

Annex 3

ACTION PLAN ²

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:

² As adopted at the fourth Session of the Meeting of the Parties, which took place from 15 - 19 September 2008, Antananarivo, Madagascar.

- (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 readily recognizable parts or derivatives 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 programme 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 as soon as possible in accordance with self-imposed and published timetables.

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 and to fisheries, 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 and to fisheries, 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 and to fisheries. 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. Special attention should be given to problem of human disturbance at breeding colonies of colonially-nesting waterbirds, especially when they are situated in the areas which are popular for outdoor recreation. Appropriate measures might include, *inter alia*, the establishment of disturbance-free zones in protected areas where public access is not permitted.
- 4.3.7 Parties are urged to take appropriate actions nationally or through the framework of Regional Fisheries Management Organisations (RFMOs) and relevant international organisations to minimise the impact of fisheries³ on migratory waterbirds, and where possible cooperate within these forums, in order to decrease the mortality in areas within and beyond national jurisdiction; appropriate measures shall especially address incidental killing and bycatch in fishing gear including the use of gill nets, longlines and trawling.
- 4.3.8 Parties are also urged to take appropriate actions nationally or through the framework of Regional Fisheries Management Organisations (RFMOs) and relevant international organisations to minimise the impact of fisheries on migratory waterbirds resulting in particular from unsustainable fishing that causes depletion of food resources for migratory waterbirds.
- 4.3.9 Parties shall establish and effectively enforce adequate statutory pollution controls in accordance with international norms and legal agreements, particularly as related to oil spills, discharge and dumping of solid wastes, for the purpose of minimizing their impacts on the populations listed in Table 1.

³ “fisheries” includes aquaculture and refers to either marine or freshwater fish, crustaceans, and molluscs (e.g. bivalves, gastropods and cephalopods).

- 4.3.10 Parties shall establish appropriate measures, ideally to eliminate or otherwise to mitigate the threat from non-native terrestrial predators to breeding migratory waterbirds on islands and islets. Measures should refer to contingency planning to prevent invasion, emergency responses to remove introduced predators, and restoration programmes for islands where predator populations are already established.
- 4.3.11 Parties are urged to establish appropriate measures to tackle threats to migratory waterbirds from aquaculture, including environmental assessment for developments that threaten wetlands of importance for waterbirds, especially when dealing with new or enlargement of existing installations, and involving issues such as pollution (e.g. from residues of pharmaceutical treatments used in aquaculture or eutrophication), habitat loss, entanglement risks, and introduction of non-native and potentially invasive species.”

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 the following intervals:

- (a) – every session of the Meeting of the Parties; (b) – every second session of the Meeting of the Parties; (c) – every second session of the Meeting of the Parties; (d) – every third session of the Meeting of the Parties; (e) – every second session of the Meeting of the Parties; (f) – every third session of the Meeting of the Parties; (g) - every second session of the Meeting of the Parties.

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.