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THIRD MEETING OF THE SIGNATORIES TO THE
MEMORANDUM OF UNDERSTANDING CONCERNING
CONSERVATION MEASURES FOR THE WEST
AFRICAN POPULATIONS OF THE AFRICAN ELEPHANT (*Loxodonta africana*)
Online, 30 November – 1 December 2021

REPORT OF THE THIRD MEETING OF THE SIGNATORIES TO THE MEMORANDUM OF UNDERSTANDING CONCERNING CONSERVATION MEASURES FOR THE WEST AFRICAN POPULATIONS OF THE AFRICAN ELEPHANT (*LOXODONTA AFRICANA*)

INTRODUCTION

1. The Third Meeting of the Signatories of the Memorandum of Understanding Concerning Conservation Measures for the West African Populations of the African Elephant (*Loxodonta africana*), in short “WAE MOU”, was held online from 30 November – 1 December 2021. The Meeting was attended by delegates from Benin, Côte d’Ivoire, Ghana, Liberia, Niger, Nigeria, Senegal, Sierra Leone and Togo, as well as by representatives of the International Union for Conservation of Nature (IUCN), the Minimising the Illegal Killing of Elephants (MIKE) project of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Elephant Protection Initiative (EPI), and Fauna & Flora International, as well as the CMS Ambassador for Migratory Species, Ian Redmond. CMS Secretariat representatives Clara Nobbe, Andrea Dekrout, Nora Weyer, Catherine Brueckner and Tine Lindberg-Roncari serviced the Meeting. The complete List of Participants appears as Annex 1 to the present report.

ITEM 1: OPENING OF THE MEETING

2. The Meeting commenced on Tuesday, 30 November at 09:00 hrs GMT. The CMS Secretariat opened the Meeting by thanking the participants for joining the online meeting. The Secretariat noted the special nature of the Meeting as it was being held during the global COVID-19 pandemic which prevented in-person meetings. The Secretariat further noted that it was the first Meeting of the Signatories since 2011 and thanked the Government of Germany for providing the funds to convene the Meeting. Finally, it was noted that the Meeting was also special in that it had been recommended by the CMS Conference of the Parties during its 13th Meeting (COP13, Decision 13.99), where Signatories to the MOU had been encouraged to meet to decide on the future of the MOU. The Secretariat also noted that several Signatories were experiencing connection challenges but that the Meeting would nevertheless go forward as planned.

ITEM 2: ADOPTION OF THE RULES OF PROCEDURE

3. The Secretariat recommended minor amendments to the Rules of Procedure in UNEP/CMS/WAE/MOS3/Doc.2 *Rules of Procedure for Meetings of Signatories* to adapt them to the online format of the meeting. The Secretariat advised that the only shortcoming in the adopted Rules of Procedure was a lack of provision for a case in which the Meeting was taking a decision and Signatories were not able to voice their views due to a technical issue. The Secretariat proposed that in such an event, any Signatory disagreeing with a decision taken in their absence should alert the Chair as soon as they would be able, and that this Signatory would have the right to reopen the agenda item in question. The Secretariat noted no objection to this amendment and the Rules of Procedure were adopted.

ITEM 3: ELECTION OF OFFICERS

4. In conformity with the Rules of Procedure, the Secretariat noted that the Government of Ghana had indicated their availability to act as Chair for this meeting and that the Representative of the Government of Senegal had expressed their ability to act as Vice Chair. Unanimously, the Meeting elected Alfred Oteng-Yeboah (Ghana) as Chair and Djibril Diouck (Senegal) as Vice Chair.
5. Due to network challenges in Ghana, the Vice Chair took the floor to chair the Meeting on occasions when the Chair was not able to connect.

ITEM 4: ADOPTION OF THE AGENDA AND THE MEETING SCHEDULE

6. The Chair noted document UNEP/CMS/WAE/MOS3/Doc.1 *Provisional Annotated Agenda* regarding the provisional agenda and invited the participants to comment on it. No comments were made, and the agenda was adopted.

ITEM 5: STATEMENTS OF SIGNATORY STATES

7. The Chair invited Signatories who were technically able to provide their oral statements on the status of the implementation of the MOU in their countries.
8. Senegal took the floor and thanked the Chair and the Secretariat. Senegal reported that, as in many countries, Elephants were very threatened in Senegal. The Senegalese Government had invested in the tracking and monitoring of Elephants, efforts had focused on the Niokolo-Koba National Park. This park was a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site bordering Guinea-Bissau. In the past years, monitoring had focused on the residual Elephant population and their habitats to understand how the Elephants were using the park. Monitoring included various methods such as camera traps and aerial surveys, other interesting information was also collected including the presence of Chimpanzees and other species emblematic of the park.
9. Côte d'Ivoire took the floor and thanked the Chair and the Secretariat. Côte d'Ivoire noted that the country used to have a large Elephant population but that there had been an estimated 50 per cent reduction in Elephants over the last years. Now, most of the Elephants were restricted to Comoé National Park, which was also a UNESCO World Heritage Site. Near the park, there had been an increase in human-Elephant conflict. Côte d'Ivoire noted that it could be very difficult to resolve this conflict, but the Government was investing in monitoring human-wildlife conflict. Elephants were being fitted with tracking collars to understand their movements and identify possible conflict areas. With support from the EU, the tracking work was ongoing to assess the situation. Côte d'Ivoire noted that they also wished to enhance their collaborations with Liberia on conservation efforts in and near the Taï National Park on the border between the two countries.

10. Benin took the floor and thanked the Secretariat and the Government of Germany for arranging the Meeting and for their efforts on Elephant conservation globally. Benin noted that like most countries, Elephants in Benin were restricted to national parks and that until 1995, the numbers of Elephants had constantly been decreasing. However, in recent times, Benin had managed to reduce Elephant losses. In 2017 and 2020, the Government had delegated the management of the Pendjari and W. National Parks to the NGO, African Parks , which had led to some improvement in the conservation of protected areas and elephants in particular. Pendjari National Park was part of the larger W-Arli-Pendjari (WAP) protected area complex in Benin, Burkina Faso, and Niger. Benin had developed a national action plan for the conservation of Elephants in 2021, this plan had been expanded to include Elephants outside national parks.
11. Togo took the floor and thanked the Chair. Togo noted that like many countries, Togo was working diligently on Elephant conservation. Togo had set up a system to collect information on species like Elephants in several national parks and was also implementing their National Elephant Action Plan. Togo was currently doing an Elephant census in several parks with a focus on the Fazao Malfakassa National Park. Togo was working with several communities local to the park to undertake Elephant conservation. In 2017, there had been a new management plan for Fazao Malfakassa National Park. Community awareness-raising had been undertaken for communities on the edge of the parks; this work had been funded by the African Elephant Fund (AEF). In November 2020, more funding had been secured to continue the work. Since 2014, Togo had also confiscated 4,625 kg of ivory and had made many arrests in the effort to stop ivory trafficking, as the result of an increase in surveillance and security. Technical services in Lomé airport had been strengthened to detect ivory and there had been enhanced collaboration with the airport and harbor authorities. There were future plans to review the National Forest Code and the legal framework for the protection of wildlife and prevention of wildlife trafficking.
12. Nigeria took the floor briefly to thank all participants and to note that they were experiencing significant technical difficulties.
13. They were unable to proceed with their statement due to a technical issue.

ITEM 6: REPORT OF THE SECRETARIAT

14. Ghana resumed the role of Chair and invited the Secretariat to present their report.
15. The Secretariat referred to document UNEP/CMS/WAE/MOS3/Doc.3 Report of the Secretariat, noting that the WAE MOU had been concluded in 2005. As reported at the First and Second Meeting of the Signatories, the MOU had been signed by all West African Range States eligible to sign. The CMS Secretariat had been acting as the Secretariat for the MOU.
16. The Secretariat noted that from 2006 to 2008, coordination services for the MOU had been provided by the International Union for the Conservation of Nature's (IUCN) African Elephants Specialist Group (AfESG). Prior to the Second Meeting of the Signatories in 2011 (MOS2), it had been agreed that MIKE West Africa would take over the coordination for nine months. Thereafter, the CMS Secretariat had resumed the coordination role, albeit with limited budget and staff capacity.
17. The Secretariat reported that, in order to better understand the requirements of Signatories and re-focus the work of the MOU, it had circulated a questionnaire seeking an assessment of the Signatories' needs related to Elephant conservation and their expectations from the MOU. On average, respondents had indicated they were moderately familiar with the MOU and its Medium-Term International Work Programme 2012-2014. The respondents had further indicated that the current status of implementation of the Medium-Term International Work Programme 2012-2014 was low to medium and that more support was needed. They had further suggested that CMS could support them in particular with the conservation of 13 specific transboundary Elephant populations.

18. Following the survey, the CMS Secretariat had reported that it had not been able to further support the coordination of the MOU due to staff shortages and funding limitations until 2020. In 2020, it had organized an informal meeting of Signatory Range States in the margins of CMS COP13, at which it had presented the financial and programmatic status of the MOU.
19. The Secretariat reported that it had supported Signatories with the development of 12 project proposals for the conservation of transboundary Elephant populations. The Secretariat had also supported the submission of project proposals to the AEF and other donors.
20. The Secretariat pointed out that Paragraph 7 of the MOU requested Signatory States to provide the Secretariat with national reports at least every two years and asked the Secretariat to distribute the reports received and compile an overview report. Considering the very short preparation time for the current Meeting, the Secretariat noted that it had instead requested for the oral reports to be given under agenda item 5.
21. The Secretariat reported that CMS COP12 in 2017 adopted Resolution 12.19 *Endorsement of the African Elephant Action Plan* as the principal strategy document for Elephant conservation under CMS and that COP13 adopted Decisions 13.99 and 13.100, encouraging the Signatories to the West African Elephant MOU to consider replacing their Work Programme with the African Elephant Action Plan (AEAP) and to implement the MOU through the AEAP. Following COP13 Decisions 13.99 and 13.100 and with the generous contribution from the Government of Germany, the Third Meeting of the Signatories was organized.
22. The Signatory States took note of the report.

ITEM 7: PRESENTATION BY IUCN ON THE CONSERVATION STATUS OF WESTERN AFRICAN ELEPHANT POPULATIONS

23. The International Union for Conservation of Nature (IUCN) took the floor to provide a presentation on the Red List status of African Elephants. IUCN reported that in 2017, a team of six assessors from the African Elephant Specialist Group (AfESG) had been established to re-assess the Red List status of the African Elephant. The team included experts with experience in forest and savannah Elephant populations across all regions of the continent, as well as an expert modeller.
24. Genetic, ecological, behavioral, reproductive and other data supported the idea that African Elephants would fall into two distinct species. Consequently, on 25 March 2021, IUCN had announced that it now recognized *L. africana* and *L. cyclotis* as two distinct species of the genus *Loxodonta*. In addition, the IUCN AfESG had revised its assessment of the conservation status of African Elephants, finding that *L. cyclotis* was Critically Endangered, and *L. africana* was Endangered. Previously, the conservation status of African Elephants as a single species, *L. africana*, had been assessed as Vulnerable. The next iteration of the African Elephant Status Report, expected in 2022/2023, would be separated into two separate reports for forest Elephants and for savannah Elephants.
25. IUCN noted that there would be consequences of the reclassification for CITES; for example, under CITES rules, if *L. africana* were split into *L. africana* and *L. cyclotis*, all *L. cyclotis* would remain on Appendix I as only some populations of *L. africana* had annotations. In addition, the Red List assessments provided species-specific lists of Range States, based on the best current information. However, legislative nomenclature varied by country.
26. IUCN reported that they expected that the two-species listing would assist Range States in harmonization of nomenclature in national legislation and encourage the genetic investigation of as yet taxonomically undefined populations. The AfESG had established a taxonomy task force to develop supporting documentation for the economic, political, and conservation implications of the two-species listing of the African Elephant.

27. The Chair thanked IUCN for their presentation.

ITEM 8: PRESENTATION BY THE AFRICAN ELEPHANT FUND SECRETARIAT

28. The AEF Secretariat took the floor to share information on the fund.

29. The AEF Secretariat reported that the AEAP had been finalized and approved as a consensus document by African Elephant Range States in the margins of the 15th Meeting of the Conference of the Parties to CITES (Doha, 2010). The Twelfth Meeting of the Conference of the Parties to CMS had also endorsed the AEAP as the principal conservation strategy adopted by the African Elephant Range States. The AEAP had been developed in recognition of the increasing threats to African Elephant populations and to provide an urgent and coordinated response.

30. The AEF Secretariat explained that the AEAP outlined eight strategic objectives and the actions that should be taken in order to effectively conserve Elephants in Africa across their range. It also pointed out that the AEAP was not an exhaustive analysis of the status of Elephant populations and their conservation across Africa, and that the AEAP was currently undergoing a review and update process to reflect current realities.

31. The AEF had been established to assist the implementation of the AEAP. The AEF Steering Committee is composed of the 38 African Range States that had adopted the AEAP, donors (Belgium, China, European Commission, France, Germany, the Netherlands, South Africa, and the United Kingdom) and *ex-officio* members including the CITES and CMS Secretariats, as well as UNEP, which hosts the AEF.

32. The AEF Secretariat reported that, since the inception of the AEF, 66 projects had been initiated, of which 40 had been completed and 26 were currently ongoing. The Fund had received USD 4,834,206 to date, of which USD 3,625,396 had been allocated to the various projects. In 2020, in response to the outbreak of the COVID-19 pandemic, the AEF had issued an emergency call for proposals to provide funding to Range States to address Elephant conservation challenges related to the pandemic. Under that call, the AEF Secretariat noted that 19 project proposals had been approved for a total funding of USD 933,590.

33. Of the 40 projects completed, 12 projects had been implemented in the West African sub-region, five in Central Africa, 11 in East Africa and ten in the Southern African sub-region. In addition, the AEF Secretariat noted that two projects were cutting across the Range States, both implemented by the IUCN, including the project on preparing technical inputs for the current revision of the AEAP mentioned earlier.

34. The AEF Secretariat noted that the AEF had already produced measurable results, including: reduced illegal killing of Elephants and illegal trade in Elephant products, maintenance of Elephant habitats, reduced human-Elephant conflict, and an increased awareness on Elephant conservation and management.

35. The AEF Secretariat further reported that the fund had strengthened cooperation and understanding among Range States and improved cooperation with local communities on African Elephant conservation.

36. The Chair thanked the AEF Secretariat for their presentation.

ITEM 9: THE FUTURE OF THE WEST AFRICAN ELEPHANT MOU

37. The Secretariat referred to document UNEP/CMS/WAE/MOS3/Doc.5 *Future of the Memorandum of Understanding concerning Conservation Measures for the West African Populations of the African Elephant (Loxodonta africana)*.
38. The Secretariat provided the background to the MOU's establishment in 2005, noting that the MOU had been concluded to address the dire status of Elephant populations in West Africa and because key problems had been common to all countries. The Secretariat reminded participants that attached to the MOU was the Strategy for the Conservation of West African Elephants, which formed an integral part of the MOU. The Strategy had been developed in a participatory manner by the IUCN AfESG and had been envisaged to cover a 10-year period starting in 2005. The Secretariat noted that the strategy had never been fully implemented, and that funding of the MOU had been a challenge since its inception, resulting in inadequate coordination and implementation of the MOU.
39. The Secretariat reminded participants of the policy developments since 2005, which had been presented earlier in the agenda, including: the agreement on the AEAP, the adoption of CMS Resolution 12.19 *Endorsement of the African Elephant Action Plan*, recognizing the AEAP as the principal strategy for the conservation of African Elephants; the establishment of the AEF; and the revised IUCN species nomenclature and Red List Assessment in 2021.
40. The Secretariat further reminded participants that, at CMS COP13, CMS Parties adopted Decisions 13.99 – 13.100, providing that the Signatories of the WAE MOU were “encouraged to consider replacing their Work Programme with the African Elephant Action Plan (AEAP) and to implement the MOU through the AEAP and the African Elephant Fund structure”. The Signatories of this MOU were further “encouraged to meet and decide on the future of this MOU” (Decision 13.99), and that “subject to external resources, the Secretariat shall facilitate communication among the Signatories of the West African Elephant MOU, in order to assist their discussions and catalyze conclusions as per Decision 13.99” (Decision 13.100).
41. Against this backdrop of policy developments, the Secretariat noted that three alternative Options could be envisaged for the future of the MOU: Option A. Termination of the MOU, Option B. Amendment of the MOU, or Option C. Maintaining of the Status Quo.
42. Option A. Termination of the MOU would indicate that the MOU would no longer exist.
43. Under Option B, Signatories could adopt the AEAP as the core strategy for Elephant conservation under the MOU and replace the Strategy with the AEAP. This would avoid the duplication of strategic planning. Signatories could focus their efforts on the development of project proposals to implement the AEAP and for submission to the AEF or other donors. Instead of convening Meetings of Signatories to monitor the implementation of the AEAP, MOU Meetings could be used to discuss transboundary projects. This could be done as and when necessary, through either physical or online meetings, pending the availability of resources.
44. Under Option C, the MOU would remain in force unchanged.
45. The Secretariat recommended that the Signatories discuss Options A, B and C on the future of the MOU, come to a unanimous agreement on the future of the MOU, and direct the Secretariat to facilitate the documentation of any agreed changes to the MOU.
46. The Chair thanked the Secretariat and opened the floor for comments by the Signatories.

47. Senegal took the floor and noted that it was important to collaborate on the reinforcement of the conservation of Elephants. Senegal recognized that several other tools were in place for improving Elephant conservation, but that any decision taken should make Elephant conservation more sustainable. Senegal proposed that the option selected should be based on what would be best for Elephants.
48. Togo stated that the MOU on Elephant conservation was in place because Signatory States had had the specific objective of conserving the West African populations of Elephants. Togo noted that, while there were some duplications between the AEAP and the MOU, they believed that Option B “Amendment of the MOU” should be chosen to ensure the conservation of West African Elephants.
49. Côte d’Ivoire reported that they had attended the meeting in the margins of CMS COP13 in 2020 and that Togo and Senegal had also been present, but that it had been concluded that the Signatories had not been sufficiently represented to make a decision on the future of the MOU. Togo highlighted that when the MOU had been signed, the goal had been to create a foundation for transboundary cooperation in West Africa and therefore, even though other mechanisms were now in place, this MOU was a matter of specific West African inter-state cooperation.
50. As several Signatories were experiencing connection challenges, the Chair opened the floor for comments by observers.
51. IUCN took the floor and noted that, as a co-developer of the MOU, it would remind participants that the driver behind the MOU had been the fact that most of the West African Elephant populations were cross-border populations. It had been deemed necessary to develop an instrument that would help to manage the populations across borders. The MOU had been developed as part of the implementation of the Action Plan for Cross-border African Elephant Populations in West Africa. IUCN noted that while States had been working on corridors across boundaries, there had been no formal evaluation of the progress made under the MOU. IUCN cautioned that without the MOU, countries might only focus on local Elephant management rather than across borders, as was the intent of the MOU. IUCN provided several examples of States signing, or planning to sign, agreements under the MOU to harmonize their Elephant management approaches, including between Côte d’Ivoire and Ghana, and between Côte d’Ivoire and Liberia.
52. Liberia took the floor to share that agreements to manage Elephant corridors had been put in place between Liberia and Guinea, and between Liberia and Sierra Leone. Liberia noted that this MOU supported these on-going efforts, however more money would need to be raised to ensure that all stakeholders could be supported to protect Elephants.
53. The Chair noted that it was well understood that West African Elephants were in dire need of better conservation. The Chair then invited Signatories to move toward a consensus on the option to be taken for the future of the MOU. To begin the discussion the Chair asked if there were any Signatories that would support the termination of the MOU. The Chair noted that no Signatory State raised their hands in favour of termination and asked each of the Signatories to comment on their preferred option.
54. Benin stated that they were in favour of Option B, to amend and continue the MOU.
55. Côte d’Ivoire took the floor and noted that if the MOU was retained, there would be a need for funding to support it. However, they noted that they would follow Togo in support of Option B.
56. Ghana took the floor and noted that Ghana perceived it was benefiting from the MOU as Ghana was developing a number of transboundary agreements to support Elephant conservation. Ghana gave support to Option B.

57. Liberia took the floor to support the selection of Option B.
58. Senegal took the floor to state their view that, of the three Options, Option B was the best for the protection of Elephants and to ensure good collaboration between States. Senegal noted that the amended MOU should emphasize the specific needs of the isolated populations in West Africa, all of which were currently in decline.
59. Togo took the floor to reiterate support for Option B, noting that they had been the first to put forward Option B. They stated that Option B had all the advantages of supporting Elephant conservation in the transboundary context of West Africa. Togo added that it was establishing agreements with Ghana to decide on the modalities for the joint management of their transboundary protected areas.
60. Senegal took the floor to recommend that the Secretariat attempt to urgently contact Signatories that were not present, or that were having connection issues, to get the views of those countries.
61. The Chair directed the Secretariat to use the lunch break to attempt contacting Signatories that were not present.
62. After the lunch break, the Secretariat reported that Nigeria had indicated its preference for Option C via e-mail, and that Sierra Leone had indicated its preference for option B via e-mail.
63. Senegal took the floor to highlight the difficulty of achieving consensus when so many countries had poor connections and there was no possibility of direct negotiation.
64. The Chair took the floor to state that nine Signatories had been able to voice their opinions either directly in the Meeting, or by written communication and that 9 out of 13 Signatories was a quorum. The Chair noted, however, that a change to the MOU required a consensus and that Nigeria indicated that they preferred Option C, while all other Delegates had selected Option B. The Chair directed the Secretariat to reach out to Nigeria once more to share with them the position of the majority, and to ask if they would consider supporting Option B.
65. While awaiting a response from Nigeria, the Secretariat presented possible amendments to the MOU text. No Signatories made comments on the proposed text.
66. The Chair took the floor to share that he had received an e-mail from Nigeria confirming that, after consulting internally, Nigeria was now in a position to support Option B. The Chair noted that this constituted a consensus decision for Option B.
67. Senegal took the floor to reiterate that while it continued to support Option B, the MOU should retain its specificity to the West African Elephant populations. Senegal noted that it could be detrimental to the MOU if the AEAP was adopted as a whole, without specific reference to the West African Elephant populations.
68. The Chair noted the comment from Senegal and stated that the Chair agreed that the amendments should be specific to the West African population. The Chair further stated that since the conclusion of the MOU 16 years ago, it had been important to reflect on the needed changes, and the specific interests that had led to the original establishment of the MOU should be very visible in the amended MOU.
69. The Chair directed the Secretariat to facilitate the drafting of an amended MOU by preparing draft amendments over the course of the following week, to then share the draft among the Signatory States and to collate their inputs.

ITEM 10: ANY OTHER BUSINESS

70. The Chair opened the floor to Signatories and observers to put forward any other business.
71. CMS Ambassador Ian Redmond took the floor to highlight that Elephants had important ecological roles and provided important ecosystem services, which should provide further impetus for their conservation.
72. Senegal took the floor to ask the Secretariat if there could be a strengthening of the relationship between the MOU processes and the CITES-MIKE processes.
73. The Secretariat took the floor to share that CMS had recently participated in a CITES-MIKE regional meeting to share information about the MOU. The participants in the MIKE meeting had indicated that they believed that the two processes were very complementary, but there had been no suggestion to merge the processes. The MIKE programme had in the past provided coordination services to the MOU. However, there would have to be further discussion with CITES-MIKE to establish if there could be any future links.

ITEM 11: DATE AND VENUE OF THE NEXT MEETING OF THE SIGNATORIES

74. The Chair took the floor to ask if there were any proposals for the date and venue of the next Meeting; however, no suggestions were put forward.
75. The Secretariat took the floor to confirm that it would prepare and circulate suggestions for the amendment of the MOU. The Secretariat further acknowledged that the online format for meetings was very challenging but noted that the Secretariat was not yet in a position to propose a time or location for the next in-person meeting since there were no specific funds for MOU Meetings.
76. The Chair made a concluding statement thanking the participants, the Interactio support team and the Secretariat for a successful meeting. The Chair specifically thanked the Vice Chair for stepping in for an extended period during a network disruption, and Nigeria for supporting the consensus.
77. The Chair closed the Meeting at 14:45 hrs GMT.