



Convention on the Conservation of Migratory Species of Wild Animals

Secretariat provided by the United Nations Environment Programme



THIRD MEETING OF THE SIGNATORIES OF THE MEMORANDUM OF UNDERSTANDING ON THE CONSERVATION AND MANAGEMENT OF THE MIDDLE-EUROPEAN POPULATION OF THE GREAT BUSTARD (*Otis tarda*)

8-12 April 2013, Szarvas, Hungary

CMS/GB/MoS3/Inf.9
Agenda Item 7.1

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

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

among

The National Environmental Agency of the Republic of Albania (Albania)

The Ministry for Agriculture, Forestry, Environment, and Water of the Federal Republic of Austria (Austria)

The Ministry of Physical Planning and Environment of the Republic of Bosnia and Herzegovina (Bosnia and Herzegovina)

The Ministry of Environment and Waters of the Republic of Bulgaria (BULGARIA)¹

The Ministry of Environmental Protection and Physical Planning of the Republic of Croatia (Croatia)

The Ministry of Environment of the Czech Republic (CZECH REPUBLIC)

The Ministry for the Environment, Nature Conservation and Nuclear Safety of the Federal Republic of Germany (GERMANY)

The Ministry of Agriculture of the Hellenic Republic (GREECE)

The Ministry for Environment of the Republic of Hungary (HUNGARY)

The Ministry of Environment of the Former Yugoslav Republic of Macedonia (FYR MACEDONIA)

The Department for the Protection of the Environment of the Republic of Moldova (Moldova)

The Ministry of Environmental Protection, Natural Resources and Forestry of the Republic of Poland (POLAND)

The Ministry of Water, Forests and Environmental Protection of Romania (ROMANIA)

The Ministry for the Environment of the Slovak Republic (SLOVAKIA)

The Ministry for Environment and Regional Planning of the Republic of Slovenia (SLOVENIA)

The Ministry of Ecology and Natural Resources of Ukraine UKRAINE)

The undersigned, acting on behalf of their respective authorities named above,

¹ Countries listed CAPITALISED were Parties to the Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention or CMS) as of 20 June 2000

1. **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 Parties to conclude Agreements - including non-binding administrative agreements such as this one - in respect of any population of migratory species;
2. **NOTING** that the Great Bustard (*Otis tarda*) is listed in Appendix II of that Convention as a consequence of its unfavourable conservation status and because it will benefit from an international agreement for its conservation and management and that the middle-European population of this species is included in Appendix I of the Convention which lists threatened migratory species;
3. **RECOGNIZING** that this population is partly migratory, especially during severe winters, along yet unidentified migratory routes crossing the territory of many of its Range States;
4. **CONCERNED** by the considerable decline of this population which has now reached a very vulnerable level, is on the brink of extinction in certain areas and is already extinct in others;
5. **CONSCIOUS** of the need for immediate and concerted action to reverse this trend;
6. **AWARE** that among the factors which contribute to the continuous decline of the Great Bustard are the loss, degradation or fragmentation of suitable habitats and, in some regions, in addition, hunting pressure;
7. **NOTING** the Action Plan for the Great Bustard developed by BirdLife International approved by the ORNIS Committee of the Commission of the European Union and Recommendation of 26 January 1996 of the Standing Committee of the Convention on the Conservation of European Wildlife and Natural Habitats which recommends to the respective Parties and Non-Party Range States to that convention to consider carrying out, or, if appropriate, reinforcing national Action Plans for the conservation of the Great Bustard;
8. **NOTING ALSO** that the Pan-European Biological and Landscape Diversity Strategy in its Action Theme 8 focuses on conservation of grasslands of high biological and landscape diversity in different types of grassland habitats, and emphasises, *inter alia*, Great Bustard habitats in eastern Europe;
9. **DESIROUS** to implement Resolutions 3.2, 4.2 and 5.4 adopted by the Third (Geneva, 1991), Fourth (Nairobi, 1994) and Fifth (Geneva, 1997) Meetings of the Conference of the Parties to the Convention on the Conservation of Migratory Species and also the Resolutions adopted by the International Workshop on the Protection of the middle-European Population of the Great Bustard held in Kecskemét (Hungary) in 1996;
10. **CONVINCED** that the Great Bustard is a key indicator for the state of the habitat on which it relies and that coordinated and concerted action of the Range States will greatly benefit the recovery of the species itself and many other animal and plant species;
11. **APPEALING** to all Range States of the species that have not yet done so to join or, where appropriate, to confirm and to implement the Bonn Convention and any regional conventions and agreements which serve, *inter alia*, the object of conserving the Great Bustard.

HAVE AGREED AS FOLLOWS:

1. For the purpose of this Memorandum of Understanding
 - a. “Great Bustard” means the middle-European population of the Great Bustard (*Otis tarda*);
 - b. “middle-European population of the Great Bustard” means 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
 - c. “Convention” means the Convention on the Conservation of Migratory Species of Wild Animals, signed at Bonn on 23 June 1979;
 - d. “Signatory” means a Signatory to this Memorandum of Understanding;
 - e. “Secretariat” means the Secretariat of the Convention.
2. This Memorandum of Understanding is an agreement under Article IV, paragraph 4, as defined by Resolution 2.6 adopted at the Second Conference of the Parties (Geneva, 11-14 October 1988).
3. The Action Plan annexed to this Memorandum of Understanding is an integral part thereof.
4. In a spirit of mutual understanding and cooperation, and in accordance with the precautionary principle, signatories shall endeavour to work closely together and also with appropriate international organisations to improve the conservation status of the Great Bustard throughout its breeding, migratory and wintering range, (whether actual or potential). To this end, they shall:
 - a. accord the same degree of strict legal protection to the Great Bustard throughout its range as is provided for in Article III, paragraphs 4 and 5 of the Convention;
 - b. endeavour to provide maximum protection to, and where feasible restore, the habitat of the Great Bustard at its remaining breeding sites including all those areas where the females rear their young;
 - c. to the extent feasible and appropriate, identify and monitor processes and categories of activities that are endangering or are likely further to endanger the Great Bustard and take appropriate steps to regulate and manage these processes and categories of activities with a view to improving the conservation status of that bird;
 - d. endeavour to map the recently abandoned Great Bustard breeding habitat and implement in such areas suitable habitat management measures and agricultural practices with a view to encouraging the return of Great Bustard population fragments to those areas in the near future;
 - e. endeavour to identify and conserve potential unoccupied breeding habitats, including display sites and nesting areas, where breeding populations of the Great Bustard could be re-established in the future;
 - f. endeavour to take appropriate measures to protect single individuals or small groups of Great Bustards appearing on migration or on wintering sites in grasslands or agricultural areas;
 - g. implement in their respective countries the provisions of the Action Plan annexed to this Memorandum of Understanding as a basis for the conservation of the Great Bustard; for this

purpose, they shall endeavour to adopt or update, as appropriate, within one year of the entry into force of this Memorandum of Understanding national work programmes which should include, *inter alia*, cross-border measures, agreed between the respective Signatories.

5. Signatories are invited to
 - a. designate an authority or an authorized scientist as a national contact point for all matters relating to the implementation of this Memorandum of Understanding, and
 - b. communicate forthwith the name and address of that authority or scientist to the Secretariat.
6. Signatories to this MOU which are also Parties to the Convention should in their national report to the Conference of the Parties make specific reference to activities undertaken in relation to this agreement. At the same time, Signatories not Party to the Convention shall be invited to prepare, after the adoption of their national work programme, a report on the implementation of this Memorandum of Understanding both of which they should then communicate to the Secretariat.
7. The Signatories shall endeavour to exchange expeditiously the scientific, technical and legal information needed to co-ordinate conservation measures and co-operate with other Range States, appropriate international organizations and recognized scientists with a view to developing co-operative research and facilitating the implementation of this Memorandum of Understanding and its Action Plan.
8. The Signatories shall endeavour to adopt, within two years of the date of entry into force of this Memorandum of Understanding, a medium term international work programme for the Great Bustard taking account of, *inter alia*, the Agricultural and Grasslands Habitat Strategy of BirdLife International and all national work programmes. This programme should include subjects for co-operative research and monitoring, measures to implement this Memorandum of Understanding and its Action Plan as well as items for which guidelines for the further development and improvement of the measures listed in this Memorandum of Understanding and in international and national work programmes should be developed.
9. The Secretariat shall prepare an overview report compiled on the basis of all information at its disposal pertaining to the Great Bustard. It shall communicate this report to all Signatories, signing Organisations and to all other Range States. It shall also communicate to all Signatories and all other Range States all national work programmes and national reports which it will have received from the Signatories pursuant to paragraphs 4.g and 6.
10. Signatories shall endeavour to finance from national sources the implementation on their territory of the measures necessary for the conservation of the Great Bustard. They shall, in addition, endeavour to assist each other in the implementation and financing of key points of the international work programme, and seek assistance from other sources for the financing and implementation of their national work programmes.
11. The Secretariat shall convene a meeting of the Signatories upon request of at least half of the States which are Signatories to this Memorandum of Understanding, subject to the availability of funds. The first meeting should be convened without delay after at least three quarters of the Signatories have submitted their work programmes and their first reports and after the international work programme has been developed. The first meeting shall adopt the international work programme. Every meeting shall review the conservation status of the Great Bustard and the implementation of the Action Plan. It will consider the reports submitted by individual Signatories, the report prepared by the Secretariat

and any recommendation or scientific advice relating to the Great Bustard that may have been made by the Conference of the Parties or the Scientific Council of the Convention. It may recommend to Signatories to take any action that it thinks fit. The meeting shall adopt its own rules of procedure. Meetings should be arranged wherever possible to coincide with other appropriate gatherings where the relevant experts would be present, e.g. Meetings of the Parties of the Convention or annual sessions of the Standing Committee of the Bern Convention. The Secretariat should report the outcome of meetings to the Conference of the Parties.

Final clauses

12. This Memorandum of Understanding is concluded for a period of five years starting from the date of its entry into force. It will be automatically renewed for a period of three years, and thereafter every three years for a further period of three years, unless a majority of the Signatories decide otherwise.
13. This Memorandum of Understanding, including the Action Plan which is appended to it, may be amended at any meeting of the Signatories. Any amendment shall be adopted by consensus at a meeting of the Signatories. It shall become effective on the date of its adoption by the meeting. The Secretariat shall communicate the text of any amendment so adopted to all Signatories and to all other Range States.
14. An amendment to a country-specific provision laid down in Part 2 of the Action Plan may be made by any Signatory to which that provision specifically applies. The text of the amendment shall be communicated by the Signatory concerned to the Secretariat which shall transmit it forthwith to all other Signatories. The amendment will enter into force three months after the date on which the Secretariat has communicated it to other Signatories. A Signatory making an amendment may modify that amendment in the light of comments received from other Signatories during the three months period referred to above. In such a case, the amendment will enter into force three months after the date on which the modified amendment has been communicated to the other Signatories by the Secretariat.
15. Nothing in this Memorandum of Understanding shall bind any of the Signatories either jointly or severally.
16. This Memorandum of Understanding shall be open for signature indefinitely, at the seat of the Secretariat, for all Range States of the Great Bustard and for the international organizations which are especially involved in the conservation and management of the Great Bustard.
17. It shall become effective on the first day of the month following the date of signature of the fifth Range State. Thereafter, it will become effective for any other signatory on the first day of the month following the date of signature by that signatory.
18. Any Signatory may denounce this Memorandum of Understanding by written notification to the Secretariat. The denunciation shall take effect for that Signatory one year after the date on which the Secretariat has received the notification.
19. The Secretariat shall be the Depositary of this Memorandum of Understanding.
20. The working language for all matters relating to this Memorandum of Understanding, including meetings, documents and correspondence, shall be English.

On behalf of the respective authorities named above:

Representative of the Republic of
Albania,

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(Signature)

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(Date)

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(Function)

Representative of the Federal
Republic of Austria,

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(Signature)

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(Date)

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(Function)

Representative of the Republic of
Bosnia and Herzegovina,

.....
(Signature)

.....
(Date)

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(Function)

Representative of the Republic of
Bulgaria,

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(Signature)

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(Date)

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(Function)

Representative of the Republic of
Croatia,

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(Signature)

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(Date)

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(Function)

Representative of the Czech
Republic,

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(Signature)

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(Date)

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(Function)

Representative of the Federal
Republic of Germany,

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(Signature)

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(Date)

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(Function)

Representative of the Hellenic
Republic,

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(Signature)

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(Date)

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(Function)

Representative of the Republic of
Hungary,

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(Signature)

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(Date)

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(Function)

Representative of the Former
Yugoslav Republic of Macedonia,

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Representative of the Republic of
Moldova,

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Representative of the Republic of
Poland,

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Representative of Romania,

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Representative of the Slovak
Republic,

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(Signature)

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Representative of the Republic of
Slovenia,

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(Date)

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(Function)

Representative of Ukraine,

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(Signature)

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(Date)

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(Function)

Signing Organizations:

Representative of the International
Council for Game and Wildlife
Conservation, Conseil
International de la Chasse (CIC)

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(Signature)

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(Date)

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(Function)

Representative of BirdLife
International,

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(Signature)

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(Date)

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(Function)

Representative of the IUCN, the
World Conservation Union

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(Signature)

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(Date)

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(Function)

Representative of the UNEP / CMS
Secretariat,

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(Signature)

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(Date)

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