



SECOND SESSION OF THE MEETING OF THE PARTIES TO THE AGREEMENT ON THE
CONSERVATION OF AFRICAN-EURASIAN MIGRATORY WATERBIRDS (AEWA)
GERMANY, 25-27 SEPTEMBER 2002

Central Asian-Indian Flyway

Introduction

In bio-geographical terms the Central Asian-Indian Flyway (CAIF) is a fairly closed migration system for a larger number of waterbird species, which are breeding in the Arctic region and/ or south of it and migrate annually southwards to countries such as Pakistan, India and Sri Lanka, and even the Maldives.

A coordinated and concerted action would be necessary and beneficial for this course and the management, including systematic research and monitoring of these species in that migration system.

Action Taken

The AEWA Secretariat in cooperation with the Convention Secretariat and Wetlands International, the latter being financially supported by the government of the Netherlands, organized and held a meeting of Range States experts and specialized NGO's in Tashkent, Uzbekistan, in August 2001. In this meeting, consensus was reached that action should be undertaken whereas the options of the kind of action that should be further examined were left open. The AEWA Secretariat volunteered to prepare a position paper in which the options are evaluated. Also the organizers were requested to further develop the draft of an Action Plan.

At the Tashkent meeting there was a strong feeling that in order not to lose momentum the revised Action Plan and the position paper of the AEWA Secretariat should be prepared as soon as possible, and another meeting of the Range States should be held no later than the spring of 2002.

The planning has been delayed for reasons out of the area of influence of the CMS Secretariat. However, there is a reason for optimism that some time towards the end of 2002 early 2003 a further meeting could be held in which decisions could be taken.

Attached to this note the Secretariat submits the "position paper" it has prepared with the assistance of the CMS Secretariat, in which three options are being described and measured as to how to organize the CAIF.

The Secretariats come to the conclusion that for a number of reasons the best option would be to integrate the CAIF into the AEWA. A number of CAIF Range States are at the same time AEWA Range States and a separate solution would create some overlap in terms of regions and species.

The Secretariat will submit to the Parties a draft Action Plan as information document (doc: AEWA/ Inf 2.16).

Actions requested from AEWA to the MOP

The Secretariat requests guidance from the MOP as to whether or not the AEWA Parties would accept a request from the Range States of the CAIF that the solution of integrating CAIF in AEWA should be allowed.

CENTRAL ASIAN INDIAN FLYWAY:

Three options for concerted conservation activities for migratory waterbirds

Introduction

Article IV paragraphs 3 and 4 of CMS invites the CMS Parties to conclude Agreements for migratory species (or higher taxa) which have an unfavourable conservation status or would benefit significantly from international concerted conservation activities.

A good example of such an Agreement is the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA), which entered into force in 1999. The AEWA is the most ambitious agreement developed so far under the auspices of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), encompassing whole Africa, Europe, Middle East and part of Central Asia.

In the mid 90s the idea was born in the CMS Secretariat to organize a workshop in Central Asia to evaluate the need for transboundary coordinated and concerted actions the so-called Central Asian Indian Flyway (CAIF). Due to all kind of unforeseen problems this workshop had to be postponed several times.

Early 2001 Wetlands International received a grant from the Ministry of Agriculture, Nature Management & Fisheries (LNV) of the Netherlands to develop and partly to implement during a period of two years an Action Plan for the CAIF region. This, one of the many initiatives from the LNV over the last decades in particular in the Russian Federation, together with the African-Eurasian Flyway GEF project provided a new possibility to organize a workshop in Central Asian. In an early stage Wetlands international, CMS and AEWA decided to combine their efforts to organize the workshop "Towards a Strategy for Waterbird and Wetland Conservation in the Central Asian Flyway" back to back with the foreseen outreach workshop for central Asian under the AEWA GEF project

During the CAIF workshop, which took place from 18 to 19 August 2001 in Tashkent, Uzbekistan three different options for concerted conservation activities in the future were discussed. These options are:

1. Development of a new CMS Agreement for CAIF;
2. Extending the AEWA Agreement area and to included the CAIF;
3. Development of an Action Plan under the Asia Pacific Migratory Waterbird Conservation Strategy.

In this paper the pros and cons of each of these three options will be presented.

1. Development of a new CMS Agreement

One of the options presented at the CAIF workshop is the development of a new Agreement under CMS, similar to AEWA focusing on migratory waterbirds. CMS gained a lot of experiences regarding the contents of such an Agreement. Based on this, for the new Agreement the format of the AEWA Agreement, that has proven to be very useful and well accepted by the Range States, will be used again. This means that the Agreement will consist of two parts namely the Agreement text and the Action Plan. The Agreement text will describe the provisions made e.g. regarding the establishment of an Agreement Secretariat, Technical Committee, the obligations for the Contracting Parties and the procedure how to become a Contracting Party to the Agreement. Secondly the Agreement will consist of an Action Plan. In the Action Plan it will be clearly stated what is expected from the Contracting Parties to maintain and/ or restore populations of migratory waterbird species on a favourable conservation status. Similar as done in the AEWA Agreement the population of each species will be listed in a table showing the conservation status. The Agreement text as well as the Action Plan are both legally binding to the Contracting Parties.

THE PROS ARE:

1.1 Problems of the CAIF region are recognizable

The development of a new regional Agreement under CMS for the CAIF region would address the specific problems of the region. Regarding the latter the following countries will be Range States to CAIF: Afghanistan, *Armenia*¹, *Azerbaijan*, Bangladesh, Bhutan, China, India, *Iran*, *Georgia*, *Kazakhstan*, Kyrgyzstan, Maldives, Mongolia, Nepal, Pakistan, *Russian Federation*, Sri Lanka, Tajikistan, *Turkey*, *Turkmenistan* and *Uzbekistan* and could have a positive effect. The outside world would easily recognize the problems the CAIF region has to deal with.

An Agreement under CMS is legally binding for the Contracting Parties, as CMS Agreements are International Treaties. Parties are obliged to contribute annually to cover the cost for a permanent Secretariat and some of its activities. Finally if Parties wish the Secretariat could be administered by UNEP. This could provide a window for additional funding for the implementation of CAIF

THE CONS ARE:

Although CMS gained a lot of experiences during the drafting of AEWA the development of such an Agreement will take quite some time. Drafting of a complete new Agreement starting from scratch, consultation of main stakeholders and finally negotiation on the draft Agreement text and Action Plan should not be underestimated. Approximately up to 5 years are needed for this. Assuming that by then agreement could be reached on the CAIF Agreement it would take a few months up to one year to open the Agreement for signature. Depending on the required minimum number of ratifications before the Agreement will enter into force we have to take into account a period of 3 to 5 years. Summarizing from starting drafting the Agreement till the moment the Agreement enters into force it would take at least 10 years.

The development of such a new agreement would be very time-consuming; another problem for the CAIF could be that in the Agreement area not industrialized countries are located who could support the implementation of the Agreement.

Another con is the fact that there is a large overlap between AEWA and the CAIF region. Countries e.g. Armenia, Azerbaijan, Georgia, Iran, Kazakhstan, Russian Federation, Turkey, Turkmenistan and Uzbekistan are located in both flyways. It would not be easy to convince the respective Governments to join both Agreements.

¹ These countries are also Range States to AEWA Agreement area.

2. THE ASIAN-PACIFIC WATERBIRD CONSERVATION STRATEGY

Although the long –term goal has always been to develop a Flyway Agreement there was insufficient support from the Range States for this idea. To start with some activities in the region Wetlands International develop the Asian Pacific Waterbird Conservation Strategy (APWCS); being a non-legally binding instrument. The goal of the strategy is to work towards an International treaty as indicated earlier.

THE PROS:

The APWCS is not a legally binding international treaty. This could be seen as pros but on the other hand also as cons. The APWCS has the character of a memorandum of understanding. Signatories are not obliged to contribute annually neither to cover the cost of coordination of the activities by Wetlands International nor to cover any cost of implementation of the Strategy.

THE CONS:

For the implementation Wetlands International receives some voluntary contribution from Japan and Australia. The contributions are very limited and just enough to cover the cost of a part-time coordinator provided by Wetlands International and some costs to develop information materials.

3. EXTENDING THE AEWA AGREEMENT AREA

Taking into account the overlap between both CAIF and AEWA in geographical scope and regarding species another option was presented at the CAIF workshop namely to extend the AEWA Agreement Area.

THE PROS ARE:

Instead of developing a complete new Agreement under CMS, CAIF could be easily added to the AEWA Area. The current Agreement Area of AEWA is laid down in Annex 1 a. In accordance to Article X of the Agreement, Annexes to the Agreement may be amended at any ordinary or extraordinary session of the Meeting of the Parties by adoption by a two-third of the majority of the Parties present at the MOP. This means that no long lasting and time-consuming ratification procedure is needed for extending the Agreement area. However, there will be a need for official consultation of the Technical Committee and the Contracting Parties to seek their view on this. For this consultation the period between MOP2 (September 2002) and MOP3 (2005) could be used. If no big problems arise during the consultation the amendment of Annex 1 a could be submitted to MOP3 for adoption.

Another important pros is that in the AEWA region Europe is included. This could mean better chances for support for the implementation of the Agreement also in the CAIF region.

The total number of countries included in the CAIF region will be 20 of which 11 are located outside the AEWA agreement area. Besides geographical overlap there is also quite some overlap in species.

It should be noted that according to the Agreement text AEWA is open for accession by any State or regional economic organisation whether or not its jurisdiction lays within the Agreement Area. This provides the possibility for Range States of CAIF to join AEWA.

Finally AEWA is legally binding for the Contracting Parties and is one of the International Treaties. Contracting Parties have to contribute annually to cover the costs of the UNEP/AEWA Secretariat and some of its activities. Furthermore, some Parties are willing to provide a voluntary contribution to support the implementation of the Agreement. Via UNEP some additional funds for the implementation could probably be raised.

THE CONS ARE:

By inclusion of the CAIF Flyway in the AEWA Agreement area this Flyway becomes just a part of the huge Agreement Area. This could cause that the problems the CAIF region is facing regarding conservation of waterbirds and their habitats could be less recognizable.

2 CONCLUSION

There are three options for concerted conservation actions in the Central Asian-Indian Flyway for migratory waterbirds and their habitats. The pros and cons have been describe above and are summarized in Annex 1 attached hereto. Which option is most favourable for the Range States of the CAIF region is depending on what they prefer a legally or non-legally binding instrument. In case consensus could be reached that a legally binding treaty would be desirable the UNEP/ CMS Secretariat as well as the UNEP/ AEWA recommend going for extending the AEWA Agreement area; being the option of including CAIF in the AEWA. To make the specific problems of the CAIF region more recognizable it may be considered to draft a specific Action Plan for CAIF in particular the tables in Annex 3 and to add these next to similar tables for AEWA.

Although the option of extending the AEWA Agreement area seems the best solution the final decision has to be made by the Range States of the CAIF and of course by the Contracting Parties of AEWA

Option	Pros/ Cons regarding Development of an Action Plan/ Agreement		Legally binding international treaty	Cost Secretariat/ coordination covered by the Parties	Feasibly to raise funds for implementation of the Action Plan		Overlap with existing international treaties on migratory waterbirds	Problems of the region could be easily recognised in the Action Plan
	Time	Costs			Parties	UNEP		
New CMS Agreement	5-10 years	high	yes	yes	medium	high	high	yes
Extending AEWA	1-4 years	-low	yes	yes	high	high	no overlap	partly
APWCS	1 year	-low	no	no	low	low	high	yes