



CONVENTION ON MIGRATORY SPECIES

Distribution: General

UNEP/CMS/Conf.10.7
8 November 2011

Original: English

TENTH MEETING OF THE
CONFERENCE OF THE PARTIES
Bergen, 20-25 November 2011
Agenda Item 10

REPORT OF THE CHAIR OF THE STANDING COMMITTEE

1. This Report has been prepared as required by paragraph 1 (g) of Resolution 9.15 and rule 32 of the Rules of Procedure of the Standing Committee. It sets out the activities of the Committee over the triennium since the ninth meeting of the Conference of the Parties (COP), held in Rome in December 2008.
2. The Standing Committee met on five occasions after the closure of COP9. The 35th meeting of the Committee took place on 5 December 2008 in Rome, immediately after the Conference. An Extraordinary Meeting of the Committee was held on 8 June 2009 in Geneva. Two regular intersessional meetings took place, both of them in Bonn: the 36th meeting from 2-3 December 2009 in the UN Campus and the 37th meeting in the premises of the German Federal Ministry for Transport on 23-24 November 2010. At the time this report was prepared, the Committee was next due to meet immediately before COP10. A separate report of this meeting will be presented to the Conference.
3. Full reports of all these meetings have been posted on the “Bodies and Meetings” pages of the CMS web-site (www.cms.int) and all the relevant links are listed in Annex 1 of this document. A summary of the key decisions and issues is included in Annex 2.

Officers of the Standing Committee

4. The newly elected Committee with its enlarged composition as determined by Res.9.15 met for the first time on 5 December 2008 at the 35th Meeting. The number of regional representatives had been increased to reflect the growth of the Convention, and a place was also created on the Committee for the host country of the previous COP (Italy). Having adopted the Rules of Procedure, the Meeting elected Saudi Arabia as Chair and Ghana as Vice-Chair. A representative from Norway, the host country of COP10 was also welcomed as an official Member of the Standing Committee at the 37th Meeting of the Standing Committee. The full list of members for the triennium 2008-2011 is attached in Annex 3.

Membership and Officers of the Finance and Budget Sub-Committee

5. It was agreed that the membership of the Sub-Committee established by the COP through Res.9.14 should not be restricted to members of the Standing Committee. The following countries formed the Sub-Committee: Tunisia (Africa), Chile (South & Central America and the Caribbean) and the Islamic Republic of Iran (Asia). The representatives for

Europe (United Kingdom) and the Philippines (Oceania) were chosen later. The United Kingdom was subsequently elected to chair the Sub-Committee.

Senior Management of the Convention Secretariat

6. An Extraordinary Meeting of the Standing Committee (Geneva, 8 June 2009) was convened by the Chair of the Committee upon the request of the members. The meeting was hosted by the UNEP Executive Director, Mr. Achim Steiner, who briefed the members on the new arrangements for the management of the Convention, resulting from the impending departures of the then Executive Secretary and the then Deputy Executive Secretary. The Executive Director was aware of the need to ensure a degree of continuity in the Secretariat and therefore agreed to assign a senior UNEP D-1 level official to act as officer-in-charge while a permanent replacement was recruited.

7. The Standing Committee was informed at its 36th Meeting (Bonn, 2-3 December 2009) that Ms Elizabeth Mrema had been confirmed in post as the new permanent Executive Secretary. The Chair of the Standing Committee had been kept apprised of progress in the recruitment process by UNEP and was entirely content with the way the procedure had been conducted. The Vice-Chair of the Standing Committee participated in this process on behalf of the Chair. Mr. Bert Lenten was confirmed as the Deputy Executive Secretary in this post in January 2011.

Staffing

8. A number of changes in personnel within the Secretariat have taken place during the triennium. These include the appointment in June 2009 of Ms. Melanie Virtue as Inter-Agency Liaison Officer; and Mr Borja Heredia as the new Scientific and Technical Officer who entered on duty in January 2010. The two new P2 posts created at COP9 have been filled, with Ms. Aline Kühl as the Associate Technical Officer and Ms. Laura Cerasi as the Associate Fundraising and Partnerships Officer. Ms Heidrun Frisch has been appointed as the Marine Mammals Officer (and ASCOBANS Coordinator). In addition, the Government of Germany is funding a position of a JPO occupied by Ms. Christiane Röttger since October 2010 and has agreed to fund an additional position for three years to be filled in due course The Government of Finland has also provided a JPO, Sophia Chaichee, who entered on duty in August 2011. In May 2011 Mr. Marco Barbieri was appointed Officer-in-Charge of the AEWAs Secretariat and his post of Agreements Officer temporarily occupied by Ms Virtue. When a permanent appointment is made to AEWAs Executive Secretary post, she will return to her inter-agency and partnership tasks, most of which are currently being carried out by a consultant.

Terms of Reference and Guidelines:

Regional Members of the Standing Committee

9. The Committee considered terms of reference for its regional members and endorsed the draft proposed by the Secretariat subject to minor changes. The terms of reference as approved are attached as Annex 4.

National Focal Points

10. At the request of the Standing Committee, the Secretariat had reviewed the draft terms of reference for National Focal Points, and circulated a revised set of guidance for endorsement after the 37th meeting. The guidelines are attached as Annex 5.

“Ambassadors”, Thesis Award and “Champions”

11. The Secretariat also tabled draft selection criteria and terms of reference for the CMS and “Year of the ...” Ambassadors. Both documents were reviewed and approved. It was agreed to continue with the triennial Thesis Award, with the German airline Lufthansa as sponsors, but not to maintain the CMS Champions instigated at COP9.

“Year of the ...” Campaigns

12. The Secretariat had commissioned an independent assessment of the effectiveness of the “Year of the ...” species campaigns. The findings in the report were generally very positive, but some recommendations had been made for improvement. The Secretariat presented proposals for the future selection of species for the “Year of the ...” campaigns and consideration would be given to the timing and number of initiatives. The assessment was presented to the 37th Meeting of the Standing Committee (Document CMS/StC37/20) and can be accessed on the Convention’s website¹.

13. CMS ran the “Year of the Gorilla” in 2009, participated in CBD’s International Year of Biodiversity in 2010 and together with EUROBATS is coordinating a biennial campaign, the “Year of the Bat” for which the main but not exclusive focus is Europe in 2011 before going more global in 2012.

Accessions

14. Since the last COP, six new Parties - Montenegro, Mozambique, Ethiopia, Equatorial Guinea, Armenia and Burundi - have acceded to the Convention, bringing the total membership to 116 Parties as of 1 July 2011.

Agreements and MOUs

15. Reports were received from Agreement Secretariats and the 37th Meeting of the Standing Committee was informed of the findings of the review of the CMS-ASCOBANS merger. UNEP provided €54,511 towards a third negotiation meeting for a global instrument to protect migratory sharks, held in February 2010. Further contributions were received from Germany (€80,000), France (€50,000), Norway (€8,300) and Sweden (€19,100).

16. The Secretariat reported on the development of new instruments. Key considerations were the unknown outcome of the “Future Shape” process, the limited resources of the Secretariat to manage an ever increasing workload caused by the growing number of MOUs which brought no corresponding additional resources, and the need to rationalize and synergize within the CMS Family and with other MEAs, such as CITES. The Standing Committee agreed that instruments in an advanced stage of negotiation should be allowed to progress but others should be suspended pending the outcome of the Future Shape process.

17. Negotiations for a global instrument for the protection of migratory sharks under the auspices of the Convention came to a successful conclusion at the third meeting hosted by the Government of the Philippines in Manila in February 2010.

¹ http://www.cms.int/bodies/StC/37th_StC_documents.htm.

Abu Dhabi Project Office

18. Confirmation had been received in 2009 of a generous offer by the authorities of Abu Dhabi in the United Arab Emirates, despite the country not being a Party to CMS, to host an office to manage the Raptors and Dugong MOUs. Progress on the activities of the Abu Dhabi Project office was reported to the 36th and 37th meetings of the Standing Committee. It was planned to hold the first Meeting of Signatories to the Raptor MOU during the course of 2012.

Future Shape

19. Switzerland was chosen to serve as Chair and Australia as Vice-Chair of the Working Group, which had been established by Resolution 9.13 adopted at the COP in Rome. The Chair and Vice-Chair of the Standing Committee were ex officio members of the Working Group. The Working Group met three times during the triennium: on 19-20 October 2009, 1-2 July 2010 and 3-4 February 2011.

20. The Chair suggested, and the Standing Committee approved, the establishment of a working group to review all documents to be submitted to COP10 and specially the final report from the IWFSWG.

21. The 36th and 37th Meetings of the Standing Committee received the updates from ERIC, the consultancy firm advising the Future Shape Working Group, on progress achieved respectively under Phase I and Phase II of the process. Phase I was an assessment of the current structure and practice within the CMS family.

22. Full reports on the Phase of the Future Shape process can be found on the CMS website² and in the specific documentation prepared for the COP (documents UNEP/CMS/Conf.10.20 and the UNEP/CMS/Inf.10.14 series).

Global Flyways

23. The Scientific Council Working Group on Global Flyways gave a presentation on the progress it had made. The first two stages of the review had been completed (an overview of the current state of flyway conservation efforts and existing instruments) had been completed³, and the Council's Vice-Chair, Professor Colin Galbraith was finalizing the third stage, setting out proposals for a future strategy to feed into the Future Shape process.

Strategic Plan

24. The current CMS Strategic Plan ran from 2006 until 2011 and therefore needed to be extended or replaced. The Committee agreed at its 36th Meeting to lengthen the 2006-11 Plan for one year until 2012 and an inter-sessional Working Group could be established to draft a new one for 2013-2017 to be adopted at COP11 in 2014. Further consideration was given to this issue at the 37th Meeting, where it was decided to extend the current Plan until 2014 (rather than 2012), thereby allowing a Working Group to be established at COP10 to elaborate the new Plan covering the years 2014-20 during the inter-sessional period of the

² The documentation can be found here: http://www.cms.int/bodies/future_shape/future_shape_mainpage.htm.

³ The reports to StC37 are available as Doc 8 and Inf Doc 8 under CMS/StC37/8/Rev1 and http://www.cms.int/bodies/StC/37th_StC_documents.htm.

next triennium for adoption at COP11. This would allow the new Strategic Plan to take full account of the outcomes of the Future Shape process.

Financial Matters

25. Progress was reported at both regular inter-sessional meetings of the Committee. The Administration and Fund Management Officer reported that the Convention's finances were sound. For example, €1.7 million had been received in contributions against a total due of €1.9 million in 2010. The level of arrears was in line with many other MEAs, and was not causing the Convention liquidity problems, but efforts would still be made to recoup the outstanding sum.

26. Mr. Trevor Salmon (UK), the Chair of the Finance Sub-Committee Finance, confirmed that the Convention's finances were being managed well, although €250,000 was owed in outstanding contributions (€110,000 of which was from the 2010).

27. Ms Laura Cerasi (Secretariat) reported on efforts concerning fundraising. The resources secured had been used on the Future Shape process, MoU meetings, capacity building, conservation projects and office equipment. The Secretariat was engaging a consultant to draw up project proposals for submission to GEF. The likely focus for the projects would be gorillas, Saiga antelopes and birds of the Central Asian Flyway.

CMS COP9 and COP10

28. The Secretariat presented the results of the participants' survey conducted at the end of COP9. Improvements would be undertaken in line with the comments received on issues such as the production of revised documents in-session. The Secretariat had received three expressions of interest from Parties concerning the possibility of hosting COP10. Eventually, the Norwegian offer crystallized and the venue for COP10 would be Bergen.

29. As mentioned above, the Standing Committee established a Working Group at its 37th Meeting to review draft documents prepared by the Secretariat for COP10.

CBD COP10

30. The 37th Meeting heard a report of the outcomes of the recent CBD COP10 which had been held in Nagoya, Japan in October 2010. CMS's role as "lead partner" of CBD in matters relating to the conservation and sustainable use of migratory species had been reaffirmed, and the role of CMS and other MEAs in achieving CBD objectives was recognized. The CMS Secretariat had identified six CBD COP decisions as being of particular relevance to CMS. Of importance to CMS was the CBD Parties' recognition of the fact that the revised and updated NBSAPs to incorporate new 2020 biodiversity targets into national targets could also be used as a framework for implementation of other biodiversity related conventions like CMS.

Scientific Council

31. Three draft resolutions had been considered on the subjects of emergency responses, ecological networks and marine debris. These are presented to the COP as Draft Resolutions 10.2, 10.3 and 10.4 respectively. The Chair of the Council, Mr John Mshelbwala, Nigeria called for adequate resources to be found to fund the Small Grants Programme and he welcomed the progress achieved at establishing IPBES.

Partnerships

32. A Code of Conduct covering relations between the Convention and the private sector was presented and approved the 36th meeting. The Code is attached as Annex 6.

33. During the 37th meeting, a signing ceremony took place for the agreement between the German energy company, RWE and AEWa, under which RWE would make a grant of €120,000 towards an independent review of the problem of migratory birds colliding with overhead power lines and draft guidelines to address the problem of electrocution.

UNEP Support

34. The UNEP Executive Director had kindly pledged to provide the Convention with extra financial support by providing US\$40,000 for the taxonomic reviews to feed into the work of the ISWGFS, with the possibility of another US\$300,000 for a variety of other projects, including the development of GEF projects and implementation of the Gorilla Agreement. Ultimately UNEP provided only a total of US\$200,000.

35. In addition UNEP had suggested that it would help increase the number of Parties to the Convention by making extra efforts to invite other countries to join. UNEP set a target of 15 new Parties to join the Convention by the time of COP10. Since COP9 only six new Parties have joined. UNEP is still requested to make more efforts in providing all needed financial and other support to promote the Convention and its work.

Visit to Abu Dhabi

36. The Chair of the Standing Committee made a visit to Abu Dhabi, UAE and met Ms. Razan Al-Mubarak, the Secretary General of the Environment Agency, Abu Dhabi. The meeting was positive and the response from the UAE was promising. The main purpose of the visit was to follow up on the invitation of UAE to accede to the CMS and to reaffirm the invitation extended to UAE to attend CMS COP10. Other issues of common interest and related to CMS and the region were discussed.

Annex 1: Standing Committee Meetings in the Triennium and Web Links

The reports and meeting documentation for all meetings can be found on the CMS website under the following links:

35th Meeting: http://www.cms.int/bodies/StC/35th_StC_documents.htm

Extraordinary Meeting: http://www.cms.int/bodies/StC/exm09_stc_documents.htm

36th Meeting: http://www.cms.int/bodies/StC/36th_StC_documents.htm

37th Meeting: http://www.cms.int/bodies/StC/37th_StC_documents.htm

Annex 2: Key decisions taken and issues considered by the Standing Committee

35th Meeting of the Standing Committee

- Election of the Chair and Vice-Chair
- Selection of the Parties to form the Budget and Finance Sub-Committee
- Election of the Chair of the Inter-sessional Working Group on the Future Shape of CMS

Extraordinary Meeting of the Standing Committee

- Executive Director's decision regarding the future management of CMS noted

36th Meeting of the Standing Committee

- The achievements of the “Year of the Gorilla” were noted
- The accession of Montenegro and Mozambique was welcomed
- The offer by the United Arab Emirates to host a Project Office was welcomed
- The Secretariat was mandated to develop further policy papers on campaigns, honorary roles and awards
- The first report from the Inter-sessional Working Group on the Future Shape of CMS and from the consultants was endorsed
- Further voluntary contributions were to be sought for the three reviews of instruments and projects by taxonomic group
- The Strategic Plan 2006-11 would be extended to 2012; a draft plan for 2012-17 would be drawn up to be tabled at COP11 in 2014 (but see below)
- The Secretariat was mandated to draft Terms of Reference for Regional members of the Standing Committee
- The assessment of the ASCOBANS Secretariat since its merger with the CMS secretariat was noted and the merger approved for a further three years.
- The first report of the Budget and Finance Sub-Committee was received and noted

37th Meeting of the Standing Committee

- The Secretariat would pursue with UNEP arrangements for receiving a US\$40,000 contribution to the taxonomic reviews
- The accession of Ethiopia and Equatorial Guinea was welcomed
- The conclusion of the Sharks MOU in Manila was welcomed
- The second report from the Inter-sessional Working Group on the Future Shape of CMS and from the consultants was endorsed
- The report of the Scientific Council Working Group on Global flyways was endorsed
- The Secretariat was mandated to draft guidance for CMS national focal points on how to draft NBSAPs
- The Strategic Plan 2006-11 would be extended to 2014; a draft plan for 2014-20 would be drawn up inter-sessionally to be tabled at COP11. The review of the current plan would also be conducted in the inter-sessional period
- The launch of the “Year of the Bat” was welcomed
- The Secretariat was mandated to initiate the process of drafting proposals for submission for funding under GEF
- Terms of reference for regional members of the Standing Committee were adopted
- The Secretariat was mandated to refine guidance for national focal points

- New staff appointments were noted and welcomed
- The Chair of the Scientific Council urged that Parties support three projects submitted to the small grants fund and welcomed progress towards the establishment of IPBES
- The offer of the Norwegian Government to host COP10 in Bergen was welcomed and a Working Group was established to consider draft documentation issued by the Secretariat was established
- The Secretariat's report on CMS ambassadors, honorary roles and awards and campaigns was endorsed
- The outcomes of the CBD COP and the decisions relevant to CMS were noted
- The grant of €120,000 from RWE for research into the electrocution of birds was welcomed.

Annex 3: Membership of the Standing Committee 2008-2011

Region	Members	Alternate Members
Africa	Ghana (Vice-Chair) Senegal Tunisia	Uganda Democratic Republic of the Congo South Africa
Asia	Saudi Arabia (Chair) Pakistan	Syrian Arab Republic Islamic Republic of Iran
South & Central America & the Caribbean	Chile Panama	Argentina Antigua & Barbuda
Europe	Monaco Netherlands Poland	Norway France Georgia
North America*	vacant	vacant
Oceania	Philippines	New Zealand
Depositary	Germany	-
Host of COP9	Italy	-
Host of COP10	Norway	-

* There are no CMS Parties in this region which comprises Canada, the USA and Mexico

Annex 4: Terms of Reference for Regional Members of the Standing Committee

CMS Standing Committee and its functions:

The CMS Standing Committee was established by Resolution 1.1 of the Conference of the Parties. Resolution 1.1 was repealed by Resolution 2.5 which was in turn amended by Resolution 3.7 and later repealed by Resolution 6.6. In *para* 6 of Resolution 9.15 all the previous Resolutions concerning the Standing Committee were repealed. The Resolution 2.5 re-established the Standing Committee of the Conference of the Parties and established Terms of Reference. The Committee provides policy and administrative guidance between regular meetings of the Conference of the Parties. It consists of members with due regard to geographical distribution and includes a representative from the depositary Government and, where applicable, of the countries which host the previous and next meeting of the COP.

Resolution 9.15 sets down that the Standing Committee shall in particular:

- (a) *Provide general policy and operational direction to the Secretariat;*
- (b) *Provide advice and assistance to Parties concerning implementation of the Convention;*
- (c) *Carry out, between one meeting of the Conference of the Parties and the next, such interim activities on behalf of the Conference as may be necessary or explicitly assigned to it;*
- (d) *Provide guidance and advice to the Secretariat on the preparation of agendas and other requirements of meetings and on any other matters brought to it by the Secretariat in the exercise of its functions;*
- (e) *Oversee, on behalf of the Parties, the development and execution of the budget of the Secretariat as derived from the Trust Fund and other sources and also all aspects of fundraising undertaken by the Secretariat in order to carry out specific functions authorised by the Conference of the Parties, and oversee expenditures of such fundraising activities; and shall be supported, in this activity, by the subcommittee established through resolution 9.14 paragraph 12;*
- (f) *Represent the Conference of the Parties, vis-à-vis the Government of the host country of the Secretariat's headquarters, the United Nations Environment Programme and other international organisations for consideration of matters relating to the Convention and its Secretariat;*
- (g) *Submit at each ordinary meeting of the Conference of the Parties a written report on its work since the previous ordinary meeting;*
- (h) *Draft resolutions or recommendations, as appropriate, for consideration by the Conference of the Parties;*
- (i) *Act as the Bureau at meetings of the Conference of the Parties until such time as the Conference Rules of Procedure are adopted; and*
- (j) *Perform any other function as may be entrusted to it by the Conference of the Parties;*

Responsibilities of the Standing Committee members/regional representatives:

The membership of Standing Committee is composed of Parties from each of the geographic regions. Each country serving as a Regional Member acts on behalf of its entire region rather than individual nation alone. Every member, during the intersessional period and notably prior to meetings of the Committee, is expected to liaise with Parties in the region to explore and to the extent possible discuss their views on issues being considered by the Standing Committee and agree on a common regional position. In performing their role as regional representatives, members from the same region should agree on how to divide responsibility among themselves.

Res.9.15 provides a general indication of the duties of the regional representatives on the Standing Committee as follows:

- To maintain a fluid and permanent communication with the Parties of their region and the Secretariat;
- Wherever possible, to request opinions from Parties of their regions on items under consideration by the Standing Committee;
- To report on their activities and communications at meetings of the Committee and at any regional meetings that take place during the COP or inter-sessionally.

These general duties are further detailed as follows:

- To circulate all relevant correspondence received by the Secretariat to each Party in their region;
- To inform all Parties in their region about the proceedings and decisions made during CMS Standing Committee Meetings;
- Where possible, to liaise with all or some Parties represented in a region to decide on common CMS regional issues;
- To follow up on requests made by the Secretariat in correspondence with Parties of their region e.g. by promoting the revision of comments or enquiries regarding draft meeting reports, completion of National Reports; provision of inputs on documents, completion of questionnaires on specific issues related to the Convention;
- To ensure, to the extent possible, a coordinated flow of information from Parties in the region to the Secretariat and vice versa;
- To promote the drafting and/or revision of relevant documents to be examined by the Conference of the Parties at its meetings e.g. species listing proposals⁴, draft Resolutions and Recommendations⁵;
- To coordinate the compilation of information and the completion of reports on relevant activities in their region to be submitted to meetings of the Committee, and to any regional meetings that take place during the COP or intersessionally according to the format provided in Annex I;
- To receive from Parties in the region, and coordinate where appropriate the formulation and the submission of proposals to the Chairperson of the Committee for a decision by postal procedure⁶;
- To encourage Parties in the region to update the Secretariat with actual information about the national focal points as well as promptly inform the Secretariat in cases of changes.

⁴ As a general rule proposals shall, subject to any provisions of the Convention itself, be communicated at least 150 days before the COP meeting to the Secretariat, which shall be circulated to all Parties in the working languages of the meeting (Rule 11 of COP Rules of Procedure).

⁵ As a general rule Resolutions or Recommendations shall be communicated at least 60 days before the meeting to the Secretariat who shall circulate them to all Parties in the working languages in the meeting (Rule 12 of COP Rules of Procedure).

⁶ Any member or the Secretariat may make a proposal to the Chairperson for a decision by postal procedure. The Secretariat shall communicate the proposal to the members for comments within 60 days of communication; any comments received within these limits shall also be so communicated (Rule 29 of standing Committee Rules of Procedure).

Annex 5: Guidelines for National Focal Points

Introduction

This document has been developed to set out possible general roles and responsibilities of CMS National Focal Points and give guidance as to how they might contribute more effectively to the operation of CMS and facilitate interactions between the Party they represent and CMS.

As the primary contacts in CMS Parties, the National Focal Points are of great importance for CMS as well as for the Parties themselves. The CMS National Focal Points serve as a link with CMS as well as the responsible institutions in the country through maintaining a constant flow of information.

Ideally, the Focal Point should work in one of the relevant Ministries dealing with nature conservation in their countries. A working knowledge of the operations of the Convention would be desirable.

The working languages of the Convention are English, French and Spanish and therefore the Focal Point would be at a disadvantage if unable to communicate in at least one of these languages.

Indicative Tasks for National Focal Points

The CMS National Focal Points should:

- Arrange confirmation of their appointment through official communication from their Ministers. The CMS Secretariat should be provided with the full contact details (including email addresses) of the Focal Points and alternate in their absence. Any changes of appointment or contact details should be communication as soon as possible to the Secretariat;
- Ensure the preparation, completion and timely submission of the CMS National Report to the CMS Secretariat;
- Require the appropriate national authorities to arrange for the timely and full payment of the annual contribution to the CMS, and investigate the possibility of voluntary contributions
- Where the party chooses to exercise its right to nominate a member of the Scientific Council, arrange for the appointment of the Party's Scientific Councillor and officially inform the CMS Secretariat directly of the contact details and area of expertise of their country's nominee to serve as Scientific Councillor;

In addition, NFPs might also usefully:

- Arrange for and follow up the nomination of focal points for CMS Memoranda of Understanding (where responsibility for the MOU does not lie with the CMS Focal Point) as well as act as focal point for those instruments in the interim period and inform the CMS Secretariat accordingly;
- As regularly as possible exchange information with the Focal Points for Agreements and MoUs, possibly through the creation of national and regional forums with the Focal Points for the MoUs, promote synergies and strengthen liaison with them to avoid unnecessary duplication of effort;⁷
- As regularly as possible, exchange information with the Focal Points for (Biodiversity) MEAs, possibly through the creation of a National Focal Point Forum, promote synergies and strengthen liaison with them to avoid unnecessary duplication of effort;

⁷ **Chile has a National CMS Committee:** the National CMS Committee, created by Decree No. 2 of January 2, 2006, to advise the Minister of Foreign Affairs, being an instance of coordination between the various State agencies associated with the Conservation of Migratory Species of Wild Animals. It is chaired by the Ministry of Foreign Affairs. It has a Technical Secretariat, in charge of Agriculture and Livestock Service (SAG). It comprises also the following services: National Environment Commission, Undersecretary of the Navy, Undersecretary of Fisheries, Directorate General of Maritime Territory and Merchant Marine, National Forest Service, General Directorate of Water, National Marine Fisheries Service, Chilean Antarctic Institute, National Museum of Natural History and the National Commission for Scientific and Technical Research.

- Maintain a mutual and permanent communication flow with the Parties' institutions with an interest in CMS issues and the policy-makers of their countries on the one side and the CMS Secretariat on the other;
- Check the CMS website (www.cms.int) regularly to keep abreast of the latest developments and updates and share with the CMS Secretariat with possible input about their country's achievements and actions towards the implementation of the Convention and activities related to the conservation of endangered migratory species;
- Provide the CMS Secretariat with information concerning legal, administrative and scientific measures undertaken by the country with regard to the conservation activities undertaken in their country;
- Ensure that their country is represented at CMS official meetings such as the COP by coordinating in a timely manner the nomination of the delegation, securing and submitting credentials, and applying for funding if applicable and needed;
- Ensure that the outcome of CMS meetings, particularly of CMS COPs, is brought home and initiate the implementation of the decisions taken at national level, if appropriate;
- Reply as soon as possible to invitations (inclusion forwarding the invitations to other recipients where appropriate) concerning the COP, meetings and workshops;
- Identify incentive measures for the national stakeholders to actively participate in the conservation of migratory species in the country;
- Hold consultations with the responsible institutions in advance of meetings to discuss the agenda and documents, and prepare the country's input into the meeting (policy stance, implementation reports, results of science research, difficulties encountered etc). Follow-up on requests made by the Secretariat e.g. promoting revision of meeting reports; provision of inputs on documents, completion of questionnaires on specific issues related to the Convention etc;
- Promote the drafting and/or revision of relevant documents e.g. species listing proposals, Resolutions and Recommendations;
- Promote national coordination among different institutions through the sharing of national, regional and sub-regional experiences in species conservation and handling the mobilization and allocation of resources;
- Spearhead public awareness campaigns (through the media for best practices or publicize violations and enforcement actions) to promote compliance and generating information for assessing the status of compliance with the CMS and defining ways and means through consultations for promotion and enhancement of compliance;
- Spearhead the development of a national CMS implementation plan for effective implementation and enforcement of CMS as well as its governing bodies' decisions and resolutions;
- Identify activities for which additional resources are required and help mobilise such resources;
- Actively seek the input or information from other national focal points particularly those from the same region, in the case where the CMS National Focal Point is a regional representative on a subsidiary body or working group (see Terms of Reference for Standing Committee members);
- Where the Party is not on the CMS Standing Committee or any Working Group, liaise with the relevant regional representative and provide timely responses to any requests for input or information.

Annex 6

CMS CODE OF CONDUCT FOR PARTNERSHIPS WITH THE PRIVATE SECTOR

I. General principles

1. In engaging with the private sector, the Secretariat of UNEP/CMS should be guided by the following overarching principles, which are coherent with the UN “Guidelines on Cooperation between the United Nations and the Private Sector⁸”:
 - a) **Advance CMS goals:** The objective of the partnership should be articulated clearly and must advance CMS goals, specifically the conservation of migratory species.
 - b) **Objectives of partnerships:** These include the improvement of the environmental impact of the private sector, awareness raising of the value of migratory species and the creation of support for the conservation of migratory species through increased local, national and regional investments.
 - c) **Clear delineation of responsibilities and roles:** The arrangement must be based on a clear understanding of respective roles and expectations, with accountability and a clear division of responsibilities.
 - d) **Maintain integrity and independence:** Arrangements should not diminish CMS’s integrity, independence and impartiality.
 - e) **No unfair advantage:** Every member of the business community should have the opportunity to propose cooperative arrangements, within the parameters of these guidelines. Cooperation should not imply endorsement or preference of a particular business entity or its products or services.
 - f) **Transparency:** Cooperation with the business community sector must be transparent. Information on the nature and scope of cooperative arrangements should be available on the CMS website and to the public at large.
 - g) **Commitment of private sector partners:** Private sector entities engaging with CMS must commit themselves to:
 - i. Analyzing corporate activities with regard to their impact on migratory species.
 - ii. Actively including CMS goals into the environmental policy of the respective organization.
 - iii. Appointing a responsible individual within the organization to oversee the activities relating to populations of migratory species and to report to their management and the UNEP/CMS Secretariat.
 - h) The Secretariat should endeavour to engage with partners, which have an environmental corporate responsibility programme developed and implemented.

⁸ United Nations (2009). Guidelines on Cooperation between the United Nations and the Business Sector. <http://business.un.org/en/documents/8092>.

II. Modalities of partnerships

2. The most common modalities for entering into partnerships with the business community are set out below:

- a) **Direct contribution by a business partner:** A direct contribution for specific purposes should be made under a special agreement with the partner. The contribution must comply with the applicable UN financial regulations and rules, and be consistent with the policies, aims and activities of CMS.
- b) **Indirect contribution by a business partner through the establishment of a charitable organization or foundation:** Under this modality, a relationship agreement must be established between UNEP/CMS Secretariat and the charitable organization or foundation laying out the terms of the relationship, including the issues related to the use of the name and emblem, liability, settlement of disputes and the privileges and immunities of the UN.
- c) **Partnership in promoting the purposes and activities of CMS:** This modality, whereby the business partner provides a forum to disseminate information about CMS would involve direct agreement with the business partner, setting out the terms and conditions of the arrangement, including UNEP/CMS Secretariat's control of the information to be disseminated, the issues related to the use of the name and emblem, liability, settlement of disputes and the privileges and immunities of the UN.
- d) **Partnership in cooperative projects:** This modality, whereby UNEP/CMS Secretariat and a business partner jointly develop a product or service (e.g. the coordination of a CMS MoU), consistent with and in furtherance of the aims, policies and activities of CMS, would involve agreements with the business partner, setting out the terms and conditions of the arrangement, including the contributions each party could make to the development of the product / service, the use of the name and emblem, liability, settlement of disputes and the privileges and immunities of the UN.

3. Where appropriate, the UNEP/CMS Secretariat may consult with the CMS Standing Committee to obtain its approval prior to engaging in a partnership.

III. Selection of partners

4. The following factors should be assessed in selecting appropriate partner organizations:

- a) **Ability to carry out the mission:** The organization's relevant experience or expertise, capacity and resources;
- b) **Consistency with CMS objectives:** The consistency of the organization's objectives and activities with those of CMS (including those activities beyond the immediate area of the proposed relationship) and its commitment to support and promote the integrity and reputation of CMS as reflected in the Convention text and relevant decisions;
- c) **Consistency with UN principles:** Partner organization's commitment to meeting or exceeding UN principles within their sphere of influence by translating them into operational corporate practice. This includes compliance with the principles of the "UN Global Compact" and the "UN Supplier Code of Conduct";

- d) Reduction of barriers to migration: Partnerships with private sector organizations should be aimed at removing obstacles to the migration of CMS-listed species;
- e) Costs/value: The level of costs to be charged by the organization and the value for money to be provided;
- f) Reputation: The potential partner organization's reputation (e.g. by obtaining information about their previous performance from an independent source such as another UN agency);
- g) Financial viability: The organization's financial viability (e.g. to ensure that the organization is not likely to become insolvent in the near future);
- h) Risk assessment: The risks or negative aspects, both in the short and long-term, associated with each candidate organization;
- i) Synergies: The potential for the organization to enhance synergies with other CMS Family or UNEP programmes (e.g. to avoid duplication of effort with private sector partnerships already underway in the context of other UNEP programmes).
- j) Synergies with CMS Parties: Possibilities for partnerships which include CMS Parties should be considered.
- k) Amendment of selection criteria: UNEP/CMS Secretariat may establish additional eligibility and exclusion criteria for screening potential partners for a specific activity in consultation with the Standing Committee.

IV. Formalizing partnerships

5. Once a partner has been identified, the engagement should be set down in a formal agreement (such as a Memorandum of Understanding, Contract, Agreement or Terms of Reference). The agreement should include:

- a) Specific, time-limited, and achievable results and outputs (linked to the relevant CMS instrument, if applicable);
- b) Defined duties on both sides (aimed at achieving the results);
- c) Defined contribution requirements on both sides (e.g. cash or services);
- d) Defined indicators for monitoring and measuring performance;

6. The partner organization shall ensure that within their organization, as well as within contracting parties, members are fully aware of and supportive of the relationship with CMS.

7. Where appropriate, the engagement of a private sector entity should be approved by the signatories to the associated CMS-related agreement/MoU.

V. Administration of partnerships

8. A UNEP/CMS Secretariat focal point should be appointed to manage partnerships with the private sector. The focal point should carry out the functions envisaged in para. 19 of

the “Guidelines on Cooperation between the United Nations and the Business Community” (17 July 2000), in addition to the functions set out below:

- a) Monitor performance through periodic assessment of performance indicators and adapt activities as appropriate to continuously improve output and results;
- b) Evaluate the collaborating organization’s activities globally, including activities which are unrelated to the partnership, in order to avoid potential embarrassment of CMS through the association with the partnering organization;
- c) Ensure an appropriate level of administration that is commensurate with the scope of the partnership;
- d) Report the results of such partnerships to the CMS Standing Committee and/or Conference of the Parties, as appropriate.

9. Where a dispute arises and cannot be avoided, the reputation and long-term interests of CMS should be treated with the highest priority, in spite of a possible loss of immediate or short-term benefits.

10. Once the partnership has come to an end, the agreement should be terminated with legal effect and a final report on the partnership should be prepared.

VI. Use of UNEP/CMS or UN name and emblem

11. Pursuant to General Assembly Resolution 92 (I) of 7 December 1946, the use of the UN name and emblem shall be limited to official purposes. The UN has consistently interpreted this resolution to apply also to the use of the name and emblem of the UN Funds and Programmes whose names include the "United Nations" or its acronym.

12. Recognizing the evolving new relationship with the business community, the following sets out general principles on the use of the name and emblem of UNEP/CMS (“Name and Emblem”) by the business community in the context of partnerships with the private sector:

- a) In principle, and subject to the appropriate terms and conditions, a business entity may be authorized to use the Name and Emblem on a non-exclusive basis.
- b) The use of the Name and Emblem must be expressly approved in advance in writing and upon such terms and conditions as may be specified.
- c) The use of the Name and Emblem by a business entity may be authorized, even if it involves the making of profit, so long as the principal purpose of such use is to show support for the purposes and activities of CMS, including the raising of funds for CMS, and the generation of profit by the business entity is only incidental.
- d) The use of the Name and Emblem may be authorized for the following purposes:
 - (i) To support the purposes, policies and activities of CMS;
 - (ii) To assist in the raising of funds for CMS;

- (iii) To assist in the raising of funds for entities that are not part of CMS, but which are established to achieve the purposes and policies of CMS.
 - e) With appropriate written approval, and subject to appropriate conditions on the time, manner and scope of such use, the use of a modified UN/UNEP/CMS emblem may be exclusively authorized to a limited number of business entities in connection with the promotion of a special event or initiative, including fundraising for such event or initiative.
13. The approval of the UNEP/CMS Secretariat must be obtained for the use of the Name and Emblem of the United Nations.