



Memorandum of Co-operation

between the Secretariat of the Convention on the Conservation of
Migratory Species of Wild Animals (Bonn, 1979)

and the Secretariat of the Convention on the Conservation of European
Wildlife and Natural Habitats (Bern, 1979)

Signed in Bern (Switzerland) on 23rd November 2009

Memorandum of Co-operation

between the Secretariat of the United Nations Convention on the Conservation of Migratory Species of Wild Animals (CMS) (Bonn, 1979) and the Secretariat of the Convention on the Conservation of European Wildlife and Natural Habitats (Bern, 1979)

The CMS Secretariat and the Bern Secretariat,

Recalling that in several articles and resolutions adopted by Parties requested the CMS Secretariat to liaise, collaborate and share experiences with, *inter alia*, international organizations concerned with migratory species, to strengthen institutional linkages with partner organizations, and to define the scope of their responsibility and ways to efficiently improve their tasks and to enhance their synergistic effect;

Recognising the objectives of CMS, namely to assure that migratory species, which in their innumerable forms are an irreplaceable part of the Earth's natural heritage, could continue to provide essential ecosystem services which in turn augment human well-being in practically all countries of the world, including European countries;

Acknowledging that a number of regional species Agreements under Article IV of CMS apply to migratory animals in Europe and the surrounding region, to which this Memorandum can also apply.

Recognizing that some CMS Agreements are already developing collaboration with the Bern Convention, and wishing to strengthen this collaboration;

Recognizing that the Bern Convention is a binding international legal instrument in the field of nature conservation, which covers the natural heritage of the European continent and extends to some states of Africa, and which aims to conserve wild flora and fauna and their natural habitats and to promote European co-operation;

Highlighting the fact that the respective Secretariats have regularly attended each others' meetings and that cooperation actions have already been developed on Single Species Action Plans and on field expertise;

Recalling that at its 26th meeting the Standing Committee of the Bern Convention accepted the idea to develop a Memorandum of Understanding with CMS;

Recalling the 1994 Monaco Declaration on the role of the Bern Convention in the implementation of worldwide instruments for the protection of biodiversity;

Recalling further the Warsaw Summit Declaration and Action Plan of 17 May 2005 and in particular the reference to Action Plan, IV-3, "everyone's entitlement to live in a balanced, healthy environment"; and to Action Plan, II-7, on promoting sustainable development and stepping up cooperation with the United Nations and its specialized agencies in order to promote the universal values of the Council of Europe in the field of human rights and to achieve the Millennium Development Goals in Europe;

Recalling the global achievements of each biodiversity-related convention and related instruments in obtaining by 2010 a significant reduction in the current rate of biodiversity loss at the global, regional and national level as a contribution towards a human environmental entitlement, poverty alleviation and to the benefit of all life on Earth;

Recalling Decision IX/27 of the Conference of the Parties to the Convention on Biological Diversity, adopted in Bonn in May 2008, which invites the scientific bodies of the biodiversity-related MEAs and the Biodiversity Liaison Group (BLG) to address at their future meetings options to enhance co-operation with regard to cross-cutting issues such as climate change and invasive alien species in a manner consistent with their respective mandates, governance arrangements and agreed programmes;

Have agreed as follows:

Article 1

Institutional Co-operation

1. The CMS Secretariat and the Bern Convention Secretariat will co-operate in the preparation of the meetings of their respective governing and subsidiary bodies and will continue to invite each other to relevant meetings of such bodies. These invitations will not embody any financial obligations.
2. The CMS Secretariat and the Bern Convention Secretariat will inform their respective Member States and/or Contracting Parties of co-operative measures between the Secretariats in order to promote synergies at the national level.
3. The CMS Secretariat and the Bern Convention Secretariat will co-operate in promoting exchanges of experiences *inter alia* on species listed on their respective appendices (species in common) and promoting best practices on issues of relevance to their mandates.
4. The CMS Secretariat and the Bern Convention Secretariat will co-operate on issues related to capacity building, public awareness and communication, with all relevant stakeholders.
5. The CMS Secretariat, the Agreements Secretariats where relevant, and the Bern Convention Secretariat will meet at least annually to exchange information and co-ordinate relevant activities. The costs of this meeting are borne by each Party for their own representatives.
6. The CMS Secretariat and the Bern Convention Secretariat will submit regular progress reports on the implementation of relevant activities to the respective Standing Committee and/or other relevant bodies and, where appropriate, to the meetings of the Chairs of the Advisory Bodies of Biodiversity-related Conventions.

Article 2

Exchange of Information

The CMS Secretariat and the Bern Convention Secretariat agree to exchange information on scientific, technical, capacity building, outreach and communication issues of mutual relevance, including as appropriate;

1. Technical information, including on-going consultations, discussions and fact-finding processes on new and emerging issues;
2. Technical guidance of relevance to the respective Conventions' processes;
3. Components of the work plan implemented under CMS or its Agreements and the Bern Convention, that are of mutual interest:
 - **on species** in common, including future work on the Mediterranean monk seal, the implementation of single species action plans on migratory birds species (waterfowl or terrestrial birds, e.g. *Otis tarda*), and the work already developed on Mediterranean marine turtles, sturgeons, bats, and cetaceans;
 - **on cross-cutting issues** of mutual concern such as invasive species, adaptation and climate change indicators, conservation of island biodiversity, and sustainable use of species including hunting or fishing activities.
 - **on other activities** of relevance to the Bern Convention and CMS or its Agreements, such as:
 - a) follow up on Bern Convention "case files" which need regular collaboration with biodiversity-related MEAs to find appropriate and acceptable solutions,
 - b) the identification of Emerald Network Areas of Special Conservation Interest, which should take into account relevant migratory species on the CMS Family Appendices;
 - c) the identification of pilot projects that could be carried out under the auspices of the Conventions in a common portfolio, also in support of requests for funding and implementation in the field.

All these joint activities will be usefully detailed in programmes of work covering periods of three years which may be endorsed by the respective Standing Committees.

Article 3

Implementation of Joint Activities

The CMS Secretariat and the Bern Convention Secretariat will explore the possibility of collaboration on implementing relevant programmes of work; including those mentioned under Article 2, paragraph 3. This co-operation does not require any financial contribution. Should funding be required, the Secretariats will initiate contacts to decide on the allocation of costs in the best possible manner.

Article 4

Reporting

The CMS Secretariat and the Bern Convention Secretariat will report on the implementation of the present Memorandum to their respective governing bodies and seek further guidance on new areas of co-operation.

Article 5

Co-ordination of Programmes of Work

For purposes of this Memorandum, the focal point for the Bern Convention Secretariat will be the Secretary of the Standing Committee, and the focal point for the CMS Secretariat will be the CMS Executive Secretary. For communications and exchanges pertaining to activities contained in the programmes of work, the CMS Inter-Agency Liaison Officer, the Secretary of the Bern Convention and, where appropriate, the Executive Secretaries or co-ordinators of CMS Agreements shall be the respective focal points.

Article 6

Entry in Force, Amendment and Termination

1. This Memorandum will enter in force upon signature by the Parties.
2. The CMS Secretariat or the Bern Convention Secretariat may, by mutual agreement, review and amend this Memorandum. Amendments must be received and confirmed in writing by the other respective Secretariat.
3. This Memorandum may be terminated by either the CMS Secretariat or the Bern Convention Secretariat by giving six months' written notice to the other Secretariat respectively.

Signed this 23rd day of November 2009 at Bern, Switzerland, in two copies, in English and French. In case of discrepancy, the English version shall prevail.

For the Convention on the Conservation
of Migratory Species of Wild Animals

For the Convention on the Conservation
of European Wildlife and Natural Habitats

Mr LAMBERTUS LENTEN
Acting Deputy Executive Secretary

Mr ROBERT PALMER
Director of Culture, Cultural and
Natural Heritage
On behalf of the Secretary
General of the Council of Europe