



CONVENTION ON MIGRATORY SPECIES

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INFORMATION CONSIDERED IN 2010 BY THE STANDING COMMITTEE CONCERNING THE DEVELOPMENT OF NEW AGREEMENTS

(Cover note prepared by the Secretariat)

1. COP document UNEP/CMS/Conf.10.9 on *Progress in the implementation of Article IV Agreements already concluded, and development of new Agreements* includes a discussion of the considerations which should accompany the development of proposals for new Agreements, linked in due course to the outcome of the work initiated by Res.9.13 on the Future Shape of CMS.

2. The suggestions presented in that document follow a discussion by the Standing Committee at its 37th Meeting in November 2010, which was informed by a report on progress in the development of new Agreements. The Committee decided that the report (Document CMS/StC37/4/Rev.1) should be revised for presentation to the COP, and the revision is now contained in the present document. The revisions address matters of factual accuracy and some additional matters suggested by the Committee, but this document does not represent a comprehensive update of all the information originally presented. It is provided by way of background, and the main current report on development of Agreements can be found instead in document UNEP/CMS/Conf.10.9.

Progress in the development of new Agreements, and proposals by the CMS Secretariat for further short-term action

At the request of the Standing Committee, the table below is a revised version of the information which was originally presented at the Committee's 37th Meeting in November 2010, in Document CMS/StC37/4/Rev.1 (*Progress in the development of new Agreements*). Where applicable the details that were considered at that time have been updated; and as agreed, a further column has been added to indicate possible alternatives to stand-alone CMS instruments where relevant.

Instrument	Mandate	Background	Developments since COP9	Secretariat's views	Resources needed for immediate next steps	Options other than a new CMS instrument?
Central Asian Flyway (CAF)	Res. 9.2 Supports the Secretariat's call for the Range States to meet in 2009-2010 in Central Asia in order to: review the Action Plan, agree on future projects subject to external funding, establish coordination arrangements for Central Asian Flyway management and conservation, and explore the possibility of the preparation of a CMS instrument or extending an existing instrument, either legally binding or non binding, under Article IV of the Convention concerning the conservation of these species and requests the Secretariat to involve the relevant regional	<ul style="list-style-type: none"> • On CMS agenda since COP5 (1997) • Two range states meetings convened: <ul style="list-style-type: none"> i) Tashkent Meeting on the Central Asian-Indian Flyway (18-20 August 2001) ii) Meeting to conclude and endorse the proposed Central Asian Flyway Action Plan to conserve migratory waterbirds and their habitats (New Delhi, 10-12 June 2005) 	<p>In relation to the specific objective of convening a new Range States meeting to clarify the legal and institutional context under which placing the CAF Action Plan, progress has been limited. Discussions on options and opportunities to convene a range states meeting have not led to any definite planning. The entry on duty of the JPO for Central Asia in October 2010 has strengthened the capacity of the Secretariat and allowed starting fundraising and preparation for the convening of a meeting.</p> <p>More progress on CAF have been recorded in other areas, notably the development of a relevant project proposal used for fundraising to support the implementation of the CAF Action Plan.</p>	<p>This is an important initiative, not only for conservation, but also for the credibility and perception of the convention in the region. In the view of the Secretariat, it should be seen as a priority. After consultation with the AEWa Secretariat, SCMS has started planning and fundraising for the convening of a range states meeting, which is envisaged to be held back-to-back to AEWa MOP-5 (currently scheduled to be held during 14-18 May 2012 in France)</p>	<p>The costs of convening a range state meeting are estimated at €135,000</p>	<p>Two main alternatives to the establishment of a new CMS instrument that have already been considered during the Range State meetings in Tashkent (2001) and Delhi (2005), can be foreseen at this stage:</p> <ol style="list-style-type: none"> 1/ Extension of the geographic scope of AEWa to cover the entire CAF range; 2/ Establishment of a partnership on the model of the existing Partnership for the East Asian-Australasian Flyway (EAAFP)

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	<p>Agreements, in particular the Secretariat of the AEWA in the view of a possible close collaboration with the AEWA using all available synergies.</p>					
<p>Asian Houbara Bustard</p>	<p>Res. 9.2 <i>Suggests</i> a deadline of September 2009 for the final conclusion of this agreement with participation of all range states and in collaboration with relevant organizations; and In the absence of action by that deadline, <i>Instructs</i> the CMS Secretariat to open the current text for signature in November 2009.</p>	<ul style="list-style-type: none"> On CMS agenda since COP4 (1994): Rec. 4.4; Rec. 5.4; Rec. 6.4; Res. 7.7; Res. 8.5 1 range state meeting convened: Meeting to Conclude the Agreement on the Conservation of the Asian Houbara Bustard (<i>Chlamydotisundulata macqueenii</i> (Nairobi, Nov. 2005) 	<p>SCMS has been in contact with the lead country (Kingdom of Saudi Arabia). KSA considered that a new meeting of range states was not necessary, and opted to proceed with the opening of the existing text for signature. The current text has been circulated by the Secretariat to all range states for possible comments, none was received. However, the Ministry of Foreign Affairs of the KSA being no longer in a position to act as depositary for the Agreement, as foreseen in the current text, a new round of consultations is underway to identify a suitable depositary before the Agreement be opened for signature.</p>	<p>This is long-standing initiative, now close to completion as regards its negotiation phase. Completing the negotiation phase should be seen as a priority. The instrument should be opened for signature as soon as feasible.</p>	<p>No significant resources needed to complete the negotiation process. Costs related to the functioning of the Agreement once in force are expected to be met by the Parties to the Agreement.</p>	<p>No alternative option appears to be under any degree of consideration at the moment.</p>
<p>Sharks</p>	<p>Res. 9.2 <i>Welcomes</i> the convening of the second negotiation meeting to be held at the FAO premises in Rome immediately after COP9 to consider alternative texts for binding and a non-legally binding Article IV instruments, prepared by the CMS</p>	<ul style="list-style-type: none"> On CMS agenda since COP8 (2005): Res. 8.5; Rec. 8.16 Meeting to Identify and Elaborate an Option for International Cooperation on Migratory Sharks under the Convention on Migratory Species 	<p>2nd Meeting on International Cooperation on Migratory Sharks under the Convention on Migratory Species was convened in Rome, Italy, immediately after COP9 (Dec. 2008). The meeting opted for a non-binding instrument in the form of a MoU, and examined a draft prepared by Secretariat before the meeting under the guidance of a Steering Group established by the</p>	<p>Development of this instrument has received considerable interest and support from several Parties and non-party States. Further development of the instrument and support to its implementation should be seen as a priority, in order to gain</p>	<p>The costs of convening the 1st Meeting of the Signatories are estimated at €200,000.</p>	<p>(Not applicable: MoU has now been concluded).</p>

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	<p>Secretariat and the Intersessional Steering Group comprising Australia, Chile, Costa Rica, EC, New Zealand, Seychelles and USA; Urges Range States to ensure its definite conclusion and entry into effect as a key initiative to conserve sharks through a second meeting and further phases of the negotiation process to be held after the 9th Meeting of the Conference of the Parties.</p>	<p>(Mahé, Seychelles, Dec. 2007)</p>	<p>meeting in Mahé (2007). The meeting agreed on the convening of a further negotiation meeting and the development of a conservation plan to be attached to the MoU. 3rd Meeting on International Cooperation on Migratory Sharks under the Convention on Migratory Species was convened in Manila, Philippines, February 2010. The meeting finalized the <i>Memorandum of Understanding on the Conservation of Migratory Sharks</i>, and opened it for signature. The MoU was signed by 11 range states, and entered immediately into force. The CMS Secretariat was requested to act as interim Secretariat for the MoU until a permanent Secretariat will be established by the 1st Meeting of the Signatories. The Meeting was immediately preceded by a Technical Meeting for the Elaboration of a Conservation and Management Plan for Migratory Sharks (Manila, Feb. 2010), which made progress in the elaboration of a draft CMP. A new draft version of the Conservation Plan, which reflects the outcome of the meeting was led by the working group of the USA soon after the meeting and is currently being reviewed by the Signatories and other range states. A final draft will be submitted for adoption to the first Meeting of the</p>	<p>momentum. With its current capacity, the CMS Secretariat is able to progress the following main activities, until a permanent secretariat will be appointed:</p> <ul style="list-style-type: none"> • Progress elaboration of a Conservation Plan for Migratory Sharks, to be submitted for adoption by the 1st meeting of the signatories to the MoU • Fundraising for the convening of the 1st meeting of the Signatories in 2012 <p>The CMS Secretariat has secured from Germany resources for a part-time officer to work on sharks. The United States have pledged funds to partially cover the costs of the 1st Meeting of Signatories.</p>		

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			<p>Signatories. As requested by the Parties The MoU text was translated into French, Spanish, Arabic, Russian and Chinese. A German version was provided by the European Commission and was approved by the German government. The next Meeting of Signatories is scheduled to take place in the first half of 2012 if funding can be secured.</p>			
<p>Pacific Marine Turtles</p>	<p>Res. 9.2 <i>Supports</i> the development of an appropriate CMS instrument on marine turtles for the Pacific region pursuant to Recommendation 8.17; <i>Applauds</i> the efforts being made by CMS and the South Pacific Regional Environment Programme (SPREP) towards the development of a CMS-based binding or non-binding instrument under Article IV of CMS for turtle conservation, following the success of the Year of the Turtle 2006.</p>	<ul style="list-style-type: none"> On CMS agenda since COP8 (2005): Res. 8.5; Rec. 8.17 	<p>Meeting on Pacific turtles conservation convened by the SPREP Secretariat in the margins of Sea Turtle Symposium held in Brisbane (Feb. 2009) Gap analysis and option paper concerning an instrument for the conservation of turtles in the Pacific prepared by Australia and USA. First draft of the gap analysis presented to representatives of SPREP countries at an informal meeting on Pacific turtles conservation convened by the SPREP secretariat in the margins of the 2nd Meeting of Signatories to the Pacific Cetacean MoU (Auckland, July 2009). Gap analysis and option paper finalized after the meeting. Gap analysis and option paper tabled for consideration at SPREP meeting in 2009. A questionnaire aimed at identifying the preferred option was distributed at the meeting, but did not produce any</p>	<p>No further action from CMS until a sufficiently clear indication on the interest and desirability of a CMS instrument on marine turtles in the Pacific will emerge within SPREP. The recent decision to recruit an officer within SPREP to follow issues of common interest to CMS and SPREP might boost this process.</p>		<p>The gap analysis and option paper referred to mentions the following main alternatives to a new CMS instrument: 1/ Expanding the IOSEA MOU to encompass the Pacific region; 2/ Establish dedicated working groups for threat- or species-based arrangements under SPREP; 3/ Marine Turtle Action Plan under SPREP (already in existence).</p>

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			<p>feedback. Meeting agreed to continue working on turtle conservation for the time being under the existing SPREP turtle action plan.</p> <p>Subsequent consultations by correspondence undertaken by the SPREP Secretariat were also inconclusive on preferred instrument.</p> <p>A further round of consultations undertaken by the SPREP Secretariat is underway at the moment this document is being finalized.</p>			
<p>Cetaceans in the Indian Ocean and South-East Asia</p>	<p>Res. 9.2 <i>Reiterates</i> its supports for the development of an appropriate CMS instrument on cetaceans in South-East Asia, taking account of Resolution 7.7 and Recommendation 7.4, and further discussion at the 14th meeting of the Scientific Council (Bonn, 2007); <i>Notes</i> that extending the geographic scope of the instrument to cover the Indian Ocean would significantly increase the number of CMS Parties involved, thus facilitating the negotiation process for the instrument;</p>	<ul style="list-style-type: none"> On CMS agenda since COP7 (2002): Res. 7.7; Rec. 7.4; Res. 8.5. 	<p>No lead country to support the instrument's preparatory phase emerged so far.</p>	<p>Reconsider interest in this instrument at COP10</p>		<p>1/ The geographic area covered by this initiative overlaps with the geographic coverage of several Regional Seas Conventions and Action Plans, some of which have already developed wildlife protocols. Sub-regional cetacean action plans could be developed within such frameworks.</p> <p>2/ An Indian Ocean Sanctuary under the International Whaling Commission has been in existence</p>

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	<p><i>Requests</i> Range States of the region to identify a lead country to support the instrument's preparatory phase as a condition of CMS's continued support for the initiative; and</p> <p><i>Urges</i> Parties, interested States and organisations to generously provide financial and in kind support to these efforts.</p>					since 1979.
<p>Sahelo-Saharan Megafauna</p>	<p>Res. 9.2</p> <p><i>Appeals</i> to all Range States to support the development of a Memorandum of Understanding concerning the conservation of the Sahelo-Saharan Antelopes as a complement to the operating action plan; and</p> <p><i>Recognizes</i> the declaration of the Working Group on Terrestrial Mammals of the Scientific Council at its 14th meeting that there is a need to extend the Sahelo-Saharan Antelopes Concerted Action to other species of large mammals occurring within the range such as</p>	<ul style="list-style-type: none"> • The development of a CMS agreement has been on CMS agenda since COP7 (2002): Res. 7.7; Res. 8.5 • A Concerted Action on Sahelo-Saharan Ungulates (SSU) was initiated by COP4 in 1994, and is still ongoing • Two meetings of Sahelo-Saharan Ungulate Range States has been held: <ul style="list-style-type: none"> i) Djerba, Tunisia, 1998; ii) Agadir, Morocco, 2003; <p>Which adopted Action Plans for the Sahelo-Saharan ungulate species covered by the Concerted Action</p>	<p>Action to develop this instrument has been led by the CMS Scientific Council, in particular the chair of the Terrestrial Mammal Working Group. Main developments include:</p> <ul style="list-style-type: none"> (i) Preliminary definition of the geographic and taxonomic scope of the instrument; (ii) Preparation of the first draft of a Memorandum of Understanding concerning conservation measures for the Sahelo-Saharan megafauna. 	<p>The instrument aims mainly at providing a legal and institutional framework to the Concerted Action on SSU (with some extension of its taxonomic scope). The concerted Action is a long-standing CMS initiative, generally recognized as quite successful. The initiative deserves continued support and consolidation, and the development of an instrument under Art. IV of the Convention goes in that direction. Attention should be focused on the identification of the most appropriate instrument</p>	<p>Revision and elaboration of status reports and action plans is being undertaken by the Scientific Council working Group on Terrestrial Mammals at no cost to the convention. The costs of convening a range state meeting are estimated at 75,000 €.</p>	<p>No alternative to a CMS instrument can be envisaged for the specific purpose of providing a legal and institutional framework to the existing Concerted Action on Sahelo-Saharan Antelopes. Considering the achievements of the Concerted Action in the absence of such an instrument, the only alternative to a new instrument would be to maintain the status quo.</p>

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	<p>the Saharan Cheetah, in particular, and the Soemmering's Gazelle, the African Wild Ass and the Barbary sheep, as a possibility.</p> <p>Rec. 9.2 <i>Appeals</i> to Range States and other interested Parties to support the development of a Memorandum of Understanding or other binding or non binding instruments to complement the SAHELO-SAHARAN CONCERTED ACTION and its Action Plan.</p>			<p>and identification of appropriate financial/institutional arrangement that would ensure its long term sustainability. Depending on the outcomes of the review on terrestrial mammals and the Future Shape process, next steps should include:</p> <ul style="list-style-type: none"> i) Consultation with range states on the preferred instrument; ii) Revision of existing status reports and action plans for SSU and preparation of new ones for newly considered species; iii) Convening of a meeting of range states aimed at further elaborating and if possible finalizing the instrument and associated technical documents. 		
<p>Central Eurasian Aridland Mammals</p>	<p>Res. 9.2 <i>Appeals</i> to Range States and other interested Parties to support the development of a Memorandum of Understanding or other binding or non-binding instrument to</p>	<ul style="list-style-type: none"> • A Concerted Action on Central Eurasian Aridland Mammals was initiated by COP8 in 2005 (Rec. 8.23), and was confirmed by COP9 (Rec.9.1) 	<p>Activities to complement the Central Eurasian Aridland Concerted Action have mainly focused on initiating pilot projects and studies covering the species and ecosystems mentioned in Rec.9.1. Projects for the conservation of Asiatic wild ass in Turkmenistan and Bactrian camels</p>	<p>By contrast to the Sahelo-Saharan Concerted Action discussed above, the Central Eurasian Aridland Concerted Action is still at a relatively early stage of development, with</p>	<p>An Action Plan is being drafted by the Secretariat in collaboration with the Scientific Council working</p>	<p>No specific suggestions.</p>

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	<p>complement the Concerted Action; Rec. 9.1</p> <p><i>Appeals</i> to Range States and other interested Parties to support the development of a Memorandum of Understanding or other binding or non binding instruments to complement the Central Eurasian Aridland Concerted Action and its Action Plan;</p> <p>Rec 9.1 further mentions that: The Action will include an Action Plan and status reports for all species concerned, and will [...] also take into account, and link to, other existing Convention instruments as well as actions already taken by Range States and Convention partners.</p> <p><i>Encourages</i> the Secretariat to pursue efforts to bring into the Convention Range States of the Central Eurasian fauna that are not yet Parties, and to liaise with other concerned Conventions to enhance synergies.</p>		<p>in Mongolia have been developed and funds for implementation are being sought. WWF Mongolia has been commissioned to conduct a study on the impact of infrastructure projects on migratory mammals in Mongolia, to be tabled at the Scientific Council meeting in November in Bergen. The argali (<i>Ovis ammon</i>), a relevant species for this initiative has been proposed for listing on Appendix II of CMS by Tajikistan and Kazakhstan with a view to develop an Action Plan and MoU at a later stage (in case the proposal will be adopted at COP10). A draft Action Plan is currently being developed for discussion at the Scientific Council. The Secretariat has also undertaken efforts to promote the accession of relevant countries such as Kyrgyzstan and Afghanistan to CMS and has strengthened its cooperation with partners and stakeholders in Central Asia. Fundraising for conservation projects on Eurasian aridland mammals is ongoing.</p> <p>With the arrival of the JPO for Central Asia in October 2010, the Secretariat has increased its capacity to develop this Concerted Action further.</p>	<p>discussions ongoing within the Scientific Council concerning its taxonomic and geographic scope. In the view of the Secretariat, consideration of the most appropriate instrument to complement the Concerted Action should be developed in parallel with the development of the Concerted Action itself, without however engaging into an intergovernmental negotiation process at this stage. The main priority at this stage is the finalization of the Action Plan. Similar to the Sahelo-Saharan Concerted Action, attention should be focused on the identification of the most appropriate instrument and identification of appropriate financial/institutional arrangement that would ensure its long term sustainability. The future development of the Recommendation will also depend on the</p>	<p>Group on Terrestrial Mammals. The costs of convening a range state meeting are estimated at €75,000</p>	

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				outcomes of the review on terrestrial mammals and the Future Shape process.		
Sub-Saharan African bats	Res.9.2 <i>Recalls</i> the interest expressed during the 13 th meeting of the Scientific Council to develop an appropriate instrument for sub-Saharan and African bats under CMS auspices; and <i>Appeals</i> to Range States to form a working group in consultation with the Scientific Council, the EUROBATS Secretariat and the CMS Secretariat to explore how such an instrument, either binding or non-binding, could be prepared;	The development of a CMS instrument on African bats has been on CMS Agenda since COP8 (Res. 8.5)	The CMS and EUROBATS secretariats organized, in collaboration with FAO, one sub-regional workshop on bats in sub-Saharan Africa in 2010-2011, where interest in, and preferences on a possible instrument on bat conservation will be explored.	The feasibility of developing an instrument now needs to take account of the review on terrestrial mammals (including bats), which has been commissioned by the Secretariat, as well as the outcomes of the future shape process.		No specific suggestions.
Central African Elephants	Res. 9.2 <i>Requests</i> that preparatory work on the development or extension of an appropriate instrument on the conservation of elephants in Central Africa is undertaken in accordance with Recommendation 9.5; Rec. 9.5 <i>Requests</i> the Secretariat to include in its programme of work the	COP6 (Rec. 6.5) suggested that African Elephant Range States in Western and Central Africa envisage developing and concluding one or more Agreements, including action plans. A Memorandum of Understanding concerning conservation measures for the West African populations of	The feasibility of extending the existing MoU for West African elephants to cover Central African populations was explored at both the 1 st and the 2 nd Meeting of the Signatories to that MoU (in 2009 and 2011). Both meetings took place back-to-back with the meeting of the Sub-regional Steering Committee for Central Africa of CITES-MIKE and expressed a preference for the development of a separate instrument, rather than an extension	The Secretariat awaits the outcomes of the gap analysis and the Future shape process. Depending on the outcomes of these processes and the interest of Range States to pursue the development of an instrument, next steps should include: i) Establishment of a Working Group pursuant to Rec. 9.5;	The costs of convening a meeting of the Working Group are estimated at €25,000.	The gap analysis indicates that development of a binding CMS Agreement is a valid option, but would require appreciable external resources. It also discusses an option focused instead on some form of CMS presence in the region that would

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	<p>development of an appropriate instrument on the conservation of elephants in Central Africa, and to engage in relevant consultations with range states (COMIFAC);</p> <p><i>Invites</i> the Secretariat to establish a working group composed of representatives of Range States and CMS partner organizations on this issue. The Scientific Council will be an additional member of the working group;</p> <p><i>Further requests</i> the Secretariat to review the state of progress of work, both in the Scientific Council and the CMS Standing Committee during the intersessional period; and</p> <p><i>Encourages</i> the stakeholders to ensure a sound coordination amongst the CMS initiatives for this species in this region.</p>	<p>the African elephant was concluded in 2005.</p>	<p>of the existing one. Consideration of the options for a CMS instrument on the conservation of elephants in Central Africa has been included in the joint work programme of the CMS and CITES Secretariats, being an initiative on which the two conventions already cooperate. The meetings also 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. The CMS Secretariat has commissioned a gap analysis and options paper on the conservation of Central African elephants, funded by France. The analysis is currently being carried out and focuses on what would be the added value of a new instrument and the identification of financial/institutional arrangement that would ensure its long term sustainability. Contiguity with the existing MoU on West African Elephants and overlap with the Gorilla Agreement are taken into account.</p>	<p>ii) Continue fundraising notably with a view to convening a meeting of the working group.</p>		<p>be equipped to provide capacity support; but this too would require appreciable resources.</p>