



# Convention on the Conservation of Migratory Species of Wild Animals

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## 3<sup>rd</sup> Meeting of the Intersessional Working Group of the Process regarding the Future Shape of CMS (ISWGoFS)

Bonn 3-4 February 2011

### Opening Remarks

1. Mr Olivier Biber (Switzerland, Chair) opened the meeting by welcoming the participants, noting the high attendance of Working Group members and representatives of the CMS Family. He thanked the Secretariat for organizing the meeting; ERIC for producing all the necessary papers within the limited time available; and the Governments of Finland, France, Germany and Switzerland for their generous financial support.
2. The aim of the meeting was to elaborate three good options for the Future Shape of the Convention to be presented at the COP in November 2011.
3. Mr Mohammed Saud Sulayem (Saudi Arabia, Chair of the Standing Committee) thanked Mr Biber for having guided the process so far and stressed the importance for the Convention of the exercise. The process had presented an opportunity to review the performance of the Convention, its role in wider environment governance and identify its strengths and weaknesses.
4. Ms Elizabeth Maruma Mrema (Executive Secretary, UNEP/CMS) added her welcome to the participants pointing out that more would be joining on the following day. She acknowledged that considerable progress had been made and commended ERIC on coping with the incredible workload but commented that some of the documentation was difficult to navigate, some of the methodology (such as the scoring system for the Activities) was not entirely clear and the potential impacts on the workload of staff and the Convention's budget needed to be elucidated further. Some of the activities, such as video conferencing, might better be described as tools and some others seemed to be very similar and could be merged.
5. In conclusion, Ms Mrema said that the Working Group members should keep their mandate foremost in their minds – the streamlining of the Convention's operations to improve efficiency. The deadlines associated with the forthcoming COP were also looming and there was little time to prepare and finalize all the necessary documentation.

### Adoption of the Agenda

6. As there were no proposals to amend the draft agenda, it was adopted as presented.

### Introduction of the revised version of the Phase II Report by ERIC

7. Professor Robert Lee (ERIC) said that the new draft included changes made in the light of comments received concerning transparency. The Executive Summary had been simplified and more of the information had been transferred to the tables. The Activities had also been revised following the discussion in the "brain-storming" conducted during the second meeting and the document revised to ensure that all points raised in the initial questionnaires had been adequately addressed. The table with the scoring of the Activities had been reduced from six columns to four, and Annex VII with the summary of the Activities had also been reduced.

8. Professor Lee stressed that the Activity scoring was not meant to be normative and he would not recommend basing any final decisions solely on the results of that exercise. The meeting was also entitled to delete any Activities it felt were inappropriate.

### **Discussion on and Adoption of Phase II report**

9. Mr Biber asked whether the meeting was in a position to adopt the Phase II report (version of 20 January 2011) as it stood, or whether there were any minor or major amendments necessary. He pointed out that ERIC, the Secretariat and he would make a final editorial revision before signing off the document. It was also a working document, and it was not realistic to expect it to be absolutely perfect, although obvious problems should be removed.

10. Mr Trevor Salmon (United Kingdom) asked how the figures had been calculated for the costs of consultants' and permanent staff members' time. He also asked whether it was correct to assume that by adding all the fractions of additional staff time, one could calculate the number of additional posts required in the Secretariat. ERIC stated that the cost of consultants varied depending on the level of expertise and the time needed to complete their assignments. The fractions were an estimate of the amount of staff time that particular tasks would require, but did not necessarily imply additional posts would or should be created. No attempt had been made to agglomerate the additional tasks, some of which might yet be merged, so it was not possible to draw any conclusions. Mr Salmon was still concerned that by adding to existing staff members' tasks, current work would be neglected.

11. Ms Mrema (Executive Secretary) asked that the implications of changes to the staff complement be shown in the financial tables and that any major amendments to the CMS mandate with regard to delivery of conservation on the ground should be highlighted. Mr Salmon (UK) felt that the contributions of Parties and partners in carrying out conservation actions in situ might have been underestimated and therefore the figures in the paper might be artificially high. Mr Sulayem (Saudi Arabia) cited the considerable support provided by the United Arab Emirates which was hosting the Abu Dhabi Project office.

12. Ms. Nopasika Malta Qwathekana (South Africa) insisted that it was important to address all the concerns raised during Phase I of the process. Professor Lee assured the meeting that as the Activities were examined in greater detail, there would be ample opportunity to ensure that all problems highlighted in the questionnaires were addressed. Ms Marianne Courouble (France) felt that it would help those Parties not so closely involved in the process if the linkage between problems highlighted in Phase I and the means of addressing them identified in Phase II was made clearer. She also said that the benefits of closer collaboration with other MEAs needed to be emphasized.

13. Mr Samuel M. Kasiki (Kenya) asked how objective the scoring system had been. Professor Lee said that it had inevitably been a subjective decision, but an informed one. The ERIC team had each suggested a score and any differences of opinion had been cleared through discussion and an agreed score had ultimately been awarded. He reiterated that the scoring system was meant as one tool of many to aid decision making.

14. By a show of hands the meeting indicated that it was ready to adopt the Phase II report, although some members of the Working Group said that their support was not to be interpreted as absolute endorsement. The consensus was however that it was not worthwhile trying to perfect the document at this stage. The conditional nature of the Meeting's adoption of the report was to be reflected in the report, and members of the Working Group were invited to send any further editorial comments to ERIC and the Secretariat.

## **Reflection on Phase III report and Resolution for COP10**

15. Mr Biber (Chair) pointed out that the four options described in the Phase II report had not been accepted as the final basis for developing the submission to the COP. Completely new options and different variants could still emerge during Phase III.

16. Ms Mrema (Executive Secretary) suggested that the meeting should examine each Activity in turn and consider the advantages and disadvantages of each proposal. Further activities might come to light to be added to the list, while others might be deleted.

17. Mr Biber said that in accordance with the mandate set out in Resolution 9.13 the Working Group had to present three options to the COP. He suggested that among the supporting documentation should be the reports produced at the end of each Phase of the process and the annexes presented at the current meeting. The report on Phase I was particularly important as it provided an overview of the status quo. Mr Biber proposed that the meeting should elaborate three viable alternatives rather than a preferred option and two bogus ones to make up the numbers. He also asked the Secretariat to prepare a draft Resolution to be tabled on the second day of the meeting, which Ms Mrema suggested should focus on the key elements of the options.

18. Ms Mrema (Executive Secretary) felt that given the volume of paper produced since the Future Shape process began, a condensed overview might be necessary for those COP delegates not familiar with the history. Mr Sulayem (Chair, Standing Committee) agreed, suggesting the résumé should have a maximum of 50 pages, while all other background documentation could be made available electronically.

19. Professor Lee (ERIC) said that ERIC was ready to provide more clearly defined costs of three options if these emerged from the Meeting. Both costs and benefits depended to a great extent on the timescale for implementation. Some Activities might entail high short-term costs with benefits accruing gradually over time. He stressed however that the amount of time available to rework calculations and produce revised documents was limited.

20. Mr Salmon (UK) agreed with the Chair that the Working Group should not present a preferred option, but Mr Abdellah El Mastour (Morocco) pointed to the mandate in the Resolution.<sup>1</sup> The Chair felt that if the Working Group had not identified a clear favourite, it could say so, and added that the elaboration of the revised Strategic Plan would be based on the Activities contained in the Option eventually adopted.

## **Introduction to the Options paper by ERIC**

21. Professor Lee (ERIC) gave a brief overview of the new options paper, highlighting the key elements which were: the timetable, the Activities table and the summary of each option. He explained how Annex VIII set out the pros and cons

22. Professor Lee gave an outline of the seven categories of Activities. All of the Activities had been allocated to more than one category and they had been identified as being either fundamental or optional. Some proposals that had been put to one side earlier in the process had been revived, in part to ensure that all concerns expressed in the Questionnaires were dealt with.

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<sup>1</sup> Res 9.13 addendum, para 27: "A report on step 3 (report No. 3) will be communicated to the CMS Standing Committee members six months before COP10. The report will make provisional recommendations about the WG's preferred option. The Standing Committee members are expected to respond providing their coordinated comments and suggestions four months before COP10."

### Institutional

23. This Option would involve legal changes, with the disadvantage of potential protracted renegotiation of the Convention or Agreement texts. It included Activity 21, the establishment of a scientific body for the entire CMS Family.

### Regionalization

24. This Option also previously known as “localization and decentralization” would be implemented to a great extent through exploiting UNEP’s existing global presence to help promote the Convention’s conservation work.

### Organizational

25. This Option was similar to the “institutional” variant, differing mainly in that it did not require legal texts to be renegotiated. Its main features were better integration and reduced administration and duplication.

### Species

26. An approach to the Convention’s work based on taxonomic lines had earlier been shelved but was being revived. Such an approach would enhance cooperation with other bodies and ensure better sharing of expertise.

### Optimization

27. This was the closest Option to maintaining the status quo, which sought to deal with the most obvious problems. Functions would be improved through incremental or low-cost changes such as use of interns and seconded staff from Parties or NGOs.

### Internal Integration

28. Greater integration of the CMS Family should lead to economies of scale, reduced travel costs and a research programme that was better coordinated.

### International Environmental Governance

29. The profile of CMS would be projected through closer collaboration with other MEAs. CMS staff could be co-located at other MEA offices to increase the Convention’s global presence. Savings could be achieved through greater cooperation.

30. Professor Lee stressed that the Working Group was not constrained by the structures presented and could still create three new options taking elements from the categories described above. Some members of the Working Group were concerned that the move from four options presented at the previous meeting to seven now indicated that the process had taken a step backwards and expressed the view that the presentation was clearer on the Phase II documentation.

31. Mr Biber asked whether the Working Group wished to consider the seven options presented in the most recent documents as well as the four presented at the second meeting. For the sake of simplicity, the Working Group decided to concentrate on the seven. Mr Biber then asked whether there was any support for any of the seven options as they stood. Ms Nancy Céspedes Lagos (Chile) felt that the decentralization approach had its attractions, while Ms Qwathekana (South Africa) had more doubts about the titles of the Options than about their contents. Professor Oteng-Yeboah (Ghana and Vice-Chair, Standing Committee) said that some of the Options readily lent themselves to being

clustered and this could help the process of reducing the number of Options from seven to three.

32. Mr Douglas Hykle (UNEP/CMS, Senior Adviser, Bangkok) suggested that in addition to the procedure outlined by the Chair, the meeting should seek to resolve the three fundamental problems facing CMS, namely: the proliferation of instruments without the requisite matching resources; the need to increase the profile of CMS in regions where the Convention's presence was less strong; and enhancing the role of CMS in cross-cutting issues such as avian influenza, climate change, barriers to migration, electrocution and invasive alien species. He agreed that idea of taxonomic clustering was worth exploring and it might be advisable to establish a strategic presence in some, if not all, regions (e.g. Asia and Latin America). The experience of the CMS office in Bangkok showed the potential for synergies and had evolved other examples of good practice. He also commented that the Options understated the role of the Parties and partnerships with NGOs and IGOs in developing the CMS Family and had placed too much emphasis on the Secretariats. CMS needed to develop its expertise in the marine environment, as did other MEAs. The Convention could learn from other Conventions, by emulating for example the internship programme operated by the Ramsar Convention. He concluded his intervention by stressing that budgetary concerns should not dictate the Working Group's considerations and by expressing his doubts that devising Options based on one of the seven "doctrines" would be a fruitful way to proceed.

33. Ms Elsa Nickel (Germany) reminded the meeting that the CMS budget had rarely be increased much above inflation, even in a favourable economic climate, so the Working Group should accept that no injection of new resources was likely and should therefore not ignore the financial dimension. The COP would need to know both the initial and the final net costs of the proposals. She agreed that three genuine and viable alternatives should be presented to COP, and one of them should be a low-cost proposal dealing with the problems most easily resolved. Other members agreed that addressing those problems identified during the earlier phases of the process was a priority.

34. Mr Biber concluded that there was no Option that the Working Group seemed prepare to accept as a package and noted the difference of opinion over the weight to be attached to financial issues as the Options were developed. Mr Salmon (UK) suggested that the "optimization" Option be developed into a proposal to deal with easily resolved issues and fundamental problems, and two further options based on centralization and regionalized be elaborated. He agreed with Mr Hykle that financial considerations should not be paramount, but thought that there was little point producing an option that was prohibitively expensive. Ultimately, it would be for the COP to decide. He said that the role of Parties, as mentioned by Mr Hykle, should be worked into the options. This was likely to help share the costs, which could also be reduced by phasing in implementation.

35. Mr El Mastour (Morocco) said that the question of cost would raise its head at some stage and could not be brushed under the carpet. On regionalization, he pointed to the initiative undertaken by Ramsar and the financial and political problems which arose from the IUCN office in Malaga. He also pointed out that the CMS National Focal Points were often responsible for other MEAs and the time available to them to oversee implementation of the Convention was limited.

36. Mr Biber said that Res 9.13 was essentially about organizational efficiency and not about finding savings, so the Future Shape process was not driven by financial considerations. The outcome of the Future Shape process would also influence the drafting of the next Strategic Plan, the purpose of which was the conservation of endangered migratory species, rather than administrative structures. He concluded his intervention by suggesting that the Working Group could present expensive solutions to the COP, and leave it to the Parties to cut down the costs.

37. Mr Salmon (UK) proposed that the three options to be elaborated should be one based on “optimization” and two contrasting approaches such as “decentralization/localization” and “concentration”. Ms Courouble (France) warned against too rigid an approach, given that the Convention could focus on ensuring overall coordination and centralizing services, but could also deliver some of them locally. Therefore, concentration could be combined with decentralization/localization. Mr Routh (Australia) agreed that the Working Group should not feel constrained by budgets but should bear in mind that many National Treasuries were seeking to reduce rather than increase expenditure. He felt that each option presented could contain a degree of flexibility over the costs involved, given that implementation could be phased. He added that it was counter-productive to describe an activity as “high cost”. Mr Hykle (CMS, Bangkok) welcomed the path that the discussion was taking but sought clarification of a number of terms being used, including “concentration”, which he thought might better be described as “rationalization”, and of the implications of clustering along taxonomic lines, such as placing AEWA and the MOUs on the Siberian Crane and the Aquatic Warbler under one body. Ms Marie-Christine Grillo-Compulsione (ACCOBAMS) called upon the Working Group to take account of the different circumstances faced by those Agreement Secretariats operating outside the UNEP system. She also drew attention to the fact that not all CMS Parties were Parties to CMS Agreements for which they were range states, and some Agreement Parties had not joined the parent Convention. Mr Biber said that due attention would be paid to the fact that the Agreements were independent entities and their governing bodies would have to be consulted. He added that with terms used such as “ideal” and “optimize”, it was not always clear whether this was meant from the conservation or administrative perspective.

38. Ms Nickel (Germany) expressed surprise that only two activities had been identified as being universally applicable. She pointed to Activity 43a (information management and harmonization) which was currently being implemented across all of UNEP and was unlikely to be abandoned. Some Activities (such as 33 and 39 – merger of agreements – merger of instruments along geographic or taxonomic lines) were likely to require a long time for implementation because of their institutional and legal ramifications

### **Elaboration/choice of 3 Options to be submitted to COP10**

39. The first discussion centred on the definition of the first option, for which the titles “optimization”, “essentials” and “low hanging fruit” (easily achieved tasks) were suggested, although some members felt that what as essential might not necessarily be easy.. “Decentralization”, it was agreed, focussed on synergies in the first instance rather than raising efficiency which would be a by-product. The meeting decided that it would be a better use of time to concentrate on the contents of the options, rather than their titles. Mr Hykle (IOSEA) maintained that the paramount purpose of the exercise was to address the perceived weakness of the Convention, such as the organization of the MOUs and building on relationships with other bodies to maximize synergies. Mr Routh (Australia) was wary about presenting three incremental options to the COP, as he assumed that Parties would incline towards the cheapest and easiest solution rather than the best one. He proposed that three discrete concepts should be developed, all of which could, if necessary, contain the same core essential elements. Mr Biber (Chair) asked what the three concepts should be, as they had not yet emerged from the Group’s deliberations throughout the Future Shape process. Ms Qwathekana (South Africa) said that the Group’s mandate to provide three options was clear. The Working Group had had months to consider the issues, whereas the COP would have hours, and would therefore expect the Working Group to have done the detailed work. She suggested that one option address the obvious problems and a second option could propose more radical change. The Activities could also be phased in.

40. Rather than split into three sub-Groups, each charged with producing a draft Option, it was agreed to remain in plenary to ensure that everyone had access to interpretation and to avoid possible duplication of effort.

#### Elaboration of Options

41. The table detailing all the Activities was put on the screen and the Meeting decided in which Option to include each Activity. It was agreed that

- **the first Option** would include all **“essential” activities** (all activities that essentially improve the efficiency of CMS and its Family by addressing concerns identified in Phase I); \*
- **the second all essential and desirable activities** that could be achieved **within existing institutional frameworks** and
- **the third** could include **activities requiring major institutional changes.**

42. Ms Courouble (France) reminded the meeting that the ultimate goal of the Future Shape process was to improve the conservation of migratory species, which was the mandate of the CMS Family and suggested that this consideration be included in the definition of the options. This was endorsed by the working group and Option 2 and 3 were reformulated as follows: Option 2: Improve conservation within existing structures; Option 3: Improve conservation by altering existing structures.

43. Mr El Mastour (Morocco) asked whether references to species conservation implied also protection of their habitats. Mr Hykle agreed that this was a fundamental point, as CMS should consider adopting a more holistic approach, and CMS and Ramsar appeared to be crossing into each other's traditional fields of activity. The point was further emphasized through the choice of slogan for the COP.

44. During the discussion it had become apparent that far from being diametrically opposed, the regionalization and centralization options had a great deal in common. A more natural split might be between taxonomic and geographic clustering, although this might entail significant changes to the way the Secretariat and Scientific Council worked. Another alternative would be to form clusters around threats: bycatch was relevant to cetacean instruments, ACAP, and the turtles, dugongs and sharks MOUs; deforestation was a threat to gorillas and elephants. It was also recognized that a solution that worked in one region might not be effective in another. The outcome of the taxonomic reviews would help inform the decision. Mr El Kabiri (CMS Abu Dhabi) urged that the Abu Dhabi Project Office should be allowed to establish itself without major disruption so soon after it had opened. He was willing to collaborate closely with AEWA but in the short to medium term, the Office should be allowed to develop.

45. The possibility of presenting an ambitious option was further discussed, whereby it would be left to the COP to scale down the proposals and agreed to phase them in gradually to make them more attractive financially. It was again reiterated that the Working Group should present three viable options. Ms Nickel (Germany) pointed out that some changes might be considered essential but were not necessarily easy to implement, and she said that there should be no taboos, and further sharing of Secretariat resources along the lines of the CMS-ASCOBANS merger should not be ruled out. It was suggested that the second and third Options were similar, differing mainly in the time needed for their implementation.

46. The Options also had to address the main concerns that arose from the earlier stages of the Process, namely the proliferation of MOUs with no additional financial resources to implement them; the need to increase the global presence of CMS; the need to address existing difficulties of implementation, increasing the involvement of the Convention in cross-cutting themes, and increasing synergies and cooperation through clustering activities and building partnerships with MEAs and NGOs.

**TABLE: Activities**

<b>Activity (edited titles)</b>	<b>Option (and comments)</b>
Activity 1: Alignment with international governance reform	Option 1
Activity 2: work with local and indigenous peoples	Option 1 (at the level described in 2b)  It was pointed out that the Secretariat did not operate at a level where contact with indigenous people was likely,
Activity 3: development of multimedia platforms (eg video conferencing)	Deleted on the grounds that this was a tool rather than an activity per se.
Activity 4: Parties to translate documents into local languages	Deleted. Greater use of UN languages was considered desirable. The difficulty for Parties with many local languages was recognized.
Activity 5: CMS to coordinate scientific research programmes	Deleted on the grounds that the capacity of the Secretariat to coordinate such programmes was insufficient
Activity 6: closer working relationship with partner organizations on the ground	Option 1 (at the level described in 6b)
Activity 7: closer collaboration with UNEP regional Offices	Option 1
Activity 8: development of regional MEA hubs	Option 2
Activity 9: Awareness campaigns	Option 1 (at the level described in 9b). Many such campaigns already being undertaken.
Activity 10: global “gap” analysis	[deleted] DH felt it was essentially for strategic planning purposes
Activity 11: “overarching” Strategic Plan for CMS Family	Considerable discussion over the meaning of “overarching” and possible institutional conflicts between CMS and Agreements. “Coordinated” was the preferred wording. ACAP had a Work Programme rather than a Strategic Plan.
Activity 12: encouragement of NGOs as partners to CMS and its instruments	Redrafting required as NGOs could not be “parties” to Agreements
Activity 13: review of CMS Scientific Council membership	Deleted
Activity 14: coordination of communication across CMS Family	Option 1 (at the level described in 14b) Alternative wording proposed by AEWA
Activity 15: Agreements to be established outside UNEP	Not Option 1
Activity 16: presence in each CMS region through UNEP, NGOs and MEAs	Option 2 The local presence in most cases should be provided by the Parties not the Secretariat. Maximize the benefits of sharing offices with UNEP (e.g. Bangkok)
Activity 17: increase Agreement staff	Definition of the Activity to be modified to make clear that it is meant to address the



	lack of staff to administer the majority of the MOUs handled in Bonn
Activity 18: Prioritize species clustering	Is this an activity, an option or a policy?
Activity 19: improve staffing situation through secondees and interns	There would be indirect impacts on existing staff in terms of increased supervisory and management tasks. Activity description would need to be amended as outside bodies cannot be instructed
Activity 20: coordination of access to research data	Not Option 1
Activity 21: CMS-wide scientific institution	Not Option 1
Activity 22: CMS core-budget for species groups and MOUs	Not Option 1
Activity 23: external assessment to monitor effectiveness (e.g. by WCMC)	Option 1 (subject to redrafting). Adequate financial resources needed.
Activity 24: regionalize conservation efforts in outposts with UNEP offices etc	There was disagreement over the status of this activity with some saying it was essential
Activity 25: coordinate with international organizations over meetings on common themes and common research programmes	Option 2
Activity 26: Development of the MOU Unit	Option 1 (although some clarification was needed given the existence of the Agreements Unit)
Activity 27:	Deleted
Activity 28: criteria to assess proposed new agreements	Option 1
Activity 29: support scientific information hubs (e.g. IPBES)	Some rewording was necessary as IPBES was not a “hub” and “support” might imply financial contributions from CMS. The UK provided the redrafted text.
Activity 30: MOUs collaborating and sharing offices	Option 2 The option of merging this with Activity 26 was rejected on the grounds that the cost implications were different and 26 applied to Bonn-based MOUs and 30 to the whole Family. It was pointed out that collaboration was already happening. Some wording changes with the addition of “in association with”. The term “presence “ was also considered passive.
Activity 31: CMS to provide centralized services re Capacity Building	Option 2 The sub-Activities were merged
Activity 32: CMS to provide centralized administrative services to Agreements and MOUs and coordination of Scientific and Advisory Groups	Option 2 The sub-activities were to be merged
Activity 33: Merge CMS Family Agreements with synergies based on geography and/or ecology	Option 3 Some redrafting needed as “with synergies” was not clear. Most exercises involving mergers had initial costs and longer term savings

Activity 34: resource assessment	Option 1 The description of the Activity needed to be expanded. It related to ensuring the cost effectiveness of activities
Activity 35: develop of policy whereby all MOUs have a monitoring mechanism	Option 1 This Activity should be clustered with others dealing with similar issues
Activity 36: focus only on migratory species	Option 1 As worded, the Activity sounded more like a principal. The Activity would be to review the Appendices. If the Convention's definition of migratory was to be amended this Activity belonged under Option 3 (true seasonal migrants and transboundary populations). The Activity raised the question of when CMS was the most appropriate forum to take forward conservation policies.
Activity 37: produce the CMS website in three languages	Option 1
Activity 38: Secretariat to measure the implementation of CMS	Option 1 Merge with Activity 34. It was pointed out that parties to Agreements already reviewed implementation regularly. Similarly Signatories to MOUs undertook the same task wit Secretariat or consultant advice.
Activity 39: merger of MOUs with similar species	Option 3 Similar to Option 33 (geography and ecology)
Activity 40: extending the scope of existing Agreements rather than concluding new ones	Option1/2 Moving responsibility for MOUs to AEWA would require a MOP decision, not institutional change
Activity 41: coordination of COPs, MOPs and other meetings	Option 1 Some rewording needed (delete "prioritization" and add "as appropriate" or "when feasible")
Activity 42: creation of a migratory species scientific hub	Option 2 Sub-Activities merged
Activity 43: integrated information management and reporting across CMS Family	Option 1 Independent Agreements had developed their own reporting systems. The interoperability and compatibility of reporting systems was desirable not imposed uniformity.
Activity 44: suspension of dormant MOUs	Option 1 Reviewing which MOUs were redundant Option 2/3 Formally dissolving redundant MOUs
The Activities 1-20 which were not allocated to Option 1 in the initial sift by the Working Group were to be allocated to Option 2, 3 or discarded by ERIC taking into account the views expressed at the meeting	

## **Closed session of the ISWGoFS**

47. At the end of the afternoon of the first day, the Working Group held a closed session.

### **Link to other processes**

#### **Global Flyways**

48. Mr Taej Mundkur (CMS Scientific Councillor for Asiatic Fauna, and Wetlands International) made a presentation on the three reports commissioned by the Global Flyways Working Group, of which he was the Chair. The three options identified by the Working Group's third review were to carry on as before; to widen coordination; or to scale back activities. The Working Group's preferred option was the second – wider coordination, with the development of a new approach encompassing generic regional agreements built on existing instruments and underpinned by flexible action plans to address the most pressing priorities.

49. The first two reviews (on existing administrative and management instruments for migratory birds globally and current knowledge of bird flyways, principal knowledge gaps and conservation priorities) had been completed in 2010 and the third, started in late 2010, was in the final stages of drafting and was expected to be completed by the end of February 2011. The third would be a synopsis of the first two and would include policy options for CMS. CMS was seen as the organization with the global mandate for the conservation of migratory birds and their habitats and established links to other MEAs, IGOs, NGOs, governments, and increasingly, the private sector.

50. After illustrating the main flyways and the few places where they overlapped, Mr Mundkur described their coverage by international instruments. With AEWA and a number of MOUs, such as for the Raptors and species action plans, the African-Eurasian region was best served. Most of the activity in the Americas, other than a number of South American MOUs, was being conducted beyond the auspices of CMS. The conservation status of many species in Asia was declining because of increasing habitat degradation, and momentum for the Central Asian Flyway Action Plan for migratory waterbirds had been lost. CMS was involved in the East Asian -Australasian Flyway Partnership, which had been launched on an informal basis in 1996 for the Asia-Pacific region and had been placed on a more formal footing in 2006. The only significant activity in the Pacific was being led by ACAP, and CMS should decide how to fill the void. With regard to species coverage globally, the obvious gaps were passerines (with the sole exception of Southern South American grasslands) and seabirds (other than the albatrosses and petrels under ACAP). Some additions to the CMS appendices might be considered.

51. Threats such as climate change, invasive alien species and habitat loss were universal. The worst threat was habitat loss (and fragmentation) which appeared to be out of control in some parts of the world, affecting forests, open landscapes and farmland, and intertidal, coastal and marine habitats. Unsustainable use and bycatch were also significant, as was climate change which was for instance resulting in polar habitats upon which Arctic migrants depended being replaced.

52. The reviews were drafted in full recognition of the unfavourable economic climate, and so emphasis was placed on developing “smart” and innovative aims and the need to recruit those key range states that were not Party to the Convention or Agreements or signatories to MOUs (e.g. many of those countries participating in the EAAFP and in the numerous North American instruments). CMS had established a good track record through the Avian Influenza Task Force, and it was unlikely that disease outbreaks would diminish in the foreseeable future. Invasive alien species, including the creation of monocultures of non-native species in the production of bio-fuels, were a growing threat.

53. The third review described three possible ways forward. The first was essentially to maintain the status quo, built on two legally binding Agreements (AEWA and ACAP) and a number of MOUs (some multi-species and others single species). Further expansion could be undertaken on an opportunistic basis, such as when a range state undertook to take the lead in developing a new instrument. The second option was to improve coordination and adopt a smarter approach. It required a more efficient, more collaborative and less bureaucratic way of working, based on partnerships and the proactive development of "regional framework agreements" with flexible structures and reduced administration. The regions currently not covered by CMS activity contained many endangered species, which might go extinct if action was not taken promptly. The third option was to scale back activities to a few priorities, and accepting the fact that conservation was no longer a priority given socio-economic problems.

54. The Working Group's clear preference was for the second option with improved cooperation with other organizations to ensure best use of resources providing a cost-effective way of addressing current gaps. Some more consideration had to be given to the legal and institutional repercussions of the proposed framework agreements and the financial implications. The Working Group would be meeting on 20-21 February in Edinburgh thanks to voluntary contributions from Germany and Switzerland.

55. Ms Nickel (Germany) saw the potential for attaching new instruments to existing ones (Activity 14), with the development of AEWA into a single overarching agreement for all flyways.

56. Mr Warren Papworth (ACAP) sought clarification of the assessment of how CMS could interact with non-CMS instruments, while Mr Barbieri (CMS) asked how activities in East Asia could be developed. In response to the latter question, Mr Mundkur said that this region was experiencing huge habitat loss (e.g. deforestation) and species were in rapid decline, and no activities under any forums were being undertaken. However, the partnership approach adopted for the East Asian-Australasian Flyway was bearing fruit for conservation of waterbirds.

### **Resolution 8.22 on Human-Induced Impacts on Cetaceans**

57. Ms Heidrun Frisch (UNEP/ASCOBANS Coordinator and UNEP/CMS Marine Mammals Officer) referred to the document tabled by the Whale and Dolphin Conservation Society (WDCCS) concerning the reviews commissioned by Resolution 8.22 on adverse human-induced impacts on cetaceans and the ways these are addressed.

58. A wide range of bodies, including MEAs, was active in the marine environment and the requested an analysis of the related efforts of the CMS Family, IMO, IWC, OSPAR, UNICPOLOS, Cartagena Convention and the UNEP Regional Seas Programme. WDCCS proposed to include also CBD, CITES, the World Heritage Convention, Ramsar Convention and the European Commission in the analysis. Upon a suggestion from the floor, the Bern Convention would also be included. The first two elements of the review, focusing on global threats and the way these are addressed, as well as identifying gaps, were near completion. The third part, a draft CMS Programme of Work for Cetaceans, was due to be ready in time for COP10 and the regional priorities identified could serve to inform the CMS Future Shape Process.

### **Planning of completion of Phase III of the Future Shape Process and countdown schedule to COP10**

59. The Meeting discussed the timetable for completing the preparations of the Options. With the COP in November, the absolute deadline was 20 May, leaving ERIC three weeks to complete the table with enough time for the Working Group to comment.

60. The Secretariat circulated a draft resolution. It was agreed that supporting data would be contained in information documents and that the draft resolution would contain the three options. In the intervening time, more precise calculations would be made regarding the costs and savings in the short and long term. A final check would be made to ensure that all concerns raised in the first stages of the process had been fully addressed, and the consequences of activities for non-UNEP members of the CMS Family spelt out. Mr Salmon (UK) suggested that the final drafting process should be as interactive as possible and urged Working Group members to contribute ideas over the next weeks, rather than reacting to the next draft to emanate from ERIC. Ms Courouble suggested that the phase II report and the summary of the current meeting should be sent to all MEAs and CMS partners to illicit their views.

### **Closure of the Meeting**

61. After the customary expression of thanks to all involved in the preparation and execution of the meeting, the Chair declared the third session of the Working Group closed.