duck
Common Scoter
Velvet Scoter
Common Goldeneye
Smew
Red-breasted Merganser
Goosander

Siberian Crane
Demoiselle Crane
Blue Crane
Wattled Crane
Common Crane

Streaky-breasted Flufftail
Little Crake
Baillon's Crake
Spotted Crake
Striped Crake
Common Coot

Crab Plover

RECURVIROSTRIDAE

Himantopus himantopus
Recurvirostra avosetta

Black-winged Stilt
Pied Avocet

GLAREOLIDAE

Glareola pratincola
Glareola nordmanni

Collared Pratincole
Black-winged Pratincole

CHARADRIIDAE

Pluvialis apricaria
Pluvialis squatarola
Charadrius hiaticula
Charadrius dubius
Charadrius pecuarius
Charadrius tricollaris
Charadrius forbesi
Charadrius pallidus
Charadrius alexandrinus
Charadrius marginatus
Charadrius mongolus
Charadrius leschenaultii
Charadrius asiaticus
Eudromias morinellus
Vanellus vanellus
Vanellus spinosus
Vanellus albiceps
Vanellus senegallus
Vanellus lugubris
Vanellus melanopterus
Vanellus coronatus
Vanellus superciliosus
Vanellus gregarius
Vanellus leucurus

Eurasian Golden Plover
Grey Plover
Common Ringed Plover
Little Ringed Plover
Kittlitz's Plover
Three-banded Plover
Forbes' Plover
Chestnut-banded Plover
Kentish Plover
White-fronted Plover
Mongolian Plover
Greater Sandplover
Caspian Plover
Eurasian Dotterel
Northern Lapwing
Spur-winged Plover
White-headed Lapwing
Senegal Lapwing
Wattled Lapwing
Black-winged Lapwing
Crowned Lapwing
Brown-chested Lapwing
Sociable Plover
White-tailed Plover

SCOLOPACIDAE

Gallinago media
Gallinago gallinago
Lymnocyptes minimus
Limosa limosa
Limosa lapponica

Great Snipe
Common Snipe
Jack Snipe
Black-tailed Godwit
Bar-tailed Godwit

Numenius phaeopus
Numenius tenuirostris
Numenius arquata
Tringa erythropus
Tringa totanus
Tringa stagnatilis
Tringa nebularia
Tringa ochropus
Tringa glareola
Tringa cinerea
Tringa hypoleucos
Arenaria interpres
Calidris tenuirostris
Calidris canutus
Calidris alba
Calidris minuta
Calidris temminckii
Calidris maritima
Calidris alpina
Calidris ferruginea
Limicola falcinellus
Philomachus pugnax
Phalaropus lobatus
Phalaropus fulicaria

LARIDAE

Larus leucoptthalmus
Larus hemprichii
Larus audouinii
Larus armenicus
Larus ichthyaetus
Larus genei
Larus melanocephalus
Sterna nilotica
Sterna caspia
Sterna maxima
Sterna bengalensis
Sterna bergii
Sterna sandvicensis
Sterna dougallii
Sterna hirundo
Sterna paradisaea
Sterna albifrons

Whimbrel
Slender-billed Curlew
Eurasian Curlew
Spotted Redshank
Common Redshank
Marsh Sandpiper
Common Greenshank
Green Sandpiper
Wood Sandpiper
Terek Sandpiper
Common Sandpiper
Ruddy Turnstone
Great Knot
Red Knot
Sanderling
Little Stint
Temminck's Stint
Purple Sandpiper
Dunlin
Curlew Sandpiper
Broad-billed Sandpiper
Ruff
Red-necked Phalarope
Grey Phalarope

White-eyed Gull
Sooty Gull
Audouin's Gull
Armenian Gull
Great Black-headed Gull
Slender-billed Gull
Mediterranean Gull
Gull-billed Tern
Caspian Tern
Royal Tern
Lesser Crested Tern
Great Crested Tern
Sandwich Tern
Roseate Tern
Common Tern
Arctic Tern
Little Tern

Sterna saundersi
Sterna balaenarum
Sterna repressa
Chlidonias leucopterus
Chlidonias niger

Saunders' Tern
Damara Tern
White-cheeked Tern
White-winged Tern
Black Tern

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Annex 3

ACTION PLAN

1. Field of Application

- 1.1 The Action Plan is applicable to the populations of migratory waterbirds listed in Table 1 to this Annex (hereafter referred to as "Table 1").
- 1.2 Table 1 forms an integral part of this Annex. Any reference to this Action Plan includes a reference to Table 1.

2. Species Conservation

2.1 Legal measures

- 2.1.1 Parties with populations listed in column A of Table 1 shall provide protection to those populations listed in accordance with Article III, paragraph 2(a), of this Agreement. Such Parties shall in particular and subject to paragraph 2.1.3 below:

- (a) prohibit the taking of birds and eggs of those populations occurring in their territory;
- (b) prohibit deliberate disturbance in so far as such disturbance would be significant for the conservation of the population concerned; and
- (c) prohibit the possession or utilization of, and trade in, birds or eggs of those populations which have been taken in contravention of the prohibitions laid down pursuant to subparagraph (a) above, as well as the possession or utilization of, and trade in, any readily recognizable parts or derivatives of such birds and their eggs.

By way of exception for those populations listed in Categories 2 and 3 in Column A only and which are marked by an asterisk, hunting may continue on a sustainable use basis where hunting of such populations is a long-established cultural practice. This sustainable use shall be conducted within the framework of special provisions of a species action plan at the appropriate international level.

- 2.1.2 Parties with populations listed in Table 1 shall regulate the taking of birds and eggs of all populations listed in column B of Table 1. The object of such legal measures shall be to maintain or contribute to the restoration of those populations to a favourable conservation status and to ensure, on the basis of the best available knowledge of population dynamics, that any taking or other use is sustainable. Such legal measures, subject to paragraph 2.1.3 below, shall in particular:

- (a) prohibit the taking of birds belonging to the populations concerned during their various stages of reproduction and rearing and during their return to their

breeding grounds if the taking has an unfavourable impact on the conservation status of the population concerned;

- (b) regulate the modes of taking;
- (c) establish limits on taking, where appropriate, and provide adequate controls to ensure that these limits are observed; and
- (d) prohibit the possession or utilization of, and trade in, birds and eggs of the populations which have been taken in contravention of any prohibition laid down pursuant to the provisions of this paragraph, as well as the possession or utilization of, and trade in, any parts of such birds and their eggs.

2.1.3 Parties may grant exemptions to the prohibitions laid down in paragraphs 2.1.1 and 2.1.2, irrespective of the provisions of Article III, paragraph 5, of the Convention, where there is no other satisfactory solution, for the following purposes:

- (a) to prevent serious damage to crops, water and fisheries;
- (b) in the interests of air safety or other overriding public interests;
- (c) for the purpose of research and education, of re-establishment and for the breeding necessary for these purposes;
- (d) to permit under strictly supervised conditions, on a selective basis and to a limited extent, the taking and keeping or other judicious use of certain birds in small numbers; and
- (e) for the purpose of enhancing the propagation or survival of the populations concerned.

Such exemptions shall be precise as to content and limited in space and time and shall not operate to the detriment of the populations listed in Table 1. Parties shall as soon as possible inform the Agreement secretariat of any exemptions granted pursuant to this provision.

2.2 Single Species Action Plans

2.2.1 Parties shall cooperate with a view to developing and implementing international single species action plans for populations listed in Category 1 of Column A of Table 1 as a priority and for those populations listed with an asterisk in Column A of Table 1. The Agreement secretariat shall coordinate the development, harmonization and implementation of such plans.

2.2.2 Parties shall prepare and implement national single species action plans for the populations listed in Column A of Table 1 with a view to improving their overall conservation status. This action plan shall include special provisions for those populations marked with an asterisk. When appropriate, the problem of accidental

killing of birds by hunters as a result of incorrect identification of the species should be considered.

2.3 Emergency Measures

Parties shall, in close cooperation with each other whenever possible and relevant, develop and implement emergency measures for populations listed in Table 1, when exceptionally unfavourable or endangering conditions occur anywhere in the Agreement Area.

2.4 Re-establishments

Parties shall exercise the greatest care when re-establishing populations listed in Table 1 into parts of their traditional range where they no longer exist. They shall endeavour to develop and follow a detailed re-establishment plan based on appropriate scientific studies. Re-establishment plans should constitute an integral part of national and, where appropriate, international single species action plans. A re-establishment plan should include assessment of the impact on the environment and shall be made widely available. Parties shall inform the Agreement secretariat, in advance, of all re-establishment programmes for populations listed in Table 1.

2.5 Introductions

2.5.1 Parties shall, if they consider it necessary, prohibit the introduction of non-native species of animals and plants which may be detrimental to the populations listed in Table 1.

2.5.2 Parties shall, if they consider it necessary, require the taking of appropriate precautions to avoid the accidental escape of captive birds belonging to non-native species.

2.5.3 Parties shall take measures to the extent feasible and appropriate, including taking, to ensure that when non-native species or hybrids thereof have already been introduced into their territory, those species or their hybrids do not pose a potential hazard to the populations listed in Table 1.

3. Habitat Conservation

3.1 Habitat Inventories

3.1.1 Parties, in liaison where appropriate with competent international organizations, shall undertake and publish national inventories of the habitats within their territory which are important to the populations listed in Table 1.

3.1.2 Parties shall endeavour, as a matter of priority, to identify all sites of international

or national importance for populations listed in Table 1.

3.2 Conservation of Areas

3.2.1 Parties shall endeavour to continue establishing protected areas to conserve habitats important for the populations listed in Table 1, and to develop and implement management plans for these areas.

3.2.2 Parties shall endeavour to give special protection to those wetlands which meet internationally accepted criteria of international importance.

3.2.3 Parties shall endeavour to make wise and sustainable use of all of the wetlands in their territory. In particular they shall endeavour to avoid degradation and loss of habitats that support populations listed in Table 1 through the introduction of appropriate regulations or standards and control measures. In particular, they shall endeavour to:

(a) ensure, where practicable, that adequate statutory controls are in place, relating to the use of agricultural chemicals, pest control procedures and the disposal of waste water, which are in accordance with international norms, for the purpose of minimizing their adverse impacts on the populations listed in Table 1; and

(b) prepare and distribute information materials, in the appropriate languages, describing such regulations, standards and control measures in force and their benefits to people and wildlife.

3.2.4 Parties shall endeavour to develop strategies, according to an ecosystem approach, for the conservation of the habitats of all populations listed in Table 1, including the habitats of those populations that are dispersed.

3.3 Rehabilitation and Restoration

Parties shall endeavour to rehabilitate or restore, where feasible and appropriate, areas which were previously important for the populations listed in Table 1.

4. Management of Human Activities

4.1 Hunting

4.1.1 Parties shall cooperate to ensure that their hunting legislation implements the principle of sustainable use as envisaged in this Action Plan, taking into account the full geographical range of the waterbird populations concerned and their life history characteristics.

4.1.2 The Agreement secretariat shall be kept informed by the Parties of their legislation relating to the hunting of populations listed in Table 1.

- 4.1.3 Parties shall cooperate with a view to developing a reliable and harmonized system for the collection of harvest data in order to assess the annual harvest of populations listed in Table 1. They shall provide the Agreement secretariat with estimates of the total annual take for each population, when available.
- 4.1.4 Parties shall endeavour to phase out the use of lead shot for hunting in wetlands by the year 2000.
- 4.1.5 Parties shall develop and implement measures to reduce, and as far as possible eliminate, the use of poisoned baits.
- 4.1.6 Parties shall develop and implement measures to reduce, and as far as possible eliminate, illegal taking.
- 4.1.7 Where appropriate, Parties shall encourage hunters, at local, national and international levels, to form clubs or organizations to coordinate their activities and to help ensure sustainability.
- 4.1.8 Parties shall, where appropriate, promote the requirement of a proficiency test for hunters, including among other things, bird identification.

4.2 Eco-tourism

- 4.2.1 Parties shall encourage, where appropriate but not in the case of core zones of protected areas, the elaboration of cooperative programmes between all concerned to develop sensitive and appropriate eco-tourism at wetlands holding concentrations of populations listed in Table 1.
- 4.2.2 Parties, in cooperation with competent international organisations, shall endeavour to evaluate the costs, benefits and other consequences that can result from eco-tourism at selected wetlands with concentrations of populations listed in Table 1. They shall communicate the results of any such evaluations to the Agreement secretariat.

4.3 Other Human Activities

- 4.3.1 Parties shall assess the impact of proposed projects which are likely to lead to conflicts between populations listed in Table 1 that are in the areas referred to in paragraph 3.2 and human interests, and shall make the results of the assessment publicly available.
- 4.3.2 Parties shall endeavour to gather information on the damage, in particular to crops, caused by populations listed in Table 1, and report the results to the Agreement secretariat.
- 4.3.3 Parties shall cooperate with a view to identifying appropriate techniques to minimize damage, or to mitigate the effects of damage, in particular to crops, caused by populations listed in Table 1, drawing on the experience gained elsewhere in the world.

- 4.3.4 Parties shall cooperate with a view to developing single species action plans for populations which cause significant damage, in particular to crops. The Agreement secretariat shall coordinate the development and harmonization of such plans.
- 4.3.5 Parties shall, as far as possible, promote high environmental standards in the planning and construction of structures to minimize their impact on populations listed in Table 1. They should consider steps to minimize the impact of structures already in existence where it becomes evident that they constitute a negative impact for the populations concerned.
- 4.3.6 In cases where human disturbance threatens the conservation status of waterbird populations listed in Table 1, Parties should endeavour to take measures to limit the level of threat. Appropriate measures might include, *inter alia*, the establishment of disturbance-free zones in protected areas where public access is not permitted.

5. Research and Monitoring

- 5.1 Parties shall endeavour to carry out survey work in poorly known areas, which may hold important concentrations of the populations listed in Table 1. The results of such surveys shall be disseminated widely.
- 5.2 Parties shall endeavour to monitor the populations listed in Table 1. The results of such monitoring shall be published or sent to appropriate international organizations, to enable reviews of population status and trends.
- 5.3 Parties shall cooperate to improve the measurement of bird population trends as a criterion for describing the status of such populations.
- 5.4 Parties shall cooperate with a view to determining the migration routes of all populations listed in Table 1, using available knowledge of breeding and non-breeding season distributions and census results, and by participating in coordinated ringing programmes.
- 5.5 Parties shall endeavour to initiate and support joint research projects into the ecology and population dynamics of populations listed in Table 1 and their habitats, in order to determine their specific requirements as well as the techniques which are the most appropriate for their conservation and management.
- 5.6 Parties shall endeavour to undertake studies on the effects of wetland loss and degradation and disturbance on the carrying capacity of wetlands used by the populations listed in Table 1 and on the migration patterns of such populations.
- 5.7 Parties shall endeavour to undertake studies on the impact of hunting and trade on the populations listed in Table 1 and on the importance of these forms of utilization to the local and national economy.
- 5.8 Parties shall endeavour to cooperate with relevant international organisations and to support research and monitoring projects.

6. Education and Information

- 6.1 Parties shall, where necessary, arrange for training programmes to ensure that personnel responsible for the implementation of this Action Plan have an adequate knowledge to implement it effectively.
- 6.2 Parties shall cooperate with each other and the Agreement secretariat with a view to developing training programmes and exchanging resource materials.
- 6.3 Parties shall endeavour to develop programmes, information materials and mechanisms to improve the level of awareness of the general public with regard to the objectives, provisions and contents of this Action Plan. In this regard, particular attention shall be given to those people living in and around important wetlands, to users of these wetlands (hunters, fishermen, tourists, etc.) and to local authorities and other decision makers.
- 6.4 Parties shall endeavour to undertake specific public awareness campaigns for the conservation of the populations listed in Table 1.

7. Implementation

- 7.1 When implementing this Action Plan, Parties shall, when appropriate, give priority to those populations listed in Column A of Table 1.
- 7.2 Where, in the case of populations listed in Table 1, more than one population of the same species occurs on the territory of a Party, that Party shall apply conservation measures appropriate to the population or populations that have the poorest conservation status.
- 7.3 The Agreement secretariat, in coordination with the Technical Committee and with the assistance of experts from Range States, shall coordinate the development of conservation guidelines in accordance with Article IV, paragraph 4, of this Agreement to assist the Parties in the implementation of this Action Plan. The Agreement secretariat shall ensure, where possible, coherence with guidelines approved under other international instruments. These conservation guidelines shall aim at introducing the principle of sustainable use. They shall cover, *inter alia*:
- (a) single species action plans;
 - (b) emergency measures;
 - (c) preparation of site inventories and habitat management methods;
 - (d) hunting practices;
 - (e) trade in waterbirds;
 - (f) tourism;
 - (g) reducing crop damage; and
 - (h) a waterbird monitoring protocol.
- 7.4 The Agreement secretariat, in coordination with the Technical Committee and the Parties, shall prepare a series of international reviews necessary for the

implementation of this Action Plan, including:

- (a) reports on the status and trends of populations;
- (b) gaps in information from surveys;
- (c) the networks of sites used by each population, including reviews of the protection status of each site as well as of the management measures taken in each case;
- (d) pertinent hunting and trade legislation in each country relating to the species listed in Annex 2 to this Agreement;
- (e) the stage of preparation and implementation of single species action plans;
- (f) re-establishment projects; and
- (g) the status of introduced non-native waterbird species and hybrids thereof.

7.5 The Agreement secretariat shall endeavour to ensure that the reviews mentioned in paragraph 7.4 are updated at intervals of not more than three years.

7.6 The Technical Committee shall assess the guidelines and reviews prepared under paragraphs 7.3 and 7.4, and shall formulate draft recommendations and resolutions relating to their development, content and implementation for consideration at sessions of the Meeting of the Parties.

7.7 The Agreement secretariat shall regularly undertake a review of potential mechanisms for providing additional resources (funds and technical assistance) for the implementation of this Action Plan, and shall make a report to each ordinary session of the Meeting of the Parties.

Table 1

STATUS OF THE POPULATIONS OF MIGRATORY WATERBIRDS

KEY TO CLASSIFICATION

The following key to Table 1 is a basis for implementation of the Action Plan:

Column A

- Category 1:** (a) Species which are included in Appendix I to the Convention;
(b) Species which are listed as threatened in the 1994 IUCN Red List of Threatened Animals (Groombridge 1993); or
(c) Populations which number less than around 10,000 individuals.
- Category 2:** Populations numbering between around 10,000 and around 25,000 individuals.
- Category 3:** Populations numbering between around 25,000 and around 100,000 individuals and considered to be at risk as a result of:
- (a) concentration onto a small number of sites at any stage of their annual cycle;
 - (b) dependence on a habitat type which is under severe threat;
 - (c) showing significant long-term decline; or
 - (d) showing extreme fluctuations in population size or trend.

For species listed in Categories 2 and 3, above, see paragraph 2.1.1 of this Annex.

Column B

- Category 1:** Populations numbering between around 25,000 and around 100,000 individuals and which do not fulfil the conditions in respect of Column A, as described above.
- Category 2:** Populations numbering more than around 100,000 individuals and considered to be in need of special attention as a result of:
- (a) concentration onto a small number of sites at any stage of their annual cycle;
 - (b) dependence on a habitat type which is under severe threat;
 - (c) showing significant long-term decline; or
 - (d) showing large fluctuations in population size or trend.

Column C

Category 1: Populations numbering more than around 100,000 individuals which could significantly benefit from international cooperation and which do not fulfil the conditions in respect of either Column A or B, above.

REVIEW OF TABLE 1

This Table shall be:

- (a) reviewed regularly by the Technical Committee in accordance with Article VII, paragraph 3(b), of this Agreement; and
- (b) amended as necessary by the Meeting of the Parties, in accordance with Article VI, paragraph 9(d) of this Agreement, in light of the conclusions of such reviews.

KEY TO ABBREVIATIONS AND SYMBOLS

bre: breeding
win: wintering
N: Northern
E: Eastern
S: Southern
W: Western
NE: Northeastern
NW: Northwestern
SE: Southeastern
SW: Southwestern

†: Population status unknown. Conservation status estimated.

*: See paragraph 2.1.1

NOTES

1. The population data used to compile Table 1 as far as possible corresponds to the number of individuals in the potential breeding stock in the Agreement Area. The status is based on the best available published population estimates.
2. Suffixes (bre) or (win) in population listings are solely aids to population identification. They do not indicate seasonal restrictions to actions in respect of these populations under this Agreement and Action Plan.

	A	B	C
<i>Mycteria ibis</i>			
Entire population		1	
<i>Ciconia nigra</i>			
W Africa/W Europe	1c		
Central/E Europe (bre)	2		
<i>Ciconia episcopus</i>			
Tropical Africa (C. c. microscelis)		1	
<i>Ciconia ciconia</i>			
S Africa (C. c. ciconia)	1c		
NW Africa/W Europe (bre) (C. c. ciconia)	3b		
Central/E Europe (bre) (C. c. ciconia)		2c	
W Asia (bre) (C. c. ciconia)	3b		
<i>Plegadis falcinellus</i>			
Subsaharan Africa (P. f. falcinellus)			1 ¹
W. Africa/Europe (P. f. falcinellus)		1	
E. Africa/SW Asia (P. f. falcinellus)	2*		
<i>Geronticus eremita</i>			
Morocco	1a		
SW Asia	1a		
<i>Threskiornis aethiopicus</i>			
Subsaharan Africa (T. a. aethiopicus)			1
Iraq/Iran (T. a. aethiopicus)	1c		
<i>Platalea leucorodia</i>			
E Atlantic (P. l. leucorodia)	1c		
Central/SE Europe (bre) (P. l. leucorodia)	2		
Red Sea (P. l. archeri)	1c		
SW/S Asia (win) (P. l. major)	2		
<i>Platalea alba</i>			
Entire population	2*		
<i>Dendrocygna bicolor</i>			
Africa			1
<i>Dendrocygna viduata</i>			
Africa			1

	A	B	C
<i>Thalasseus leucanotus</i>			
E/S Africa (T. l. leucanotus)	2*		
W Africa (T. l. leucanotus)	1c		
<i>Oxyura leucocephala</i>			
W Mediterranean	1a		
E Mediterranean/W Asia	1a		
<i>Cygnus olor</i>			
NW Europe		2d	
Black Sea (win)	2		
Caspian Sea (win)		2a & 2d	
<i>Cygnus cygnus</i>			
Iceland (bre)	2		
NW Europe (win)		1	
Black Sea (win)	2		
W Asia (win)	2'		
<i>Cygnus columbianus</i>			
Europe (win) (C. c. bewickii)	2		
Caspian Sea (win) (C. c. bewickii)	1c		
<i>Anser brachyrhynchus</i>			
Iceland (bre)		2a	
Svalbard (bre)		1	
<i>Anser fabalis</i>			
W Taiga (bre) (A. f. fabalis)		1	
W Tundra (bre) (A. f. rossicus)			1
<i>Anser albifrons</i>			
NW Europe (win) (A. a. albifrons)			1
Central Europe (win) (A. a. albifrons)		2c	
Black Sea (win) (A. a. albifrons)			1
Caspian Sea (win) (A. a. albifrons)	2		
Greenland (bre) (A. a. flavirostris)	3a *		
<i>Anser erythropus</i>			
Black Sea/Caspian Sea (win)	1b		
<i>Anser anser</i>			
Iceland (bre) (A. a. anser)		1	

	A	B	C
N Europe/W Mediterranean (A. a. anser)			1
Central Europe/N Africa (A. a. anser)	2		
Black Sea (win) (A. a. anser)		1	
W Siberia/Caspian Sea (A. a. anser)		1	
<i>Branta leucopsis</i>			
Greenland (bre)		1	
Svalbard (bre)	2		
Russia (bre)			1
<i>Branta bernicla</i>			
Siberia (bre) (B. b. bernicla)		2b	
Svalbard (bre) (B. b. hrota)	1c		
Ireland (win) (B. b. hrota)	2		
<i>Branta ruficollis</i>			
Entire population	1b		
<i>Alopochen aegyptiaca</i>			
Entire population			1'
<i>Tadorna ferruginea</i>			
W Mediterranean	1c		
E Mediterranean/Black Sea	2		
SW Asia		1	
<i>Tadorna cana</i>			
Entire population		1	
<i>Tadorna tadorna</i>			
NW Europe		2a	
W Mediterranean	2		
Black Sea		1	
Caspian Sea		1	
<i>Plectropterus gambensis</i>			
W Africa (P. g. gambensis)			1
S Africa (P. g. niger)		1	
<i>Sarkidiornis melanotos</i>			
Africa (S. m. melanotos)			1'
<i>Nettion auritus</i>			
W Africa	1c		

	A	B	C
S/E Africa			1 ¹
<i>Anas penelope</i>			
NW Europe (win)			1
Black Sea/Mediterranean (win)		2c	
SW Asia (win)		2c	
<i>Anas strepera</i>			
NW Europe (win) (A. s. strepera)		1	
Black Sea/Mediterranean (win) (A. s. strepera)		1	
SW Asia (win) (A. s. strepera)			1
<i>Anas crecca</i>			
NW Europe (win) (A. c. crecca)			1
Black Sea/Mediterranean (win) (A. c. crecca)			1
SW Asia (win) (A. c. crecca)		2c	
<i>Anas capensis</i>			
Entire population			1 ¹
<i>Anas platyrhynchos</i>			
NW Europe (win) (A. p. platyrhynchos)			1
Black Sea/Mediterranean (win) (A. p. platyrhynchos)		2c	
SW Asia (win) (A. p. platyrhynchos)			1
<i>Anas undulata</i>			
S Africa (A. u. undulata)		1	
<i>Anas acuta</i>			
W Africa (win)			1
NW Europe (win)		1	
Black Sea/Mediterranean (win)		2c	
SW Asia/E Africa (win)			1
<i>Anas erythrorhynchos</i>			
S/E Africa			1
<i>Anas hoïentota</i>			
W Africa	1c ¹		
S/E Africa			1 ¹
<i>Anas querquedula</i>			
W Africa (win)			1

	A	B	C
E Africa/Asia (win)			1
<i>Anas clypeata</i>			
NW Europe (win)		1	
W Mediterranean (win)		2a	
Black Sea/Mediterranean (win)			1
SW Asia (win)			1
<i>Marenonetta angustirostris</i>			
W Mediterranean	1b		
E Mediterranean	1b		
SW Asia	1b		
<i>Netta rufina</i>			
SW/Central Europe	2 *		
SE Europe	3c		
SW Asia			1
<i>Netta erythrophthalma</i>			
S/E Africa (N. c. brunnea)			1 ¹
<i>Aythya ferina</i>			
NW Europe (win)		2c	
Black Sea/Mediterranean (win)		2c	
SW Asia (win)		2c ¹	
<i>Aythya nyroca</i>			
Africa (win)	1c		
Europe (win)	3c		
SW Asia	1c		
<i>Aythya fuligula</i>			
NW Europe (win)			1
Black Sea/Mediterranean (win)			1
SW Asia (win)			1
<i>Aythya marila</i>			
E Atlantic (win) (A. m. marila)			1
Black Sea/Caspian Sea (win) (A. m. marila)		1	
<i>Somateria mollissima</i>			
Europe (S. m. mollissima)			1
<i>Somateria spectabilis</i>			

	A	B	C
NE Europe			1
<i>Polysticta stellaris</i>			
NE Europe (win)	2		
<i>Clangula hyemalis</i>			
Iceland/Greenland (bre)		2c	
NW Europe (win)			1
Caspian Sea (win)	1c		
<i>Melanitta nigra</i>			
NW Europe (win) (M. n. nigra)		2a	
<i>Melanitta fusca</i>			
NW Europe (win) (M. f. fusca)		2a	
Black Sea/Caspian Sea (win) (M. f. fusca)	1c		
<i>Bucphala clangula</i>			
NW Europe (win) (B. c. clangula)			1
Black Sea/Mediterranean (win) (B. c. clangula)	2		
Caspian Sea (win) (B. c. clangula)	2		
<i>Marechilus albellus</i>			
NW Europe (win)	3a		
Black Sea/Mediterranean (win)		1	
SW Asia (win)		1	
<i>Mergus serrator</i>			
NW Europe (win) (M. s. serrator)			1
Black Sea/Mediterranean (win) (M. s. serrator)		1	
SW Asia (win) (M. s. serrator)	1c		
<i>Mergus merganser</i>			
NW Europe (win) (M. m. merganser)			1
Black Sea/Mediterranean (win) (M. m. merganser)	1c		
SW Asia (win) (M. m. merganser)	2		

DECLARATIONS

DECLARATION OF BELGIUM

The Belgian delegation is particularly pleased with the fact that the representatives of the Range States have successfully concluded their work and will thus be able to sign the Final Act of the Negotiation Conference.

The Draft Agreement on the Conservation of African-Eurasian Migratory Waterbirds covers questions for which the Regions are mostly, but not exclusively, competent under the Belgian Constitution and Law. Insofar as they are competent, the Regions are able to commit themselves on matters governed by international law. Furthermore, they are duly represented within the Belgian delegation.

If the Agreement is signed by Belgium, the Belgian Government will ensure that the said competence of the Regions to commit themselves on international matters is formalized in the appropriate manner.

DECLARATION OF DENMARK

The Danish delegation wishes to draw attention to the fact that there still remain some outstanding problems concerning a few species in Greenland and the Faroe Islands. The Danish Government will try to solve these questions in collaboration with the Greenland Home Rule and the Faroese Home Rule in order that no reservations or declarations concerning single species will be necessary for the whole or parts of the territory of Denmark at the time of the Danish ratification, acceptance or approval of the Agreement. Our acceptance to adopt the text of the Agreement should be seen in this light.

DECLARATION OF FRANCE

France would like to remind the Meeting of its wish to integrate, in the light of the knowledge available, population evolution trends which are an essential source of information for determining the intensity of hunting that is compatible with the principle of sustainable use. Such integration would be an enrichment of the content of the Action Plan.

DECLARATION OF SWITZERLAND

Following the modification of the operative part of Table 1 of the Action Plan, which introduces the additional possibility of continuing to take species that enjoy strict protection in accordance with Article III, paragraph 2(a), of the Agreement, the Swiss delegate made a statement to the following effect:

This proposition reveals a certain lack of logic in the categorization of populations, because it mixes protected species and species that may be hunted. In addition, the provisions of the Agreement and of the Action Plan will be applied differently by Parties, since the exceptional taking of these species shall only take place "where hunting is a traditional cultural activity".

Consequently, this provision contravenes the desired harmonization of the provisions and will make it harder to implement the Agreement.

Finally, it is unfortunate that in a brand new Agreement it should be necessary to consider exceptions to the general norms on top of the usual general waiver provisions that already appear in the Agreement and the Convention.

The Swiss delegation nevertheless sides with the general feeling of the meeting and will not oppose the acceptance of the proposed text in order not to jeopardize the chances of success of the proposed Agreement.

(The Hague, 15 June 1995; Raymond Pierre Lebeau)

DECLARATION OF ZIMBABWE

Mr. Chairman, Dear Ministers, Excellencies, Distinguished Delegates, Ladies and Gentlemen,

On behalf of the African Ministers for Environment and other heads of delegations from Africa, I wish to take this opportunity to thank the Dutch Government for the warm welcome accorded to the delegations since their arrival a few days ago. I also wish to thank the host Government for the wonderful facilities that have been put at our disposal during the conference to ensure its success.

Mr. Chairman, I also take this opportunity to thank the Secretariat of the Bonn Convention and the officials of the Dutch Government who have put a lot of efforts in organising this meeting from the beginning to its successful completion. This meeting, as we all know, started from a humble beginning and is now reaching its maturity stage. The commitment of the Range States from Africa to have this Agreement on the Conservation of African-Eurasian Migratory Waterbirds concluded is well demonstrated by the high level representation and large of number of delegates present during this meeting.

Mr. Chairman, the delegates present here have negotiated an agreement involving very delicate species of our biological diversity, I say delicate species, because the migratory waterbirds do change their habitats at given intervals and it is during these changes that they face greatest dangers in their migratory patterns. This Agreement will enlighten the international community and in particular the parties to this agreement, on issues related to the protection, conservation and sustainable use of the migratory waterbirds.

Mr. Chairman, this agreement once it becomes operational, will require a number of things to be done. One such thing is the collection of proper and representative data of the

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migratory waterbirds from all the member states to this agreement. Mr. Chairman, it is clear that such data is not readily available in Africa and it is my sincere hope that the African countries will be assisted to carry out researches on migratory waterbirds in order to update the existing data. Mr. Chairman, Africa is a home to various species of waterbirds which have co-existed with different communities for centuries. These communities deserve to be congratulated for their sustainable use of these waterbirds.

Mr. Chairman, since the conclusion of the Rio Summit in June 1992, a number of conventions have been signed to protect the environment. One such convention which is related to this agreement is the convention on biological diversity. I am happy to note that this agreement is being negotiated under the auspices of Bonn Convention which will co-locate the secretariat of the agreement. Mr. Chairman, we are equally happy and grateful to the Dutch Government for their offer to host the interim secretariat for three years and to host the first Meeting of the Parties once the agreement comes into force.

Mr. Chairman, it is well known that Africa and other countries of the South provide over 80% of the biological diversity. It is therefore very important that the South is fully involved in all matters related to biological diversity. Countries of the South are ready to play their rightful role in such matters, as in this agreement. As I have indicated above that the South provides 80% of all biological diversity. Mr. Chairman, Africa will continue to preserve, conserve and protect its biological diversity for the benefit of present and future generations.

Mr. Chairman, once again allow me to profoundly thank the Dutch Government for all it is doing in various fields of environment protection. Thank you.

(Presented to AEW A 16/06/95 at The Hague by Chen Chimuntengwende, MP and Minister of Environment and Tourism of Zimbabwe)

**JOINT DECLARATION OF ETHIOPIA, NAMIBIA, SOUTH AFRICA,
SUDAN, SWAZILAND, UNITED REPUBLIC OF TANZANIA,
ZAMBIA AND ZIMBABWE**

Controlled hunting is regarded as potentially beneficial to the conservation of species and sustainable human development in many rural areas in Africa. Hunting and other forms of sustainable use provide revenue which is in turn re-invested in conservation of the respective species and in rural development.

The provisions of paragraphs 2.2.1. and 2.2.2. of the Action Plan are therefore not interpreted as a prohibition of controlled hunting if there is no reason to suspect that such hunting would be detrimental to the conservation of any species.

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