



CONVENTION ON MIGRATORY SPECIES

Distribution: General

UNEP/CMS/Conf.10.9
27 September 2011

Original: English

TENTH MEETING OF THE
CONFERENCE OF THE PARTIES
Bergen, 20-25 November 2011
Agenda Items 10 and 16

PROGRESS IN THE IMPLEMENTATION OF ARTICLE IV AGREEMENTS ALREADY CONCLUDED, AND DEVELOPMENT OF NEW AGREEMENTS

(Prepared by the Secretariat)

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I INTRODUCTION

1. Paragraphs 3 and 4 of Article IV of the Convention call upon Party Range States of CMS Appendix II species to conclude AGREEMENTS (Art. IV, 3) or agreements (Art. IV, 4) in order to benefit those species.

2. Article VII, paragraph 5(b) of the Convention requires the Conference of the Parties (COP) at each of its meetings to review progress made towards the conservation of migratory species, especially those listed on Appendices I and II. In accordance with CMS Article IX, paragraph 4(h), and COP Res.3.5 (1991), the Secretariat has submitted the present document as a consolidated report which summarizes measures carried out under Article IV of the Convention to develop and implement Agreements¹.

3. The second section of this document reviews Agreements that have already been concluded, while the third section provides an update on progress with those under development. The fourth section discusses some strategic considerations concerning the development and servicing of Agreements in general. Sources of information include reports from technical meetings and Meetings of Signatories, as well as reports submitted to the COP for those Agreements that have their own Secretariats (see UNEP/CMS/Inf.10.18.1-11). Document UNEP/CMS/Conf.10.21 on the contribution of the CMS Secretariat to the implementation of the CMS Strategic Plan also contains relevant information.

4. Three new CMS Memoranda of Understanding have come into effect since COP9, covering the conservation respectively of High Andean Flamingos (*Phoenicopterus andinus* and *phoenicopterus jamesii*) and their habitats, the Southern Huemul (*Hippocamelus bisulcus*) and Migratory Sharks. A number of other Agreements have held their first formal Meetings of Signatories, established institutional coordination arrangements, and/or elaborated detailed

¹ The typographical presentation of the word “agreement” in CMS texts has tended to follow a convention whereby a distinction is drawn between “AGREEMENTS” (upper case lettering, indicating instruments under Article IV.3 of the Convention), “agreements” (lower case lettering, indicating instruments under Article IV.4 of the Convention) and “Agreements” (upper case initial letter only, for use in a generic sense to apply to any or all CMS instruments established under Article IV). Although usage in practice has not always consistently followed this approach, the form “Agreements” (upper case initial letter) is used in the present document to reflect the generic sense. In any instance where the distinction between types of Agreement is material to an understanding of the text in this document, a specific reference eg to “Article IV.3” is made, and no particular reliance is placed upon or should necessarily be inferred from the typographical presentation of the word.

activity plans; and in many cases there is good progress of this kind to report. More importantly a good range of practical conservation measures has been stimulated in consequence. The present report does not attempt to give a full account of these matters, but merely to provide an overview, with reference to some illustrative examples.

5. Finding adequate resources for CMS Agreements remains extremely challenging, and alongside the successes referred to above there are other examples where progress has been slower for this reason. Parties, other Range States and collaborating organizations are responding by trying to find ever more cost-effective synergies between different initiatives and in some instances, securing support in kind as well as occasional funding. Further reflections on these aspects are given in section IV below. This also forms part of the background to the desire by Parties to think more strategically about the continued development of further Agreements in future, and this is referred to in section III below in the context of previous COP decisions and the CMS “Future Shape” process.

II PROGRESS IN THE IMPLEMENTATION OF ARTICLE IV AGREEMENTS ALREADY CONCLUDED

6. To date, a total of 26 Agreements have been concluded under CMS Article IV. Five of the seven legally binding Agreements have their own Secretariats, while the CMS Secretariat provides the interim Secretariat for the Gorilla Agreement, and currently provides secretariat services for ASCOBANS. The CMS Secretariat is responsible for the secretariat and depositary functions for 17 of the 19 CMS Memoranda of Understanding (MoUs). Three of these have their own offices in locations away from Bonn, supported by external funding. For the remaining 14 MoUs the CMS Secretariat headquarters in Bonn provides secretariat services, within prevailing human and financial resource constraints. In some cases, when funding and an appropriate partner are available, coordination activities are outsourced, as indicated below. Finally, in the case of two MoUs (Ruddy-headed goose and South Andean Huemul), the CMS Secretariat headquarters provides only depositary functions, with secretariat functions being fulfilled by the Signatories on a rotational basis.

7. Agreements that have their own permanent or interim Secretariats are the subject of separate progress reports submitted to the COP, and these can be found in Information Documents UNEP/CMS/Inf.10.18.1-11 (each one being available only in the language/s in which it was submitted). Cross-references are given where relevant below, and the detailed content of those reports is not repeated here.

8. COP Res.8.5 (Nairobi, 2005) outlined some suggestions, reiterated by Res.9.2 (Rome, 2008), for Agreements to use similar systems for planning and reporting in order to ensure that they are fully integrated and strategically aligned with the Convention. Both Resolutions also encouraged the CMS Secretariat to explore partnerships with relevant specialized organizations for the provision of support and coordination in appropriate cases. These issues are addressed further in section IV below.

AGREEMENTS

Agreement on the Conservation of Albatrosses and Petrels (ACAP)

9. A separate extensive report on progress in the implementation of this Agreement has been provided to the COP by the Agreement's Secretariat as document UNEP/CMS/Inf.10.18.6, based on detailed reports from Parties and others. An on-line reporting system became operational in 2010-11. There are currently 13 Parties, and the hosting of the ACAP Secretariat by Australia in Tasmania became formalized in December 2008.

10. A series of assessments summarizing the state of knowledge of each of the 29 seabird species listed in the Agreement have been made available on the ACAP website in the Agreement's three languages. Over 70 percent of the listed species are classified as at risk of extinction, compared to a global figure of 12 percent for birds in general. Eleven are in decline. The ACAP database now holds virtually all existing census data, and it can be interrogated to produce updatable lists of the breeding sites that hold specified proportions of the global population of each ACAP species. In addition, BirdLife International has developed a *Global Procellariiform tracking database* which features a web portal for data submission and analysis.

11. The Third Meeting of ACAP Parties was held in Norway in April-May 2009, and MOP4 is scheduled for April 2012. Five meetings of the Agreement's Advisory Committee (AC) have taken place to date, and AC6 was held in September 2011 in Ecuador. Outcomes of the AC's work have included best practice guidelines on key topics including seabird bycatch mitigation measures for pelagic and demersal longline and trawl fisheries, biosecurity management for breeding sites and eradication of alien mammals at breeding sites.

12. Other implementation activities detailed in UNEP/CMS/Inf.10.18.6 include research on population dynamics and impacts; monitoring and bycatch mitigation work; fishery closure measures; new national legislation; plans of action and single species action plans in several countries; designation of breeding sites as protected areas; alien mammal eradication projects; public awareness activities; and training programmes for fishers and at-sea observers, including through BirdLife International's Albatross Task Force. BirdLife is also leading on the development of best practice technical guidelines for seabirds in relation to the National Plans of Action adopted by countries in the context of the FAO's International Plans of Action. A project to secure breeding of Short-tailed albatrosses on Midway Atoll, begun in 2000, achieved its first chick-hatching in February 2011.

Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS)

13. A separate report on progress in the implementation of this Agreement has been provided to the COP as document UNEP/CMS/Inf.10.18.1. ACCOBAMS currently has 23 State Parties and is administered by a Secretariat in Monaco with funding support from the Principality of Monaco.

14. The 4th Meeting of Parties to the Agreement was held in Monaco from 9-12 October 2010. The Parties agreed to extend the Agreement Area to include all the waters of continental Spain and Portugal, thereby creating an overlap with ASCOBANS in the Atlantic. Although species coverage differs (ACCOBAMS deals with all cetacean species occurring in

its area whereas ASCOBANS covers only small cetaceans), some Parties have expressed misgivings about this overlap. The amendment will take effect once sixteen ACCOBAMS Parties have ratified it, and in the meantime the importance of close collaboration between the two Agreements has been emphasized. Interest has also been expressed in the possible extension of ACCOBAMS to include the Red Sea.

15. Other decisions of MOP4 included the adoption of guidelines on addressing the impact of anthropogenic noise on cetaceans in the Agreement area. A Working Group has been established, which aims to work closely with the Barcelona Convention, given the relevance of the issue to the latter's Off Shore Protocol, which came into force in March 2011. A peer review of information on the impact of ocean noise pollution was submitted to the UN Division for Ocean Affairs and the Law of the Sea (DOALOS).

16. The MOP also agreed specific steps for enhanced reporting on bycatch, adopted a two-year workplan on reducing collisions between vessels and marine cetaceans, and agreed principles for sustainable commercial whale-watching. The "ACCOBAMS Survey Initiative" project continues, and the Agreement's Scientific Committee has agreed to seek to extend the aerial survey component of this initiative, given recent successes.

Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)

17. A separate report on progress in the implementation of this Agreement has been provided to the COP as document UNEP/CMS/Inf.10.18.3. AEWA, which has a UNEP-administered secretariat co-located with CMS in Bonn, celebrated its 15th anniversary in June 2010 with a symposium hosted by the Dutch government in The Hague, culminating in The Hague Action Statement. A publication on the history of the Agreement was also produced. Since CMS COP9, Ethiopia has joined the Agreement, bringing the total of Parties to 63. Instruments of accession have been completed by Chad and Montenegro, both of which are expected to become Parties in late 2011, and progress towards accession is being made in a number of other countries, supported in several cases by capacity-building workshops organized by the Secretariat. The 5th Meeting of the Parties (MOP5) will take place in May 2012 in France.

18. The four-year UNEP-GEF African-Eurasian Flyways Project, Wings Over Wetlands (WOW) came to an end in December 2010, having delivered much AEWA implementation support, including ten demonstration projects and the creation of the Critical Site Network (CSN) Tool and the Flyway Training Kit. The CSN Tool was awarded a prize for "Best Interactive Web Map" by ESRI/SCGIS in 2011. The AEWA Secretariat together with Wetlands International, BirdLife International and the Ramsar Convention Secretariat have formed a Flyway Partnership to continue the collaborative waterbird conservation programme begun through the WOW project, including ongoing maintenance of the CSN Tool.

19. Other major projects include the AEWA African Initiative launched in 2008, which is scheduled to continue delivering grant-aided implementation support until 2012, and for which additional voluntary financial contributions have been received from Switzerland and France, the latter enabling the appointment of a Coordinator. A Plan of Action for the Implementation of the Agreement in Africa is being developed for consideration and adoption by MOP5. Funding for development of guidelines for AEWA and CMS Parties on migratory birds and power grids has been received from electricity generating company RWE Rhein-Ruhr Netzservice, in the first significant partnership between AEWA and the private sector.

20. The AEWA “Implementation Review Process” for on-the-spot assessment missions, established by MOP4 in 2008, was put to use for the first time in February 2010, with a mission to address illegal hunting of the Sociable Lapwing in Syria. Ramsar Advisory Missions in Mozambique, Congo and Morocco have also been undertaken on a joint basis between Ramsar, AEWA and CMS. Information on implementation gathered via Parties’ national reports is also being improved, with the assistance of a UNEP project funded by the Government of Norway for developing online reporting formats. The AEWA Secretariat on behalf of AEWA and CMS, and in conjunction with UNEP-WCMC, finalized an Online National Reporting Tool, which is now being used for the first time in compiling reports for AEWA MOP5 in 2012, but which has been designed for use also by other instruments in the CMS Family. Funding is being sought to develop the necessary analytical tools to accompany the format.

21. In addition to the history booklet mentioned above, publications issued since CMS COP9 include seven more Single Species Action Plans, guidelines on infrastructure developments and on helping waterbirds adapt to climate change, a document on lessons learned in phasing out of lead shot in wetlands, and a book on the Black-tailed Godwit. The AEWA Secretariat has taken the lead for CMS in coordinating the annual World Migratory Bird Day campaign, including maintenance of the WMBD website and distribution of 2,500 posters. In 2011, the 205 WMBD events in 64 countries broke previous records, and they are documented in a new Interactive Events Map on the website. The AEWA and CMS Secretariats are currently considering different options for WMBD coordination in the long term. The AEWA Secretariat has also developed a coordination role in relation to Single Species Action Plans and related Working Groups which is somewhat analogous to the CMS Secretariat’s role in coordinating MoUs, and it is intended to develop common resources for SSAPs such as web-based workspace tools. In the period 2010-2011, partnerships have been established with a variety of governmental and non-governmental bodies for the coordination of eight of the SSAPs adopted so far under AEWA.

Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS)

22. A separate report on progress in the implementation of this Agreement has been provided to the COP as document UNEP/CMS/Inf.10.18.2. An extension of the ASCOBANS Agreement area came into force in 2008, hence the change to the official title of the Agreement reflected in the heading above (the acronym remains unchanged). Seven of the ten Parties have so far ratified this Amendment. Secretariat services are due to continue to be provided by the CMS Secretariat until the end of 2012, by which time ASCOBANS Parties will have decided their preferred Secretariat arrangements.

23. The Sixth Meeting of the Parties took place in Bonn from 16-18 September 2009. Outcomes included the adoption of strategic priorities for 2010-12 on bycatch and underwater noise, a resolution on noise associated with offshore renewable energy developments, a revised Recovery Plan for Harbour Porpoises in the Baltic, and a new Conservation Plan for the same species in the North Sea. In addition to working groups on these two Plans, the Agreement’s Advisory Committee subsequently approved the creation of three new groups on large cetaceans, bycatch and underwater noise. The Committee also adopted a Communication, Education and Public Awareness (CEPA) Plan for the Agreement. Around a dozen research projects have been completed or are either underway or due to start, on topics including population analyses, pollutants, genetics, risk assessments, interactions with fisheries and coordinated data management.

The Agreement on the Conservation of Populations of European Bats (EUROBATS)

24. A separate report on progress in the implementation of this Agreement has been provided to the COP as document UNEP/CMS/Inf.10.18.4. EUROBATS has a UNEP-administered secretariat co-located with CMS in Bonn. Since CMS COP9, the membership to EUROBATS has increased to 33 Parties, with several more countries having started the accession process. The 6th Session of the Meeting of Parties took place in the Czech Republic in September 2010 and adopted a record number of Resolutions, including a decision to extend the Agreement area to another 14 States and one Territory in North Africa and the Middle-East, thus increasing the number of Range States to 64. The newly defined Agreement Area now covers the whole of the Western Palearctic Region.

25. “European Bat Night” continues to be a very successful annual outreach and awareness raising event covering over 30 countries, which in 2011 covered an increased number of non-European countries, making it more truly an “International Bat Night”. Together with CMS, EUROBATS has launched the 2011–2012 “Year of the Bat” campaign to commemorate the 20th anniversary of the signing of the Agreement and to improve awareness of the need for bat conservation and of the invaluable ecosystem services that are dependent on bats throughout the world.

26. Thanks to earmarked voluntary contributions from Parties, the EUROBATS Projects Initiative (EPI) continues each year successfully to fund approximately ten small or medium-sized projects with a particular focus on countries with economies in transition and on direct impacts in the field.

Agreement on the Conservation of Gorillas and their Habitats

27. A separate report on progress in the implementation of this Agreement has been provided to the COP as document UNEP/CMS/Inf.10.18.5. The First Meeting of the Parties to the Gorilla Agreement took place in Rome, Italy, in December 2008. The Parties decided, as previously agreed by the CMS Standing Committee, that the CMS Secretariat would act as the interim Secretariat to the Agreement. So far only one Party has paid its financial contribution, and while efforts are being made to resolve arrears, a post in the Secretariat to be funded by the German government until the end of 2014 has part of the incumbent’s time allocated to supporting the Agreement. MOP1 adopted Action Plans for the conservation of all four gorilla subspecies, and established a Technical Committee. The Committee held its first meeting in March 2011 in Kigali, Rwanda, with funding support from Monaco and Germany. The Second Meeting of the Parties will take place immediately following CMS COP10, and discussion items will include the development of a system for reporting on implementation of the Action Plans.

28. The CMS Secretariat designated 2009 as the “Year of the Gorilla”, and launched a major awareness campaign in collaboration with the UNEP-led Great Apes Survival Partnership (GRASP) and the World Association of Zoos and Aquariums (WAZA). The campaign featured a dedicated website and a variety of promotional materials, and prominently involved CMS ambassador Ian Redmond. It prompted around 200 articles in the press and raised €100,000 towards field projects. The GRASP report “*The Last Stand of the Gorilla: Environmental Crime and Conflict in the Congo Basin*” and the WAZA education manual “*All About Gorillas*” were also produced as part of the campaign. The German government organized a major scientific symposium on gorillas resulting in the “Frankfurt Declaration”, which has been endorsed by FAO, CBD and UNESCO, among others.

29. Funded by a grant from UNEP, early in 2011 a consultant was appointed to develop the scope for possible GEF project support for large-scale gorilla conservation activities in the region, linked to the Agreement. At the time of writing, it is too early to report the results of this work.

Agreement on the Conservation of Seals in the Wadden Sea

30. A separate report on progress in the implementation of this Agreement has been provided to the COP as document UNEP/CMS/Inf.10.18.7. The Agreement on the Conservation of Seals concluded by Germany, Denmark and the Netherlands in 1990, with its secretariat in Wilhelmshaven, Germany, was the first regional agreement signed under the CMS. It was concluded after the first outbreak of distemper in 1988, when almost 60 percent of the seal population in the Wadden Sea died. The aim of the Agreement is to achieve and maintain a favourable conservation status for the population of Harbour seals (*Phoca vitulina*), through cooperation between the Parties. The results have been successful, with the 22,000 Harbour seals recorded during aerial surveys in 2010 being a record total since the coordinated surveys started several decades ago. Adjusting this figure to allow for animals not observed while in the water would bring the estimate for the total Wadden Sea population of this species to 32,600 individuals.

31. As required by the Agreement, a Conservation and Management Plan for the Seal Population has been adopted, known as the Seal Management Plan or SMP. It sets out objectives and activities concerning habitat protection, research, monitoring, wardening, public awareness and threats from pollution and taking of seals. It is implemented through the competent authorities in the countries. The SMP also covers the breeding stocks of Grey seal (*Halichoerus grypus*) in the Wadden Sea, since although this species is not covered by the Seal Agreement, its habitat requirements are very similar to those of the Harbour seal, and it is valuable to integrate measures for both species into one management plan. The SMP is currently being revised and updated for the five-year period 2012-16.

32. Earlier in 2011 a consultation meeting was held between seal experts from research centres, veterinary agencies, government research and management agencies, seal rehabilitation centres and awareness centres to consider the possible cause of the unusually high number of young Harbour seals which had been found dead or taken into rescue centres during 2009-10, and to assess whether the issue required further investigation. The meeting concluded that though the seal population was healthy in terms of population dynamics, there had indeed been a significant increase in seals being found dead or in poor condition compared to previous years. The causes are not yet apparent, largely because of an absence of comparable data, and the need for coordinated further attention to the issue across the Wadden Sea as a whole is clear, in particular concerning the sharing and harmonising of different sources of data.

MEMORANDA OF UNDERSTANDING

Memorandum of Understanding on the Conservation of High Andean Flamingos (*Phoenicopterus andinus* and *P. jamesi*) and their Habitats

33. The High Andean Flamingos MoU was signed during CMS COP9 in December 2008 by Bolivia, Chile and Peru (Argentina being the one other Range State), bringing it into effect immediately. The CMS Secretariat provides secretariat functions for the MoU. The scope of

the MoU is relevant also to the wider Ramsar Convention Regional Initiative for the Conservation and Wise Use of High Andean Wetlands. At the 7th workshop of that Initiative held in Costa Rica in September-October 2010, the CMS was added to the contact group (which includes within it a high Andean flamingo network) for implementation of the strategy adopted under the Initiative.

34. The First Meeting of Signatories to the MoU is planned for 20 November 2011 in the margins of CMS COP10. The meeting aims to address options for coordination of the MoU, and to discuss an Action Plan which has been in preparation by the High Andes Flamingo Conservation Group in collaboration with the IUCN-SSC/Wetlands International Flamingo Specialist Group, and is expected to cover measures for international coordination, strategic policy, management, research and awareness raising activities.

Memorandum of Understanding concerning Conservation Measures for the Aquatic Warbler (*Acrocephalus paludicola*)

35. The Second Meeting of Signatories to the MoU on the Aquatic Warbler, Europe's rarest songbird, took place in Poland in May 2010. France and Mali added their signatures. The meeting agreed to extend the geographical coverage of the MoU to include an additional seven countries, bringing the Range State total to 22. The bird's true distribution is not well known: breeding appears confined to under 40 sites in only six countries, with a mere four sites supporting over 80 percent of the global population; but the only regular wintering site discovered so far is one in Senegal. One of the new countries, Luxembourg, duly signed the MoU in July 2010, bringing the total number of Signatories to 15.

36. The Meeting adopted a new International Species Action Plan for the Aquatic Warbler, which had been prepared by BirdLife International on behalf of the European Union; and reviewed information on a major project largely funded by the European Union's LIFE Nature programme and led by the Polish BirdLife partner to restore 42,000 ha of the Aquatic Warbler's peatland habitat in Poland and Germany. Future project implementation priorities were also discussed, and high among these is the continued search for confirmed wintering sites in sub-Saharan Africa.

37. While CMS provides the secretariat, funding for coordination services for the MoU for 2010-2012 has been secured from the government of Switzerland and the RSPB (BirdLife International's partner organization in the UK), with coordination provided by BirdLife through the RSPB and the Belarus BirdLife partner BSPB.

The Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia

38. A separate report on progress in the implementation of this MoU has been provided to the COP as document UNEP/CMS/Inf.10.18.10. The Memorandum came into effect on 1 November 2008 and has 31 signatories, including one supporting International Organization. Earlier in 2011 the European Union approved the signing of the MoU by EU as well as its individual Member States, which in principle should encourage the addition of up to 21 further signatory countries. Formal designation of Focal Points within the Range States is underway.

39. Administration of the MoU is provided by an Interim Coordinating Unit in the UNEP/CMS Office in Abu Dhabi (United Arab Emirates), funded by the Government of Abu

Dhabi. A programme officer for the MoU has been appointed and is expected to begin work in October 2011, and in accordance with the terms of the MoU a permanent Coordinating Unit is to be established at the first session of the Meeting of Signatories, expected in 2012. A programme of work for implementing the MoU's Action Plan from 2012-2014 is in preparation.

40. Work towards national strategies for raptor research and conservation has begun, and at regional levels links have been made with a BirdLife International project on migratory soaring birds in the Rift Valley/Red Sea flyway, and with EURAPMON (Research and Monitoring for and with Raptors in Europe).

Memorandum of Understanding concerning Conservation and Restoration of the Bukhara Deer (*Cervus elaphus bactrianus*)

41. The Bukhara Deer MoU with its associated Action Plan came into effect in 2002. Secretariat functions are provided by the CMS Secretariat. Implementation has been taking place in close association with WWF's Central Asia Programme, and WWF along with the International Council for Game and Wildlife Conservation (CIC) has signed the MoU as cooperating organizations. Activities to date have included captive breeding and reintroduction projects in Uzbekistan and Kazakhstan, and riparian forest habitat restoration in Tajikistan and elsewhere. Successes have been achieved in halting population declines in all four MoU signatory Range States (Kazakhstan, Tajikistan, Turkmenistan and Uzbekistan); and although absolute numbers of the deer remain low, the total population has increased from 350 in 2002 to around 1,600 in 2010. Efforts continue towards the establishment of an adequate multi-country network of protected areas in riparian forests, and the GEF-supported "Econet Central Asia" project has been a significant component of this.

42. A session on Bukhara deer was included in a workshop on the CMS Saiga Antelope MoU and other CMS instruments for migratory ungulates in Kazakhstan, which was held in Astana, Kazakhstan, in February 2011. Among other things this workshop reviewed the latest population status information for the species, and discussed projects contributing to implementation of the Bukhara Deer Action Plan in the different Range States.

43. The First Meeting of Signatories to the MoU is scheduled to take place on 20 November 2011 in the margins of CMS COP10. As well as reviewing practical implementation issues, the meeting will discuss options for a coordination mechanism for the MoU; approaches to information management, including reporting; and the scope for extending the geographical scope of the MoU to cover all Range States of the Bukhara Deer (ie adding Afghanistan). The meeting will also discuss whether to adjust the taxonomic nomenclature of Bukhara in the MoU from *Cervus elaphus bactrianus* to *Cervus elaphus yarkandensis*, in order to match its listing in the CMS Appendices, following Wilson & Reeder (2005).

Memorandum of Understanding on the Conservation and Management of Dugongs (*Dugong dugon*) and their Habitat throughout their Range

44. A separate report on progress in the implementation of this MoU has been provided to the COP as document UNEP/CMS/Inf.10.18.11. The Memorandum came into effect on 31 October 2007 and has 20 signatories. Administration of the MoU is provided by an Interim Coordinating Unit in the UNEP/CMS Office in Abu Dhabi (United Arab Emirates), with a full time programme officer funded by the Government of Abu Dhabi.

45. Following a series of regional workshops in Thailand, Australia, Madagascar and Abu Dhabi, the First Meeting of Signatory States to the MoU was held in Abu Dhabi in October 2010, and a conservation strategy for the species was agreed. Further regional meetings have been taking place during 2011, in India, Malaysia and Kenya, the latter being supported by a voluntary financial contribution from Seychelles. The next Signatory States Meeting is planned to take place in late 2012. During 2011 the MoU Secretariat has also provided support to the Pacific Regional Environment Programme (SPREP)'s *Pacific Year of the Dugong* initiative.

46. Concerning conservation measures, a dugong catch/incidental catch survey tool has been developed, and data from its initial use in the Pacific, South Asia and the Middle East are to be compiled in a geographical information system to enable mapping and analysis, including in relation to bycatch and seagrass distribution, and in combination with other forms of survey data. Voluntary funding from Australia has supported this work. Subsequent expansion of survey activity aims to cover areas in East Africa and the Indian Ocean. Pilot projects are being initiated to develop and implement incentive-based measures for dugong-friendly fisheries management, livelihoods support and awareness raising, in a context of regional collaboration and in conjunction with the Dugong, Seagrass and Coastal Communities Initiative.

Memorandum of Understanding on the Conservation of the South Andean Huemul (*Hippocamelus bisulcus*)

47. The Huemul MoU was signed by the Foreign Ministers of Chile and Argentina in December 2010 and came into effect immediately. The CMS Secretariat acts as depositary of the MOU, while secretariat functions are provided by the Signatories themselves on a rotational basis. National technical agencies of the two countries are now developing a joint action plan based on existing national plans, and a bilateral workshop to progress this, involving representatives of sectoral institutions and of regional and local government, is to take place in Chile in September 2011.

48. In the meantime, examples of action to implement the national plans have been reported. In Argentina these include monitoring in the Los Alerces National Park, new huemul survey work in Estancia Los Huemules, and continued updating of a database of records maintained by the National Parks Administration for both protected and unprotected areas. Contributions have been made to a study of the phylogeography and demographic history of the huemul by Bio-Bio University in Chile. Work has also been underway in Argentina to update the management plans for the Lanín National Park and the Andino Norpatagónica Biosphere Reserve, with specific reference to measures for huemul conservation. A project proposal has been developed for controlling livestock in the area occupied by huemuls in the Los Alerces National Park. Awareness activities have included public talks, production of a two booklets on the conservation of the species linked to the Andino Norpatagónica Biosphere Reserve, and posters distributed in three of the country's National Parks.

49. In Chile, similar activities are underway, with an emphasis on monitoring by rangers of hunting, and future plans for reintroduction work, measures to reduce habitat competition with livestock, awareness raising and strengthening of regulations. Habitat fragmentation and poaching remain the main threats to the species.

Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia (IOSEA Marine Turtles MOU)

50. A separate report on progress in the implementation of this MoU has been provided to the COP as document UNEP/CMS/Inf.10.18.8. The Memorandum came into effect on 1 September 2001 and was brought into operation in 2003 with the establishment of a secretariat in Bangkok, co-located with the UNEP Regional Office for Asia and the Pacific. The IOSEA MoU currently has 33 Signatory States covering the whole of the Indian Ocean and South-East Asia, including the most recent signatory, Malaysia. The IOSEA MoU is administered by a Coordinator (who also serves as Senior CMS Advisor) and a Team Assistant; and is supported by an Advisory Committee comprised of experts in the field of marine turtle conservation.

51. A major emphasis of the MoU in recent years has been to promote and facilitate the exchange of useful information among Signatory States, partner organizations and turtle practitioners. This has been achieved through a dynamic website and innovative online reporting facility, which includes comprehensive information on a wide range of conservation measures undertaken by IOSEA Signatory States. The MoU has established a Technical Support and Capacity-Building Programme which makes available technical expertise to countries that request it. Most recently, it has developed an ambitious proposal to establish a network of sites of importance for marine turtles, to give greater recognition to areas of high conservation value. Other thematic areas of interest for the IOSEA MoU include climate change impacts on marine turtles, adverse effects arising from light pollution, and better coordination and prioritization of research efforts.

52. The IOSEA Signatory States will hold their sixth meeting in Bangkok from 6-9 December 2011. In addition to reviewing progress towards implementation of the MoU, the meeting will consider the marine turtle site network proposal, review recommendations arising from current and past species assessments, and discuss further arrangements for training and capacity-building.

Memorandum of Understanding concerning Conservation Measures for the Eastern Atlantic Populations of the Mediterranean Monk Seal (*Monachus monachus*)

53. The Mediterranean Monk Seal is one of the most threatened marine mammals in the world. It is classified by IUCN as Critically Endangered, with no more than 500 individuals remaining in the Mediterranean and along East Atlantic coasts. Impacts include mortality from entanglement in fishing gear, overfishing, persecution, pollution and destruction of breeding sites.

54. The MoU was signed by the four Range States and the CMS Secretariat in October 2007, and came into effect immediately. The MOU aims at providing a legal and institutional framework for the implementation of the Action Plan for the Recovery of the Mediterranean Monk Seal in the Eastern Atlantic. The CMS Secretariat provides secretariat functions. A Monk Seal Working Group composed of representatives of the four Signatory States has been operational since the inception of the Memorandum, and oversees and guides activities undertaken under the MOU and the Action Plan. The operation of the Working Group has to date been financially supported by the Government of Spain, with technical support provided by the Spanish NGO Fundación CBD-Habitat. A meeting of the Working Group in Mauritania in November 2009 agreed some necessary actions, including the identification of

relevant competent authorities for the implementation of the MOU, sources of technical advice and options for funding.

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

55. The Great Bustard MoU came into effect in June 2001 and has been signed by 13 of the 16 Range States. Four cooperating organizations have also signed, including the CMS Secretariat and BirdLife International, who have together provided coordination services, supported by funding (for 2005-2007) from Austria. Coordination is now being offered by the government of Hungary, until 2012: arrangements for 2013 onwards remain to be decided.

56. The Second Meeting of Signatories took place in Ukraine in November 2008, preceded by a Scientific Symposium, whose recommendations included the need to look into the possible expansion of the geographical scope of the MoU in response to the potential implications of climate change on the distribution of Great Bustards. Options for such expansion were duly discussed by the MOS.

57. The Meeting reviewed population status data for the species, which appears to be declining in Slovakia, Romania, Bulgaria, Ukraine and Russia, while faring better in Germany, Austria and Hungary. Conservation measures have included agri-environment programmes, burying and marking of power-lines, and control of illegal hunting. Further research including marking and tracking individual birds was foreseen, and the Meeting adopted guidelines on capturing and radio-tracking the birds. Two other draft guideline documents were discussed, on population monitoring and on mitigating impacts of afforestation and infrastructure developments. The Meeting also established a Technical Advisory Panel on Great Bustard Reintroduction, and approved an extension of the MoU's Medium-Term International Work Programme until 2012, when the Third Meeting of Signatories will take place in Hungary.

Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region

58. The Pacific Cetaceans MoU was established in collaboration with the Pacific Regional Environment Programme (SPREP), and came into effect in September 2006. The MoU currently has 14 signatories from among the 24 states and territories in the Pacific Islands region, with three of the 24 being covered by the signature of France for its territories. Seven collaborating organizations (including the CMS Secretariat) have also signed. The CMS Secretariat provides secretariat functions, with assistance from the Whale and Dolphin Conservation Society (WDCS).

59. The First Meeting of Signatories took place in Samoa in March 2007, and the second in New Zealand in July 2009. The Pitcairn Islands, the South Pacific Whale Research Consortium and Whales Alive were added to the signatories at this second Meeting. An on-line national reporting format was discussed. A proposal was endorsed, subject to funding, to appoint an officer to be based at SPREP to coordinate the MoU and to be responsible for CMS activities throughout the region; and this appointment is now being made, but with funding for only one year. The Meeting also adopted a Whale and Dolphin Action Plan 2009-2012 (based on a similar document developed by SPREP) as an Action Plan for the MoU, and endorsed a proposal to develop an Oceania Humpback Whale Recovery Plan. Subsequently a Technical Advisory Group for the MoU was formed, consisting of nine specialist experts in

the science of cetacean conservation, coordinated by WDCS. The TAG has prepared a preliminary implementation report which is to be made available at COP10.

60. Implementation activities in different parts of the region have included research and survey work, including on entanglement of large whales in fishing gear and mitigation options; an assessment of the conservation status of cetaceans and the socio-economic value of cetacean conservation; interdepartmental collaboration over ship strikes and ocean noise; new marine mammal sanctuaries; the development of the Pacific Islands Whale and Dolphin Watching Guidelines; capacity building workshops and development of licensing systems for whale watching operators; and alignment of national legislation with the MoU. With co-funding from the CMS Secretariat, drawing on a voluntary contribution from Australia, the Government of Samoa conducted a cetacean survey in 2010 which confirmed the importance of Samoan waters for humpback whales and other cetacean species such as Spinner dolphins, and successfully matched individually identified animals to sightings in other areas. The “Year of the Dolphin 2007-2008” achieved a major outreach effort by CMS and its cetacean-related agreements worldwide. A multilingual on-line open-access “Pacific Cetaceans MoU Diversity Database” of population trends, distribution records, taxonomy and policy status has been compiled for the region by WDCS.

Memorandum of Understanding concerning Conservation Measures for the Ruddy-headed Goose (*Chloephaga rubidiceps*)

61. The Ruddy-headed Goose MoU was signed by the Foreign Ministers of Chile and Argentina in November 2006. The CMS Secretariat acts as depositary of the MOU, while secretariat functions are provided by the Signatories themselves on a rotational basis. A second workshop on the conservation of the declining Ruddy-headed Goose took place in Punta Arenas, Chile, in November 2010, to review implementation of the MoU in the two countries concerned and to revise the bilateral Action Plan which had been drawn up in 2009 for this species. It was confirmed that the population of the Ruddy-headed Goose to which the MoU applies is that occurring on the South American continental mainland. With an improved definition of the breeding area, and additional provisions on partnerships, financing and special measures in the wintering areas, a revised text of the Action Plan was agreed at the workshop.

62. Activities already undertaken in Chile include hunting controls and other protection measures in breeding areas. In Argentina, activities take place in the framework of a national strategy for the conservation and management of the Ruddy-headed Goose, Ashy-headed Goose and the Upland Goose; and these include an education programme and a monitoring programme in the wintering areas. New regulations approved in Argentina in May 2011 prohibit hunting, capture and trade in respect of five goose species including the Ruddy-headed Goose. Further discussion of specific activities in both countries is expected at the meeting of the Subcommittee on Environment in August 2011.

Memorandum of Understanding for the Conservation, Restoration and Sustainable Use of the Saiga Antelope (*Saiga* spp.)

63. The Saiga Antelope MoU and Action Plan came into effect in September 2006, at the time of the first Meeting of Signatories in Kazakhstan. All five Range States have now signed the MoU, as have eight collaborating organizations. The CMS Secretariat provides secretariat functions. The main conservation need is to reduce and control poaching of the species for their meat and horn, and to address illegal trade in Saiga horn through effective

implementation of CITES. Activities have included the development of alternative livelihood options for villages that depend on poaching; and Saiga species are one of the target groups in the Joint Work Programme between CMS and CITES. A CITES report published in September 2010 synthesised information on the horn trade, with a focus on the south-east Asian market. In several of the populations, individual antelopes have been fitted with radio or satellite transmitters to aid in tracking and protection. A newsletter for stakeholders is published bi-annually in six languages by the Saiga Conservation Alliance.

64. After a previous decline of over 95 percent, most Saiga populations are showing signs of some recovery; but a setback occurred in May 2010 with a sudden mass die-off of around 12,000 animals in the Ural population in Western Kazakhstan, and a further 500 deaths in May 2011. A project involving Fauna and Flora International and the Kazakh authorities has been launched to investigate the cause, thought to be outbreaks of disease.

65. The second Meeting of Signatory States of the MoU was convened jointly by CMS and CITES and took place in Mongolia in September 2010, preceded by a technical meeting. The Signatories adopted a Medium Term International Work Programme for 2011-2015. They also agreed to expand the MoU to cover all Saigas, and thus to amend its title to refer to “*Saiga* spp.” instead of only “*Saiga tatarica tatarica*”. This in turn meant that Mongolia became a formal Range State to the MoU: its signature was welcomed and was formally added at the meeting. The signatures of the Association for the Conservation of Biodiversity of Kazakhstan (ACBK) and the Saiga Conservation Alliance (SCA) were also added: these two organizations are together formally providing technical coordination support to the CMS Secretariat for the implementation of the MoU and Action Plan, with financial support (2011 only) from Switzerland.

66. Additional recent meetings have included a workshop in China in September 2010 on the conservation and sustainable use of Saiga antelopes, which worked on strengthening international cooperation among consumer and Range States, and provided a platform for discussion between the Asian traditional medicine industry and those managing conservation activities for the species. A workshop in Kazakhstan in February 2011 on the CMS MoUs on Saiga antelopes and Bukhara Deer agreed priority activities for Saiga conservation in Kazakhstan, and confirmed the technical coordination arrangements for 2011 for the MoU with ACBK and SCA as mentioned above.

Memorandum of Understanding on the Conservation of Migratory Sharks

67. The Sharks MoU is global in scope: as well as those countries exercising jurisdiction over any part of the range of migratory sharks, Range States for the Agreement include any country whose flag vessels engage outside national jurisdictional limits in taking migratory sharks. Seven species listed in the CMS Appendices are currently covered.

68. The text of the MoU was agreed at the 3rd Meeting on International Cooperation on Migratory Sharks held in the Philippines in February 2010. It was signed at that time by 11 Range States, bringing it into immediate effect. Subsequent signatures have brought the current total to 16. Secretariat services are provided by the CMS Secretariat on an interim basis, through a part-time staff position funded by Germany until the end of 2014. The first Meeting of Signatories is scheduled to take place in 2012 if sufficient resources can be secured: partial funding for this has already been pledged by the United States. Offers to host a permanent secretariat will be sought at this meeting.

69. A Technical Meeting just prior to the 2010 negotiation meeting developed a draft Conservation and Management Plan, which is currently undergoing review and is expected to be finalized at the First Meeting of Signatories. Meanwhile national activities include research, encouragement of shark-based eco-tourism, bans on fishing of the Appendix I species, prohibition of shark finning and measures to reduce bycatch.

Memorandum of Understanding Concerning Conservation Measures for the Siberian Crane (*Grus leucogeranus*)

70. The Siberian Crane MoU (the first one to be concluded under the CMS) came into effect in July 1993 and was amended in January 1999 to extend its scope from the western and central populations to cover also those in the east. Conservation Plans for each of these three populations were agreed in 2001 and updated in 2010. Crane numbers have stabilized in some areas; but hunting on migration routes and habitat deterioration in wintering areas remain the principal threats. Eleven of the twelve Range States have signed the MoU, the other being Japan where the birds occur only as vagrants. Five collaborating organizations have also signed; including the CMS Secretariat and the International Crane Foundation (ICF). The ICF provides coordination services for the MOU, with funding provided jointly by ICF and CMS. Many of the relevant activities were carried out within the framework of the Siberian Crane GEF project mentioned below, which ended in 2010. In order to secure the continuation of coordination services, the CMS Secretariat is currently seeking additional funding.

71. The six-year GEF-funded project on “Development of a Wetland Site and Flyway Network for the Conservation of the Siberian Crane and other Migratory Waterbirds in Asia”, linked to the MoU, has now come to an end. Led by ICF, this focused on developing a site network in China, Iran, Kazakhstan and Russia for flyway-scale conservation of the species concerned, and was the first GEF project to address a flyway in this way. A project completion workshop took place in China in October 2009 to review achievements, which included designation of all four project sites as Ramsar Wetlands of International Importance; significant strengthening of Kazakhstan’s protected area system, along with a national environmental education programme; establishment of an innovative new protected area system in western Russia, including the creation of a National Park around the project site; annual Crane Celebrations held at 120 sites in nine countries in western Asia; and community co-management programmes with local hunters in Iran. The Siberian Crane has been an effective “flagship” species, whose conservation has benefited a variety of others (including 27 globally threatened migratory waterbirds) that depend on the same wetland ecosystems. Proposals for a successor project have been developed and funders are being sought.

72. Seven Meetings of Signatories have take place to date, the most recent being held in Germany in June 2010. This Meeting reviewed a conservation status report, discussed progress in the designation of new sites for the Western/Central Asian Critical Site Network (WCACN), considered the scope for synergies with the Agreement on the conservation of African Eurasian Migratory Waterbirds (AEWA), agreed action priorities for each country, and adopted revised Action Plans for the three Siberian Crane Flyways. It was agreed to hold the next MOS in 2013, if funds are available.

Memorandum of Understanding Concerning Conservation Measures for the Slender-Billed Curlew (*Numenius tenuirostris*)

73. The Slender-Billed Curlew MoU came into effect in 1994 and has been signed by 18 States. An Action Plan was approved in 1996. The CMS Secretariat (which provides secretariat services) and BirdLife International have jointly created a Slender-billed Curlew Working Group, in which Range States and a variety of experts participate, and which is coordinated by BirdLife. The Working Group last met in Germany in February 2009, and decided that it was worth a further determined effort to attempt to locate the species in the wild. No regular breeding, passage or wintering population is known, and the number of remaining individuals is assumed to be tiny. If any are found, the goal is to fit them with satellite transmitters in the hope that tracking will reveal their elusive migration route and breeding grounds.

74. Details of a “last push” to locate any remaining populations (focusing initially on surveys of historical wintering areas) were announced at CMS COP9, and activity since then has included the first comprehensive survey of the potential non-breeding areas, using teams of skilled volunteers to cover over 35 countries in the Mediterranean region, the Middle East and the Indian subcontinent. Funding has been provided by CMS to assist with the production of a special Identification Tool Kit for use in this survey, and by AEWA for purchase of transmitters. The results of these efforts will determine the future operation of the MoU.

Memorandum of Understanding on the Conservation of Southern South American Migratory Grassland Bird Species and their Habitats

75. This MOU has been in effect since August 2007, and has been signed by all of its five Range States plus the CMS Secretariat, which provides the secretariat. The first Meeting of Signatories was convened by the CMS Secretariat in Paraguay in December 2010, with funding and logistical support from Asociación Guyra Paraguay, the national Partner of BirdLife International.

76. The Meeting adopted an Action Plan to be added as an Annex to the MoU. The Plan had been drafted at a workshop in Paraguay in September 2010 and finalized at a Technical Meeting immediately prior to the MOS. The Meeting also approved a list of priority activities as recommended by the Technical Meeting, agreed a process for appointing national scientific coordinators, and discussed national reporting, an electronic format for which was then examined in a training workshop held immediately after the MOS.

77. The meeting accepted a joint offer by BirdLife International (in the context of its Programa de Alianza de Pastizales) and Guyra Paraguay to provide coordination services for the MoU in future, and mandated the CMS Secretariat to formalize a collaboration agreement with both organizations to this end. Subject to resources being found, it is hoped that the second Meeting of Signatories may be held in 2012, in either Bolivia or Brazil.

Memorandum of Understanding Concerning the Conservation of the Manatee and Small Cetaceans of Western Africa and Macaronesia

78. This MoU, known also as the MoU on West African Aquatic Mammals, was concluded at a negotiation meeting in Togo in October 2008 and was signed at that time by 15 of the 29 Range States, coming into effect immediately. Four collaborating organizations including the CMS Secretariat also signed. Subsequently the signatures of two further Range

States and two organizations have been added, bringing the total to 23. While the CMS Secretariat provides secretariat services, coordination arrangements are under discussion, pending the identification of funding sources and appropriate institutional partners.

79. The MoU is accompanied by two Action Plans, one for manatees and one for small cetaceans. Possibilities are being explored for the development of sub-regional implementation plans, probably through one or more workshops (subject to finding the requisite funds) and potentially in collaboration with the University of Ghana. Meanwhile Guinea has developed Action Plans based on those in the MoU for use in its own context at national level. A database tool modelled on that for the Pacific Islands Cetaceans MoU is being developed by WDCS, and an exploratory survey of cetaceans and their status in Cameroon was carried out in 2011, with support from the CMS Small Grants Programme. Options for developing a GEF project for implementation of the MoU are being explored. The possibility of establishing a Technical Advisory Group for the MoU, again following the model of the Pacific Islands Cetaceans Memorandum, is also being explored. It is hoped that a first Meeting of Signatories may be convened in 2012 or 2013.

Memorandum of Understanding concerning Conservation Measures for the West African Populations of the African Elephant (*Loxodonta africana*)

80. This MoU came into effect in 2005 and has 15 signatories, including the CMS Secretariat and the IUCN Species Survival Commission's African Elephant Specialist Group (AfESG). The signatories have met formally twice; in Ghana in 2009 and in Niger in 2011. The 2011 meeting, supported financially by the governments of Germany and Switzerland, reviewed the species' status and MoU implementation activities in each country. These include surveys, monitoring, revision and enforcement of laws, ivory marking and identification systems, training of customs officials, creation of new protected areas and transboundary migration corridor management schemes, public awareness and education campaigns, creation of alternative revenue-generating activities, addressing elephant-human conflict situations by the cultivation and use of deterrent hot peppers, and provision of compensation for crop damage. Additional successes include former poachers in Senegal turning to work as park rangers and police informers, strong community support for elephant conservation in the same country, and a significant airport seizure of elephant products in Mali. Killing of elephants still continues however, including an instance in Mali described as being not for products but in retaliation for crop damage.

81. The meeting highlighted the need to rationalize taxonomy and species lists in the CMS and CITES annexes. It also discussed a draft national report format, and agreed a medium term work programme, including national action annexes and 12 transboundary projects which had been approved at MOS1 in 1999. Progress on these projects and coordination of the MoU have both been hampered by the departure of key personnel from IUCN, who had initially undertaken coordination functions alongside the CMS Secretariat's role. The CITES programme on Monitoring the Illegal Killing of Elephants (MIKE) has offered to provide similar coordination services until April 2012, subject to resources being found; and to continue doing so beyond that date if its own mandate is extended.

82. The meeting also discussed whether to extend the MoU to encompass Elephant populations in Central Africa, but decided that it would be preferable for each sub-region to be covered by a separate MoU; not least because of the implications of instituting a fresh ratification process for a revision to the existing Memorandum. There would nonetheless be

scope for a Central African MoU to model itself on the West African one, and for close synergies between them.

Memorandum of Understanding concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa

83. This MoU has been in effect since July 1999, and has been signed by 23 of the 26 Range States, plus the CMS Secretariat. After an initial meeting in Abidjan in May 1999, the first Meeting of Signatories was convened by the CMS Secretariat in Kenya in May 2002, in collaboration with the UNEP Division of Conventions and with the support of France. A Conservation Plan, which had been drafted at the previous meeting, was revised and adopted. The meeting also agreed a format for national reports, constructed to report on years running from April to March, in order to fit with the nesting season. Collaboration was established with the Convention on the Marine and Coastal Environment of West and Central Africa (Abidjan Convention).

84. The second Meeting of the Signatories was initially scheduled to be held in South Africa in September 2007 in conjunction with the 5th and 8th COPs of the Abidjan and Nairobi Conventions, but had to be postponed. It eventually took place in March 2008 in Senegal. The meeting reviewed the implementation of the MoU, updated the Conservation Plan, and established a Consultative Committee on Science and Technology.

85. The CMS Secretariat provides the Secretariat, while coordination services for the MoU are currently provided by a Coordination Unit known by its French acronym URTOMA. The Unit was established in 2005 and is hosted in Dakar, Senegal by the Interim Secretariat of the Environmental Division of NEPAD (SINEPAD/Env.), with funding until the end of 2011 being provided by UNEP and the CMS Secretariat.

III REVIEW OF THE DEVELOPMENT OF NEW AGREEMENTS

86. In COP Res.9.2 (2008) on *Priorities for CMS Agreements*, the Parties decided that the focus for the triennium 2009-2011 should be the implementation and operationalization of existing CMS Agreements, and that the development of additional Agreements in the future should be linked to the outcome of the work initiated by Res.9.13 on the Future Shape of CMS. At the same time Parties acknowledged in the same Resolution the importance of maintaining momentum in regard to the nine proposed new instruments which were already under development at that time (one of which, on sharks, has since been finalized).

87. At its 37th Meeting in November 2010, the Standing Committee considered a report (Document CMS/StC37/4/Rev.1) on progress in the development of new Agreements. The Committee decided that the Secretariat should continue to progress instruments under negotiation as appropriate, but noted that efforts to make substantial progress would for the most part be suspended until decisions could be adopted by COP10. The information presented below is a summary of the information in Document CMS/StC37/4 Rev.1, updated as necessary, on the eight proposals currently under discussion. The Standing Committee at its meeting also decided that Document CMS/StC37/4 Rev.1 should be revised for presentation to the COP, and that revision is now presented in document UNEP/CMS/Inf.34, providing further background on the information considered by the Committee in 2010.

88. This review has also been informed by the outcome of specific reviews of four particular taxonomic groups undertaken pursuant to Res.9.2, which discuss options for more effective implementation of CMS existing instruments and priorities for new developments. Two of these, on terrestrial mammals (including bats) and on marine turtles, were undertaken at the request of the Secretariat by UNEP-WCMC, and have been reported to the present Conference in documents UNEP/CMS/Inf.10.15 and UNEP/CMS/Inf.10.16 respectively, with executive summaries in UNEP/CMS/Conf.10.44 and UNEP/CMS/10.45. The third was undertaken at the request of the Secretariat by independent consultants and analyzes gaps and options for enhancing elephant conservation in Central Africa (UNEP/CMS/Inf.10.27); while the fourth, undertaken by the CMS Working Group on Global Bird Flyways established by Res.9.2, analyses policy options for flyway conservation and management includes suggested actions and priorities for the further development of relevant Agreements under the Convention, and was discussed by the Scientific Council at its 17th meeting in 2010. A review of similar issues relating to cetaceans, pursuant to Res.8.22, is also relevant and is presented in document UNEP/CMS/Conf.10.35.

89. Some strategic considerations regarding future development of new Agreements, linked to the Future Shape of CMS, are discussed in section IV of the present document below. Specific proposals for COP decision are presented in draft Resolution 10.16 on *Priorities for CMS Agreements* (UNEP/CMS/Res.10.16).

Agreement on the Conservation of the Asian Houbara Bustard (*Chlamydotis undulata macqueenii*)

90. The lead on the long-running development of this proposed Agreement has been taken by the government of the Kingdom of Saudi Arabia. Having circulated a text to all range States in March 2005 and receiving no comments in response, following a meeting in November 2005 to conclude the text, the Government decided that it wished to open the Agreement for signature without the need for a further negotiation meeting. More recently however (May 2010) the Ministry of Foreign Affairs of the Kingdom of Saudi Arabia has indicated that it is no longer in a position to act as Depositary for the Agreement, despite this being foreseen in the current text. A new round of consultation was therefore initiated in October 2010 in order to identify a suitable Depositary: only once this is resolved can the Agreement be opened for signature.

91. Given the advanced stage of development of this proposal and the length of time (more than 20 years) over which it has been considered so far, it is hoped that these final matters can be pressed to a speedy conclusion. The costs of operating this Agreement once it comes into effect are expected to be met by its Parties, and hence no financial implications are expected to result for core CMS budgets.

Central African Elephants (*Loxodonta africana*)

92. COP Recommendation 9.5 (2008) on *Cooperative Action for the Elephant (*Loxodonta africana*) in Central Africa* requested the Secretariat to include in its programme of work the development of an appropriate instrument on the conservation of elephants in Central Africa, and to engage in relevant consultations with Range States. The development of a CMS instrument on the conservation of elephants in Central Africa is included in the Joint Work Programme of the Secretariats of CMS and CITES as an initiative on which the two Conventions could usefully cooperate. Such cooperation has been taking place, and has been discussed in the context of the Sub-regional Steering Committee for Central Africa of the

CITES programme on Monitoring Illegal Killing of Elephants. This Committee has requested the CMS Secretariat to contribute to the elaboration of a regional action plan based on the existing Regional Strategy for the Conservation of Central African Elephants. As well as contributing on the specifics of trade, CITES processes are an important provider of capacity building, monitoring intelligence and status assessments for the species in general; but CMS brings additional dimensions in to a collaborative approach.

93. During the first and second Meetings of the Signatories to the Memorandum of Understanding on West African Populations of the African Elephant, in March 2009 and June 2011 respectively, the possibility was discussed of extending that MoU to cover Central African Elephant populations. The conclusion was reached however that given the appreciable differences of purpose and modalities that would be applicable in each area, it would be preferable to develop a separate instrument for Central Africa rather than extending the existing Western African one.

94. In 2011, with funding support from France and Monaco, the Secretariat commissioned a gap analysis and options paper on the conservation of Central African Elephants. The appointed consultants (the Environment and Development Group, working together with the Migratory Wildlife Network) were due to report in September 2011, and their findings will be presented to the COP in document UNEP/CMS/Inf.10.27, with an executive summary in document UNEP/CMS/Conf.10.46. At the time of writing it is too early to report on their recommendations.

The Central Asian Flyway

95. In June 2005, a Range States meeting in India concluded and endorsed an Action Plan for the conservation of migratory waterbirds and their habitats in the Central Asian Flyway. Following the adoption of the Action Plan in January 2008, the CMS Secretariat and Wetlands International began working towards the establishment of a coordination mechanism to support the implementation of the Plan. The majority of the funding for this was pledged by the Government of India, but this funding has not materialized. Renewed enquiries have been made in April 2011 to clarify whether India still intends to contribute, and a response is awaited.

96. Work is continuing to identify the most appropriate legal and institutional framework for activities in respect of the Flyway, including the most appropriate relationship between such a framework and the African-Eurasian Migratory Waterbird Agreement. It has not so far proved possible to convene a negotiation meeting of Range States to reach decisions on this issue; but with the support of recently (October 2010) strengthened CMS Secretariat staff capacity on Central Asian issues, it is now hoped that such a meeting may be organized in conjunction with AEWA MOP5, to be held in France in May 2012.

97. In the meantime a proposal has been submitted to the GEF by Wetlands International and the International Crane Foundation for a project to take forward the implementation of the CAF Action Plan, specifically through the development of “climate-resilient network of wetland protected areas” in the Flyway. The prospects of this proposal being realized as a GEF project however seem somewhat doubtful, and alternative funding sources are also being considered.

Central Eurasian Aridland Mammals

98. Central Eurasian Aridland Mammals are covered by a Concerted Action decision (COP Recommendation 8.23, 2005), and at COP9 (2008) this was confirmed in Recommendation 9.1 and followed by a call in Res.9.2 to Range States and other interested Parties to support the development of an MoU or other binding instrument to complement the Concerted Action and its Action Plan.

99. Discussions are continuing within the Scientific Council on the most appropriate ultimate taxonomic and geographic scope of the Action Plan; and the development of any thinking on an instrument to ensure the long-term financial sustainability of the Concerted Action will need to take place in tandem with this. The requisite intergovernmental negotiation processes would then be addressed at a later stage.

100. Pursuant to Res.9.2 on *Priorities for CMS Agreements*, the CMS Secretariat commissioned UNEP-WCMC to undertake a review in 2011 of CMS instruments and projects on terrestrial mammals. Their report, tabled as COP document UNEP/CMS/Inf.10.15, with an executive summary in UNEP/CMS/Conf.10.44, discusses options for more effective implementation of CMS existing instruments and priorities for development, among which it recommends extension of the Central Eurasian Aridland Mammals Concerted Action geographically to include the Arabian Peninsula, and finalization of the Action Plan mentioned above.

101. In the meantime, pilot project concepts have been developed to address the species and ecosystems mentioned in the COP Recommendations, including proposals relating to the Asiatic wild ass in Turkmenistan and Bactrian camels in Mongolia. Funding for these is being sought. With funding from the Principality of Monaco, WWF Mongolia has been commissioned to conduct a study on the impact of infrastructure projects on migratory mammals in Mongolia, and the results of this work, which may lead to guidelines, will be presented to the Scientific Council at its meeting in November 2011. Tajikistan and Kazakhstan are proposing the addition of a relevant species, the argali (*Ovis ammon*), to Appendix II of the Convention.

Cetaceans in the Indian Ocean and South-East Asia

102. At COP7 (2002) in Recommendation 7.4 and Res.7.7, the Parties encouraged the development of an appropriate CMS instrument for the conservation of small cetaceans and dugongs in South-East Asia. Dugongs are now covered by the separate CMS Dugong MoU, but COP9 in 2008 reaffirmed that there has otherwise been no change in the desirability of the objective expressed by COP7 in respect of cetaceans. Res.9.2 accordingly called for the development of an instrument for cetaceans of South-East Asia, and suggested that it may be beneficial for its scope to extend also to the Indian Ocean. Since then, however, no lead country has emerged to support the necessary work for taking this forward. There is therefore a need for a renewed indication by Range States of the extent of their interest in taking the practical steps required, including the identification of a country which is committed to taking the lead.

Pacific Marine Turtles

103. The case for a legal instrument on the conservation of Pacific turtles was discussed in February 2009 at a meeting convened in Australia by the Secretariat of the Pacific Regional

Environment Programme (SPREP). A needs assessment and options paper was subsequently prepared by Australia and the USA, and was presented to SPREP country representatives at a further meeting in New Zealand in July 2009. At this meeting a questionnaire was circulated which sought to identify a preferred option for a way forward, but this did not produce sufficient feedback upon which to form a view, and it was agreed to continue working for the time being within the framework of the existing SPREP Turtle Action Plan. A second round of consultations undertaken by correspondence was similarly inconclusive, and a third round, again initiated by SPREP, is underway at the time of writing. The recent move to base an officer in SPREP with responsibility for following issues of common interest to CMS and SPREP may help to accelerate work on future arrangements for cooperation among the Range States on turtles in the Pacific; but in the meantime a clear view on the preferred approach has not emerged.

104. Pursuant to Res.9.2 on *Priorities for CMS Agreements*, the CMS Secretariat commissioned UNEP-WCMC to undertake a review in 2011 of CMS instruments and projects on marine turtles. Their report, tabled as COP document UNEP/CMS/Inf.10.16, with an executive summary in UNEP/CMS/Conf.10.45, discusses options for more effective implementation of CMS existing instruments and priorities for development. It acknowledges the deliberations undertaken to date on Pacific turtles in conjunction with SPREP, but makes no additional recommendations on a course of action for this area.

Memorandum of Understanding concerning conservation measures for Sahelo-Saharan megafauna

105. Among the Sahelo-Saharan megafauna, Sahelo-Saharan antelopes are the subject of an existing long-standing and well-regarded CMS Concerted Action, with an adopted Action Plan. The Scientific Council Working Group on Terrestrial Mammals, assisted by the Institut Royal des Sciences Naturelles de Belgique (IRSNB), has prepared a draft of a CMS Memorandum of Understanding with the aim of ensuring long-term financial and institutional sustainability for the Concerted Action/Action Plan, and extending its scope to cover all Sahelo-Saharan megafauna. The Scientific Council is currently preparing status reports for the additional species and a revision of the Action Plan. Full consultations among Range States and the convening of a negotiation meeting are steps that still require to be undertaken, and the convening of a meeting is subject to securing the necessary funds.

106. Pursuant to Res.9.2 on *Priorities for CMS Agreements*, the CMS Secretariat commissioned UNEP-WCMC to undertake a review in 2011 of CMS instruments and projects on terrestrial mammals. Their report, tabled as COP document UNEP/CMS/Inf.10.15, with an executive summary in document UNEP/CMS/Conf.44, discusses options for more effective implementation of CMS existing instruments and priorities for development, among which it recommends updating the existing Action Plan in support of the concerted action for Sahelo-Saharan Antelopes, developing an MoU or other instrument to embrace the existing Concerted Action and extend it to include all Sahelo-Saharan megafauna, and extending the geographical scope of these arrangements to include the Horn of Africa.

Subsaharan African Bats

107. At the 13th Meeting of the Scientific Council in 2005, interest was expressed in developing an appropriate instrument under CMS for sub-Saharan African bats. In 2010, the Secretariats of CMS and the EUROBATS Agreement, in collaboration with the UN Food and Agriculture Organization (FAO), organized a sub-regional workshop on bats in sub-Saharan

Africa, where options for developing such an instrument were discussed. The extent of interest in this among Range States and other stakeholders and their preference for the most appropriate way forward remains to be assessed, and it is too early to foresee the opening of any formal negotiation process at this stage.

108. Pursuant to Res.9.2 on *Priorities for CMS Agreements*, the CMS Secretariat commissioned UNEP-WCMC to undertake a review in 2011 of CMS instruments and projects on terrestrial mammals, including bats. Their report, tabled as COP document UNEP/CMS/Inf.10.15, discusses options for more effective implementation of CMS existing instruments and priorities for development, among which it recommends further consultations among Range States and other stakeholders to confirm the extent of interest in and preferred approaches to the development of an instrument for Sub-Saharan African bats, subject to the outcome of deliberations on the CMS “Future Shape” process.

IV STRATEGIC CONSIDERATIONS CONCERNING THE DEVELOPMENT AND SERVICING OF AGREEMENTS

109. The equivalent review of progress with Agreements tabled at COP9 in 2008 (UNEP/CMS/Conf.9.9) highlighted the significant acceleration of activity concerning the development and conclusion of new CMS instruments which had been witnessed over the preceding triennium (a trend which has since levelled somewhat between COPs 9 and 10); but it did not otherwise dwell on the strategic dimension.

110. The equivalent review for COP8 (UNEP/CMS/Conf.8.10) in 2005, however, drew attention to the question of how secretariat services for individual Agreements are provided. In some cases a given Agreement will have its own staffed Secretariat based in the region concerned; but otherwise in the majority of cases, and particularly in respect of most Memoranda of Understanding, the initial assumption in drawing up a new instrument has been that it is the CMS Secretariat itself which will perform coordination functions, without additional financial contributions from the Signatories. With the volume of Agreements now in existence or under development, it is no longer valid to make this assumption. In addition, whatever small scope there may have been in the past for seed-funding from core budgets has reduced to zero, and there is now total reliance on additional voluntary contributions.

111. Increasingly as the number of instruments has grown, and in line with the specific encouragement given by the Parties in COP Resolutions 7.7, 8.5 and 9.2, the CMS Secretariat has sought to deliver coordination in partnership with competent collaborating organisations, for example by “outsourcing” aspects of the production of technical papers, development of projects and convening of Range State meetings. Some considerable experience of effective partnership working in this way has been built up, along with a strengthening of institutional relationships and networks for migratory species conservation in general. Where funding has been achieved this has generally been by opportunistic means.

112. It should be emphasized that the CMS Secretariat does not necessarily control the initiative for drawing up a new Agreement - often this may come from one or more concerned Range States. In principle, it is an extremely healthy outcome for the Convention to have successfully provided an enabling environment for such engagement to be driven by individual governments; but at the same time this means that the Secretariat cannot simply decide the overall degree of limitation or expansion to be pursued as a mere matter of its own work planning decisions; nor can central funding to progress and service a given new

instrument be assumed. This situation formed part of the context for the questions addressed by the work undertaken over the past triennium on the Future Shape of the CMS, further to Res.9.13.

113. When claims on time and resources compete, it is possible to define some factors which may help in judging (and thereafter defending) the priorities which should be followed. For example, decisions of the COP may give guidance on specific priorities of this kind, and these should always carry weight. Opportunities for mutual reinforcement between a new instrument and other endeavours, such as an existing international programme or a CMS Concerted or Cooperative Action, may strengthen the case. Alternatively in some instances such a situation may suggest that better new value would be added elsewhere: this is a common dilemma, which may require a strategic decision as to whether “breadth” or “depth” of impact should be preferred as the guiding principle.

114. The Standing Committee at its 37th Meeting in November 2010 discussed the overall matching of inspiration and ambition for development of new Agreements with the capacity available in practice to operate them. Suggestions included the addition of a financing plan as an integral part of any proposal for a new instrument; delivery through other partners; and extension of existing Agreements. The Committee decided that proposals for new instruments in future should be tested for financial sustainability, subjected to a gap analysis, and linked to or even merged with existing instruments where appropriate.

115. In almost all cases, a key ingredient in the development and launching of a new Agreement is the solid commitment throughout the negotiation phase (at least) of a country government which can take a leading role, animate the negotiation process and set an example with offers to host meetings, facilitate coordination functions and/or build up voluntary financial contributions. As with the point regarding partnership working and outsourcing of coordination mentioned above, there may be a case for distilling experiences and “lessons learned” to date in relation to this function, in order to support others who may wish to take on such a role, and to promote good practice.

116. In summary therefore, any suggestion for the development of a new instrument under CMS should be subjected to a checklist of questions to establish, *inter alia*:

- What is the analysis of needs and gaps that substantiates the case for a new instrument?
- Does the proposal help to deliver a specific existing CMS COP mandate or other existing CMS initiative?
- What are the financial implications of the proposal, and what is the plan for financing the instrument?
- To what extent is the financing plan sustainable in the long term?
- Does it have to be a new instrument, or is there an option of extending an existing one?
- Does it have to be a CMS instrument, or is there an option of achieving the same outcomes by delivery through one or more partner organizations?
- What other synergies and efficient ways of working can be foreseen?
- Is there an organization or (preferably) a country which has committed to leading the development process?

117. A further strategic issue on which it may be worth developing good practice guidance, or even specific initiatives, is the question of aligning work planning and information management across the variety of CMS instruments, in order both to avoid duplication of effort and to promote harmonization and inter-operability of approaches across the CMS “family”. The COP in Resolutions 8.5 and 9.2 has already made suggestions for Agreements to use similar systems for planning and reporting, in order to ensure that they are each appropriately integrated and strategically aligned with the Convention.

Action requested:

The Conference of the Parties is requested to:

- a. take note of the progress in implementation of agreements already concluded;
- b. adopt the resolution on Priorities for Agreements, contained in UNEP/CMS/Res.10.16;
- c. give any further guidance to the Secretariat on agreements under development; and
- d. give any further guidance on the suggestions raised in section IV on strategic considerations.