



**CONVENTION ON  
MIGRATORY  
SPECIES**

UNEP/CMS/COP14/Doc.30.2.2/Rev.1

31 July 2023

Original: English

14<sup>th</sup> MEETING OF THE CONFERENCE OF THE PARTIES  
Samarkand, Uzbekistan, 12 – 17 February 2024  
Agenda Item 30.2

**TRANSFRONTIER CONSERVATION AREAS FOR MIGRATORY SPECIES**

*(Prepared by the Secretariat)*

Summary:

This document reports on the implementation of Decisions 13.116 and 13.117 - *Transfrontier Conservation Areas*. It proposes the deletion of these decisions and the adoption of a new set of decisions.

This document was revised by the Secretariat to add the recommendation of deletion of Decision 13.118.

## TRANSFRONTIER CONSERVATION AREAS FOR MIGRATORY SPECIES

### Background

1. The concept of Transfrontier Conservation Areas (TFCAs) was included in Resolution 12.7 (Rev.COP13) *The Role of Ecological Networks in the Conservation of Migratory Species*, and described (in paragraph 11) as “an area or component of a large ecological region that straddles the boundaries of two or more countries and is within their national jurisdiction, which may encompass one or more protected areas, as well as multiple resource use areas”. The concept of TFCAs was initially defined by the members of the Southern African Development Community (SADC) in their Protocol on Wildlife Conservation and Law Enforcement of 1999. The establishment of TFCAs has since become the focus of conservation in Southern Africa and provides an example for other regions on the continent. At its 13<sup>th</sup> meeting, the Conference of the Parties (COP13) adopted Decisions 13.116 and 13.117 on Transfrontier Conservation Areas to further support Parties in implementing this approach.

#### **13.116 Directed to the Parties**

*Parties are invited to:*

- a) *based on the best available science, propose transboundary habitats of CMS-listed species, which could be considered as transfrontier conservation areas (TFCAs), meaning an area or component of a large ecological region that straddles the boundaries of two or more countries and is within their national jurisdiction, which may encompass one or more protected areas, as well as multiple resource use areas;*
- b) *take steps to jointly develop with neighbouring Range States bi- or multilateral arrangements, including joint management plans, to improve the conservation of the habitats and species concerned;*
- c) *enable, in the development of such arrangements, the participation of local communities and stakeholders for the purposes of benefitting wildlife and the sustainable development of the communities living within a TFCA; and*
- d) *inform the Secretariat of any such areas proposed under paragraph (a)*

#### **13.117 Directed to the Secretariat**

*The Secretariat shall, subject to the availability of external resources:*

- a) *Support Parties in implementing Decision 13.116;*
- b) *Report to the Conference of the Parties at its 14th meeting on the progress in implementing this Decision*

### Implementation of Decisions 13.116 and 13.117

2. In accordance with Decision 13.117, the Secretariat has endeavoured to support Parties to implement Decision 13.116 by helping to secure funds for specific projects and programmes on TFCAs.

## Cross Regional Wildlife Conservation in Eastern and Southern Africa and the Indian Ocean

3. The flagship programme on TFCAs within the CMS Secretariat, is its work under the European Union-funded project, 'Cross Regional Wildlife Conservation in Eastern and Southern Africa and the Indian Ocean', which is implemented in partnership with the Secretariat for the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the United Nations Office on Drugs and Crime (UNODC). The implementation of this project started in 2020 and is expected to continue until August 2024.
4. The CMS Secretariat's component of the project focuses on '*Specific Objective 3: The establishment and sustainable management of Trans-Frontier Conservation Areas (TFCAs) promoted and strengthened*'. The five result areas for this objective are set out below, along with the activities and outputs delivered so far:
5. *Result 3.1: High-level political instruments (protocols) mandating the formation of TFCAs formulated/updated:*
  - a. The establishment, in 2020, of training and capacity development support for the East African Community's (EAC) Transboundary Conservation Area Technical Working Group (TBCA TWG). The TBCA TWG was established with the approval of the EAC Secretariat's Sectoral Council on Tourism and Wildlife Management. The Working Group, which includes focal points representing each of the EAC member states, focuses on issues of TFCA prioritization, coordination, and discussions on high-level political instruments. The second and third formal meetings of the Working Group were held online in 2021. Alongside these, the CMS Secretariat provided a series of webinar training sessions on TFCA agreements and management.
  - b. In July 2022, the EAC Secretariat, with support from the CMS Secretariat and IUCN, hosted a pavilion in the margins of the African Protected Areas Congress in Rwanda. The activities at the pavilion included 23 different events over the course of the week to promote TFCAs and other protected areas, and showcase successes in TFCA management and coordination. The TBCA TWG informally held its first meetings at the pavilion.
  - c. In 2021, the CMS Secretariat commissioned the Cheetah Conservation Fund and Legal Atlas to review the legislation related to TFCAs and protected areas of the member states of the Intergovernmental Authority on Development (IGAD)<sup>1</sup>. The findings of the review included a proposal for the development of an IGAD TFCA Protocol. These were presented to IGAD's Horn of Africa Wildlife Enforcement Network (HAWEN) Executive Committee, which approved the proposal and called on the CMS to assist in developing a TFCA Protocol. Work on the development of the Protocol, in partnership with CCF, LA and HAWEN, started in 2023.
6. *Result 3.2: Bilateral and multilateral treaties/agreements/MOUs for the co-management of specific TFCAs formulated and signed:*
  - a. The CMS Secretariat conducted consultations with countries in the target regions in 2020. The consultations identified that, in all regions, a key barrier to establishing or strengthening bilateral and multilateral treaties for TFCAs is the lack of reliable information and objective criteria for identifying potential areas that are suitable for the successful establishment and management of TFCAs.

<sup>1</sup> Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda

- b. In 2021, the CMS Secretariat commissioned the UN Environment Programme World Conservation Monitoring Centre (UNEP-WCMC) to develop a methodology and a new, publicly available, web-based tool to identify existing protected areas in Africa that are spatially adjacent and ecologically connected across country boundaries, and that have the potential for harmonized management.
        - c. The tool ([\*Identifying opportunities for transboundary conservation\*](#)) is now online, providing Governments and other actors with a scientific basis for establishing bilateral and multilateral TFCA agreements across Africa. The tool was launched at the African Protected Areas Congress in Rwanda in 2022. A scientific paper based on an analysis conducted using the tool is expected to be published in due course. Between 2023 and 2024, the CMS Secretariat will provide sensitization and training on the use of the tool for developing bilateral and multilateral treaties within the project area.
        - d. CMS commissioned WWF-Tanzania to support the Governments of Mozambique and Tanzania to review their existing MOU on the management of the Selous-Niassa TFCA. Both countries expressed a desire and commitment to upgrade the MOU to a legally binding treaty. The first negotiation meeting on the scope and workings of the new Selous-Niassa TFCA treaty was held on 26 January 2023 in Maputo, with both Parties agreeing on a road map for finalizing the treaty by late 2023.
7. *Result 3.3: Harmonization of legislation pertaining to wildlife conservation, management and crime promoted and supported:*
  - a. The CMS Secretariat commissioned the Cheetah Conservation Fund and Legal Atlas to complete a legal assessment of member states of IGAD with respect to the harmonization of legislation on protected areas, wildlife conservation and illegal wildlife trade. In consultation with IGAD's HAWEN Executive Committee, five key areas of legislation were chosen for a comprehensive comparative analysis across all the countries: 1) The legal recognition and protection status of migratory species in line with obligations arising under CMS; 2) The legal status of TFCAs; 3) The legal basis for the establishment of national wildlife task forces; 4) Legal structures for the repatriation of trafficked wildlife; and 5) The inclusion of wildlife crime in anti-money-laundering laws.
  - b. More than 200 pieces of legislation were included in the analysis. A comprehensive legal framework was produced for each country and a set of recommendations for legal harmonization were developed and presented to IGAD's HAWEN Executive Committee for their consideration. The final analysis in 2021 identified 39 specific legal elements that were viable candidates for regional harmonization. The CMS Secretariat has offered all the participating countries further country-level support for harmonization in 2024.
8. *Result 3.4: Ecosystem/landscape management plans and/or protected area co-management plans prepared for TFCAs and formally approved by the responsible management authorities; and Result 3.5: Approved management actions implemented in the TFCAs according to jointly-agreed priorities:*
  - a. The CMS Secretariat, in partnership with WWF-Tanzania, supported the review of Niassa-Selous Wildlife Corridor (SNWC) wildlife and land-use policies, national/regional biodiversity strategies and species action plans, as well as the evaluation of the level of coherence in national and regional planning initiatives for this area. A review of the historical and current biodiversity and land-cover data for the SNWC was also completed, to identify trends and threats to the area. A

stakeholder forum was established to validate the results and recommendations of the review, and to guide the future development of the area's integrated management plan. A draft management plan was presented to decision makers from Mozambique and Tanzania in the first quarter of 2022 and the relevant government departments are currently reviewing the draft plan and creating a list of priority actions for implementation between 2023 and 2024.

Recommended Actions:

9. The Conference of the Parties is recommended to:
  - a) Adopt the Decisions contained in the Annex to this document;
  - b) Delete Decisions 13.116 to 13.118.

**DRAFT DECISIONS**

**TRANSFRONTIER CONSERVATION AREAS FOR MIGRATORY SPECIES**

***Directed to Parties***

14.AA Parties that are members of the Southern African Development Community (SADC), the Intergovernmental Authority on Development (IGAD) and/or the East African Community (EAC) are requested to:

- a) Use the UNEP-WCMC pilot Transboundary tool (the 'Tool') to identify potential opportunities for transboundary conservation using data from the World Database on Protected Areas and the World Database on Key Biodiversity Areas;
- b) Report through the Secretariat to the Scientific Council Sessional Committee at its 7<sup>th</sup> meeting on the potential opportunities for identifying transboundary conservation areas, as well as the functionality and usefulness of the Tool in supporting Parties to identify these.

***Directed to the Scientific Council***

14.BB The Scientific Council is requested to:

- a) Review the usefulness of the Tool based on the reports submitted by Parties through the Secretariat, in line with Decisions 14.AA (b) and 14.CC (b), and make appropriate recommendations to the Secretariat and Parties on its further use and to help identify improvements that should be incorporated into the Tool and to inform the future expansion of the Tool, subject to the availability of external resources.

***Directed to the Secretariat***

14.CC The Secretariat shall, subject to the availability of external resources:

- a) In collaboration with UNEP-WCMC and other partners, convene online webinars to raise awareness of the Tool among Parties mentioned in Decision 14.AA;
- b) Request Parties referred to in Decision 14.AA to submit feedback on the functionality and usefulness of the Tool in identifying potential opportunities for transboundary conservation, and submit a report on the feedback received to the Scientific Council Sessional Committee at its 7<sup>th</sup> meeting;
- c) Report to the Conference of the Parties at its 15<sup>th</sup> meeting on the progress in implementing these Decisions.