



Convention on the Conservation of Migratory Species of Wild Animals



First Meeting of the Signatory States of the Memorandum of Understanding on the Conservation and Management of the Middle- European Population of the Great Bustard (*Otis tarda*)

*National Park Neusiedler See-Seewinkel, Burgenland, Illmitz, Austria
17-18 September 2004*

CMS/GB.1/9
Agenda item 9.3

EXPANDING THE MEMORANDUM'S GEOGRAPHICAL SCOPE: PRELIMINARY DISCUSSIONS

(Prepared by the Secretariat)

1. The geographic scope of application of a Memorandum of Understanding (MoU) is the geographical area to which the MoU applies. The geographical scope corresponds to the species' range. The Great Bustard MoU applies to the Middle-European population and is defined as the population of *Otis tarda* in Albania, Austria, Bosnia and Herzegovina, Bulgaria, Croatia, The Czech Republic, The Former Yugoslav Republic of Macedonia, Germany, Greece, Hungary, the Republic of Moldova, Poland, Romania, Slovakia, Slovenia, and Ukraine (MoU paragraph 1(b)).
2. The range of the Middle-European population appears to include countries that have not been included in the MoU's scope of application. There are also Great Bustard populations in addition to the Middle-European population outside of the agreement area. The meeting may wish therefore to have a preliminary discussion on the geographical scope of application of the MoU with the view to laying the basis for further consideration in the future, while making any recommendations to the Secretariat on how to proceed.
3. There are a number of considerations to keep in mind. First, the Great Bustard is listed on Appendix II of the Convention. The preamble of the Memorandum of Understanding (MoU) recognises that the Appendix II listing was as a consequence of the Great Bustard's unfavourable conservation status and because it would benefit from an international agreement on its conservation and management. The Middle-European populations of the Great Bustard are listed on Appendix I of CMS and, in 1994, the Great Bustard was listed for concerted action. The MoU is a contribution to the concerted action, though it applies only to the Middle-European populations.
4. Second, as noted above, there are two basic categories of countries to account for. The first category includes countries that might be considered Range States for the Middle-European population. Those countries in the first category include Belgium, France, the Netherlands and Serbia and Montenegro. The reintroduction of the Great Bustard into the United Kingdom may justify including it in this category as well. The second category includes countries that might be considered Range States of the Great Bustard outside Middle Europe. Countries in the second category include Italy, Portugal, Spain and Russia. Countries even farther a field might include Armenia, Azerbaijan and Turkey.

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5. A third consideration is that decision making on the MoU's geographical scope of application should be guided in part by the biogeographic distribution and the conservation status of the Great Bustard in the countries concerned. Therefore the opinions of experts should be sought.

6. Fourth and finally, from a more practical standpoint, the extent to which the MoU would need to be amended to accommodate an expansion would also need to be considered as this has a number of implications. For example, depending on the extent of the expansion, an amendment of the MoU, including its title, preamble, substantive provisions and, at minimum, Part II of the Action Plan, could be foreseen. Alternatively, an expansion might justify transforming the MoU into a formal CMS Agreement to cover all of the Great Bustard's range. This may be desirable in instances where the expansion would include, for example, countries where the Great Bustard is not strictly protected. The process-related and financial implications of any revision would also need to be considered.

Action requested:

The meeting is invited to:

- Undertake a preliminary discussion of the general issue of expanding the MoU's geographical scope of application;
- Seek the preliminary opinions of experts attending the meeting; and`
- Provide recommendations to the Secretariat on how to proceed.