

**MEMORANDUM OF UNDERSTANDING
ON THE CONSERVATION OF MIGRATORY BIRDS OF PREY
IN AFRICA AND EURASIA**

The Signatories

Recalling that the Convention on the Conservation of Migratory Species of Wild Animals, signed at Bonn on 23 June 1979, calls for international co-operative action to conserve migratory species and that Article IV.4 of that convention encourages Signatories to conclude agreements - including non-legally binding administrative agreements in respect of any populations of migratory species;

Noting that several species of Falconiformes are listed in Appendix I and all of these species in Appendix II of that Convention;

Considering that migratory birds of prey serve as high-level indicators of ecosystem health and climate change across their range;

Recognizing that many populations of birds of prey migrate between and within Africa and Eurasia, crossing the territory of different countries;

Concerned by the considerable number of African-Eurasian migratory species of birds of prey that presently have an unfavourable conservation status at a regional and/or global level and especially by the lack of knowledge of the status and trends of migratory birds of prey in Africa and Asia;

Aware that among the factors which contribute to the unfavourable conservation status of many African-Eurasian birds of prey species are the loss, degradation and fragmentation of habitats, increased mortality and reduced breeding success as a result of unlawful killing (including especially poisoning), unsustainable taking, human economic activities (damaging biodiversity) and land-use practices and that climate change is likely to cause further adverse effects on bird of prey populations;

Mindful that a range of existing multilateral environmental instruments can or do contribute to the conservation of migratory birds of prey but lack a unifying international plan of action;

Convinced of the need for immediate and concerted international actions to conserve African-Eurasian migratory species of birds of prey and to maintain and restore them in general to favourable conservation status;

Underlining the need to increase awareness to conserve migratory birds of prey in the African-Eurasian region;

Recalling Resolution No. 3 adopted by the VI World Conference on Birds of Prey and Owls held in Budapest, Hungary, 18-23 May 2003, and UNEP/CMS Recommendation 8.12 on Improving the Conservation Status of Birds of Prey and Owls in Africa and Eurasia;

Realising the importance of involving all Range States in the region as well as relevant inter-governmental, non-governmental and private sector organisations in cooperative conservation for migratory birds of prey and their habitats;

Acknowledging that effective implementation and enforcement of such actions will require cooperation between Range States and international and national non-governmental organisations in order to encourage research, training and awareness raising to maintain, restore, manage and monitor birds of prey.

HAVE DECIDED as follows:

Scope and Definitions

1. For the purpose of this Memorandum of Understanding:
 - a) “Birds of Prey” means migratory populations of Falconiformes and Strigiformes species occurring in Africa and Eurasia, listed in Annex 1 of this Memorandum of Understanding;
 - b) “Africa and Eurasia” means Range States and territories listed in Annex 2 of this Memorandum of Understanding;
 - c) “Conservation” means the protection and management, including sustainable use of birds of prey and their habitats, in accordance with the objectives and principles of this Memorandum of Understanding;
 - d) “Convention” means the Convention on the Conservation of Migratory Species of Wild Animals, signed at Bonn on 23 June 1979;
 - e) “Signatory” means a Signatory to this Memorandum of Understanding in accordance with Paragraph 23 below;
 - f) “Secretariat” means the Secretariat of the Convention; and
 - g) “Action Plan” means the Action Plan for the Conservation of African-Eurasian Migratory birds of prey contained in Annex 3.

In addition, the terms defined in Article I, sub-paragraphs 1 (a) to (i), of the Convention shall have the same meaning, *mutatis mutandis*, in this Memorandum of Understanding.

2. This Memorandum of Understanding is a legally non-binding agreement under Article IV, paragraph 4 of the Bonn Convention, as defined by Resolution 2.6 adopted at the Second meeting of the Conference of the Parties to the Convention. (Geneva, 11-14 October 1988).

3. The interpretation of any term or provision of this Memorandum of Understanding will be made in accordance with the Convention and/or relevant Resolutions adopted by its Meeting of the Signatories, unless such a term or provision is defined or interpreted differently in this Memorandum of Understanding.

4. The three annexes form an integral part of this Memorandum of Understanding.

Fundamental Principles

5. The Signatories will aim to take co-ordinated measures to achieve and maintain the favourable conservation status of birds of prey throughout their range and to reverse their decline when and where appropriate. To this end, they will endeavour to take, within the limits of their jurisdiction and having regard to their international obligations, the measures specified in Paragraphs 7 and 8, together with the specific actions laid down in the Action Plan.

6. In implementing the measures specified in Paragraph 5 above, Signatories will apply the precautionary principle.

General Conservation Measures

7. The Signatories will strive to adopt, implement and enforce such legal, regulatory and administrative measures as may be appropriate to conserve birds of prey and their habitat.

8. To this end, the Signatories will endeavour to:

- a) identify important habitats, significant routes and congregatory sites for birds of prey occurring within their territory and encourage their protection, and/or appropriate management, assessment, rehabilitation and/or restoration;
- b) coordinate their efforts to ensure that a network of suitable habitats is maintained or, where appropriate, established *inter alia* where such habitats extend over the territory of more than one Signatory;
- c) investigate problems that are posed or are likely to be posed by human activities or from other causes and will endeavour to implement remedial and preventative measures, including *inter alia* habitat rehabilitation and habitat restoration, and compensatory measures for loss of habitat;
- d) cooperate in emergency situations requiring concerted international action, in developing appropriate emergency procedures to improve the conservation of bird of prey populations and in preparing guidelines to assist individual Signatories in addressing such situations;
- e) ensure that any utilisation of birds of prey is based on an assessment using the best available knowledge of their ecology and is sustainable for the species as well as for the ecological systems that support them;
- f) take appropriate measures for the recovery of bird populations and re-introduction of birds of prey native to their territory provided that such actions will contribute to their conservation;
- g) take appropriate measures to prevent the introduction into their territory of non-native birds of prey, including hybrids where this would have an adverse effect on the conservation of native biodiversity;

- h) encourage research into the biology and ecology of birds of prey, including the harmonization of research and monitoring methods and, where appropriate, the establishment of joint or cooperative research and monitoring programmes;
 - i) assess training requirements to implement conservation actions and, in cooperation with others where possible, develop appropriate priority training programmes;
 - j) develop and maintain programmes to raise awareness and understanding of conservation issues relating to birds of prey and their habitat as well as of the objectives and provisions of this Memorandum of Understanding;
 - k) exchange information and the results from research, monitoring, conservation and education programmes; and
 - l) cooperate with a view to assisting each other to implement this Memorandum of Understanding, particularly in the areas of research and monitoring.
9. With a view to promoting the conservation status of birds of prey, Signatories may encourage other Range States to sign this Memorandum of Understanding.

Implementation and Reporting

10. Each Signatory will designate a contact point for all matters relating to the implementation of this Memorandum of Understanding; and communicate the name and address of that contact point to the Coordinating unit once established. Before the establishment of the Coordinating Unit such duties will be undertaken by an Interim Coordinating Unit designated by the Secretariat.

11. An Interim Coordinating Unit will be established, in collaboration with the authorities of the Environment Agency – Abu Dhabi, immediately after the conclusion of this Memorandum of Understanding. The Interim Coordinating Unit will operate until the establishment of a permanent Coordinating Unit under paragraph 16, and carry out similar functions.

12. Within two years of this Memorandum of Understanding becoming effective, Signatories will aim to prepare and submit to the Interim Coordinating Unit where appropriate a national or regional (e.g. EU) strategy or equivalent documents (e.g. Single Species Action Plans) for category 1 and, where appropriate, category 2 species in Table 1 in the Action Plan.

13. The Meeting of the Signatories will be the decision-making body of this Memorandum of Understanding. The Meeting will elect a Chairman and consider for adoption the rules of procedure recommended by the Secretariat. Meetings will be arranged wherever possible to coincide with other appropriate gatherings where the relevant representatives would be present. Any agency or body technically qualified in such matters may be represented at sessions of the Meeting of the Signatories by observers, unless at least one third of the Signatories present object. Participation will be subject to the rules of procedure adopted by the Meeting.

14. The first session of the Meeting of the Signatories will be convened as soon as possible after at least three quarters of those that are Signatories at the time this Memorandum of Understanding becomes effective have submitted their strategies or equivalent measures or, funds permitting, three years after the Memorandum of Understanding has become effective.

15. At the first session, the Interim Coordinating Unit will present an overview report compiled on the basis of all information at its disposal pertaining to birds of prey. The first session will also adopt a format for and schedule of regular progress reports on implementing the strategies or equivalent measures. At its first session the meeting will adopt a procedure for amending the Annexes to the Memorandum of Understanding and it will also make such arrangements as may be necessary for convening subsequent sessions of the Meeting of Signatories.

16. At its first session, the Meeting of the Signatories in collaboration with the Secretariat will establish a Coordinating Unit which will assist communication, encourage reporting and facilitate activities between and among Signatories, other interested States and organisations. The Coordinating Unit will make available to all of the Signatories all of the strategies and equivalent documents it receives, prepare an overview of progress in implementation of the Action Plan six months before the second and subsequent sessions of Signatories, and perform such other functions as may be assigned by the Meeting of Signatories. The Coordinating Unit will be based in the office of an appropriate national, regional, or international organisation as agreed by consensus of the Signatories at their first session, after consideration of all offers received.

17. The Coordinating Unit will compile the national and international progress reports and make them available to all Signatories and Range States. In respect of the compilation of the first national and international progress report, this function will be undertaken by the Interim Coordinating Unit.

18. Signatories that are also Parties to the Convention will in their national report to the Conference of the Parties to the Convention make specific reference to activities undertaken in relation to this Memorandum of Understanding.

19. The Signatories will endeavour to exchange without undue delay the scientific, technical, legal and other information needed to co-ordinate conservation measures and cooperate with other Range States, appropriate international organisations, national non-governmental organisations and scientists with a view to developing co-operative research and facilitating the implementation of this Memorandum of Understanding.

20. The Signatories will endeavour to finance from national and other sources the implementation in their territory of the measures necessary for the conservation of birds of prey. In addition, they will endeavour to assist each other in the implementation and financing of key points of the Action Plan, and seek assistance from other sources for the financing and implementation of their strategies or equivalent measures.

Final Provisions

21. This Memorandum of Understanding is concluded for an indefinite period.

22. This Memorandum of Understanding may be amended at any Meeting of the Signatories. Any amendment adopted will become effective on the date of its adoption by the Meeting by consensus. The Secretariat will communicate the text of any amendment so adopted to all Signatories and to all other Range States.

23. Nothing in this Memorandum of Understanding will prevent any of the Signatories adopting stricter measures for the conservation of birds of prey on its territory.

24. The Signatories will review at each session of the Meeting of Signatories this Memorandum of Understanding, including the operational, administrative and institutional arrangements for implementation.
25. Nothing in this Memorandum of Understanding will bind any of the Signatories either jointly or severally.
26. This Memorandum of Understanding will be open for signature indefinitely at the seat of the CMS Secretariat to all Range States of Africa-Eurasian birds of prey and to any regional economic integration organisation.
27. Inter-Governmental and international and national non-governmental organisations may associate themselves with this Memorandum of Understanding through their signature as co-operating partners, in particular with the implementation of the Action Plan in accordance with Article VII, paragraph 9 of the Convention on the Conservation of Migratory Species.
28. This Memorandum of Understanding will become effective on the first day of the month following the date on which there are at least eight Range State Signatories including at least two each from Europe, Asia and Africa. Thereafter, it will become effective for any other Signatory on the first day of the month following the date of signature by that Signatory.
29. Any Signatory may withdraw from this Memorandum of Understanding by written notification to the Secretariat. The withdrawal will take effect for that Signatory six months after the date on which the Secretariat has received the notification.
30. The Secretariat will be the Depositary of this Memorandum of Understanding.
31. The working language for all matters relating to this Memorandum of Understanding, including meetings, documents and correspondence, will be English and French.