



Convention on the Conservation of Migratory Species of Wild Animals

Secretariat provided by the United Nations Environment Programme



Report of the 36th Meeting of the CMS Standing Committee

Bonn, 2-3 December 2009

Agenda Item 1: Opening remarks and introductions

1. The Chair, Mr Mohammed Saud Sulayem (Saudi Arabia), welcomed the delegates to the meeting. He congratulated Ms Elizabeth Maruma Mrema on her appointment as Executive Secretary and introduced Mr Bakary Kante, the Director of DELC (UNEP's Division of Environmental Law and Conventions), who was representing the Executive Director, Mr Achim Steiner. He then called upon Ms Elsa Nickel (Germany) to address the meeting on behalf of the Host Government and Depositary.
2. Ms Nickel welcomed delegates to Bonn to the first regular meeting of the Standing Committee since the ninth meeting of the Conference of the Parties. Highlighting the strong historic affinity between the Convention and the City of Bonn, she told delegates that the new German Federal Environment Minister, Mr Norbert Röttgen, came from the region and that he was that very day accompanying the German Chancellor at a meeting with Mr Achim Steiner. She too congratulated Ms Mrema on her appointment.
3. Mr Kante (UNEP) conveyed the good wishes of the Executive Director. One year on from COP9, the Standing Committee faced the task of taking forward the decisions made in Rome. UNEP HQ was determined to build a more constructive relationship with the Conventions and to drive forward their environmental agenda. The year 2010 designated International Year of Biodiversity (IYB), was just around the corner, and CMS would have a major role to play. Access and benefit sharing would be the key issues at the CBD COP in Nagoya, which was already being likened in its significance to Kyoto and Climate Change.
4. UNEP was aware that, to deliver programmes, Conventions needed resources, and Parties were facing financial constraints. CMS as well as the other Conventions would be able to count on support from UNEP, and Mr Kante announced a grant of US\$50,000 towards the sharks meeting in February 2010. Consideration was also being given to supporting a further member of staff from the PSC 13% charges levied on CMS's budget.
5. Mr Kante then gave an account of the recent recruitment procedure for the CMS Executive Secretary. The request of the Standing Committee Chair that the appointment should be made with minimum delay and that the new incumbent should be able to fulfil all their duties from the outset had been respected. The request that the shortlist should contain a woman and candidates from developing countries unfortunately had not. Of the five candidates selected for interview, two almost met all the criteria, but the shortlist had been all male, and none had entirely satisfactory experience of the developing world. This being the case, the Executive Director, having consulted the Standing Committee Chair, decided to appoint Ms Mrema, who brought with her legal training, negotiating and diplomatic skills gained through years working in UNEP and experience of managing major projects in developing countries.
6. Thanking Mr Kante for his report, the Chair confirmed that he had been kept informed of the selection process at all stages and that the Vice-Chair had been able to participate as a member

of the panel. The Chair also expressed gratitude to UNEP for all the support already received and promised for the future, and praised the Secretariat staff for their professionalism.

7. Ms Mrema (CMS, Executive Secretary) thanked the Committee members for their warm response to her appointment and said that she was looking forward to the challenges ahead. She was aware that climate change was now centre stage, but it was a key issue for CMS, which had to make its presence felt in the ensuing debates. She then gave an overview of recent activities and developments, such as the Year of the Gorilla and the Frankfurt Symposium, the accession of further Parties, progress made in the Future Shape process, staff recruitment, meetings regarding species activities (e.g. sharks, the Siberian Crane and the Aquatic Warbler) and, finally, participation in IYB.

Agenda Item 2: Adoption of the agenda, schedule and rules of procedure

8. Subject only to switching items 6 (CMS Strategic Plan) and 7 (Future Shape of CMS Process), the agenda and schedule were adopted as set out in document CMS/StC36/2/Rev.1.

9. The Chair pointed out some discrepancies in the rules of procedure. He proposed that: rule 9 be amended to reflect the new composition of the Standing Committee as set out in rule 6 (twelve regional members rather than eight); the bracketed text in rule 7 be deleted; and rule 29 be amended to make clear which forms of communication were acceptable (i.e. documents with a signature - letters, faxes or scanned e-mail attachments). These changes were accepted and the amended rules of procedure adopted.

Agenda Item 3: Adoption of the 34th and 35th Meeting of the Standing Committee

10. The drafts of the reports of the previous two meetings of the Standing Committee (numbers 34 and 35) were contained in documents CMS/StC36/5 and CMS/StC36/6 respectively. There had been available on the web for inspection for some time. Both reports were adopted subject to the addition of the name of the Chairman of the 34th meeting (Mr Andrew McNee of Australia) and corrections to the names of delegates attending the 35th meeting representing the Netherlands, Pakistan and Tunisia.

11. The Chair apologised for these errors, and then raised the associated problem of not having up-to-date contact details for National Focal Points and even members of the Standing Committee. He called on all present to ensure that the Secretariat had their current and accurate contact details.

Action: Secretariat to amend the reports as indicated above; Parties to ensure that their contact details are correctly recorded.

Agenda Item 4: Report on accession of new Parties to the Convention

12. Ms Nickel (Germany) referring to Document CMS/StC36/7 reported that since the last statement from the Depositary, Montenegro and Mozambique had joined the Convention bringing the total to 112 Parties. Ethiopia would become the 113th on 1st January 2010. Germany complemented the efforts made by the Secretariat to recruit new Parties and enlisted the support of its embassies to promote membership of the Convention.

13. The Chair welcomed the continuing growth of the Convention and urged all Standing Committee members to recruit further Parties. He pointed out that although it was not a Party to the Convention, the United Arab Emirates was generous in its support of the raptors, dugong and marine turtles MOUs, so efforts should be made to attract it to join the Convention.

Agenda Item 5: Secretariat's report on key inter-sessional activities since December 2008

14. Mr Bert Lenten (CMS, Acting Deputy Executive Secretary) introduced document CMS/StC36/7. He said that the proceedings of the Conference of the Parties had been posted on the web and would be available in printed form from the Secretariat in English, French and Spanish.

15. In the course of 2009, the Convention had celebrated its 30th anniversary. At the event to mark this milestone, a brochure on flyways had been launched and a representative of the Russian Federation had signed the Saiga Antelope MOU. There had been a change of management of the Convention in July and Mr Lenten commended the staff, who had shown great dedication in difficult times. Two meetings of MOU signatories had taken place: the first meeting of the West African Elephant MOU in Accra, Ghana and the second meeting of the Pacific Islands Cetaceans MOU in Auckland, New Zealand. A joint mission had been made to Mozambique with the Ramsar Secretariat, followed by a visit to Swaziland to encourage that country's accession to CMS and AEWA. Other key issues, such as the year of the Gorilla and the Strategic Plan would be covered elsewhere in the agenda.

16. Ms Nancy Céspedes (Chile) sought clarification of the membership and activities on the new Working Group on animal diseases. Mr Francisco Rilla (CMS, Information Officer) replied that this new Working Group had been established under the leadership of the FAO rather than CMS, and that the CMS Avian Influenza Task Force would continue to operate independently, while working as closely with it as necessary. Further details of the FAO group would be published as soon as possible.

17. Mr Martin Lok (Netherlands) referring to paragraph 26 of the document regarding resources asked what would happen if no more money were available. Mr Lenten (CMS) said that the expectations of Parties would have to be reduced, because the Secretariat was already operating to capacity and faced a further MOU on sharks to administer next year. These additional obligations required either direct funding or a new sponsor.

Year of the Gorilla (YoG)

18. Ms Melanie Virtue (CMS, Inter-Agency Liaison Officer) made a presentation on the activities of YoG. She stressed the importance of gorillas to their forest habitat and of these forests to climate stability. One aim of the campaign had been to support the new CMS Gorilla Agreement (it having entered into force in 2008). The main partners had been the Great Apes Survival Partnership (GRASP), the World Association of Zoos and Aquariums, NGOs and governments. Eminent people such as Dr Jane Goodall, as Patron, and Ian Redmond, as Ambassador, had given support. Mr Ian Redmond had undertaken a State of the Gorilla Journey to seven of the 10 Range States, while naturalist George Schaller had prepared a video message posted on the YoG website. A variety of promotional materials had been produced – a leaflet, posters and the CMS 2009 desk diary – as well as an edition in the CMS Technical Series, compiled by the Royal Belgian Institute for Natural Sciences. A successful symposium and gala had been held in Frankfurt am Main, culminating in the “Frankfurt Declaration”, and the opportunity had been taken to hold an informal meeting of the Gorilla Agreement. Ms Virtue highlighted a number of promotional events in Range States and beyond, such as a Ugandan initiative where people could “befriend” a gorilla on “Facebook” and the “Gorillas on Ice” launched at the Natural History Museum in London. She concluded by thanking the generosity of sponsor governments, including Germany, France and Monaco and announced the forthcoming public event organised by the French Ministry of Environment taking place in Paris on 5 December at the National Museum of Natural History closing the Year of the Gorilla and opening the International Year of Biodiversity.

Campaigns, Honorary Roles and Awards

19. Mr Lenten (CMS) introduced document CMS/StC36/18 rev 1 and explained that the role of CMS Ambassador, created in 2006, might benefit from clearer definition. The document proposed some criteria for the selection of Ambassadors and the terms of reference of the office. He cited Ian Redmond as a particularly successful campaign ambassador, and also pointed out that Arnulf Müller-Helmbrecht, appointed in 2008, had recently resigned and that his resignation had been accepted.

20. The Secretariat would review the success of the “Year of the ...” campaigns so far, using a voluntary contribution from Germany. CMS would participate in CBD’s IYB in 2010, and 2011 would possibly be declared “Year of the Bat”.

21. At COP9 a number of individuals had been recognised as “Champions” for various services to the Convention and the cause of migratory species conservation. The CMS Thesis Award had been awarded twice (first at COP8 and again at COP9). However, National Geographic Deutschland had reluctantly decided not to sponsor the Award again.

22. Ms Christiane Paulus (Germany) welcomed the fact that the Secretariat was analysing these campaigns, roles and awards. Mr John Mshelbwala (Chair, Scientific Council) endorsed Mr Lenten’s comments regarding Ian Redmond, whose African tour had included a meeting with the chairman of the Nigerian Senate’s Environment Committee. However, he felt that more thought needed to be given to phasing in and out the “Year of the ...” campaigns. The Scientific Council could advise on appointing suitable candidates for ambassadorships and nominating species to be subject of the “Year of the ...” campaigns. Ms Ndèye Sene Thiam (Senegal) welcomed YoG as it also raised the plight of other ape species. Mr Lok (Netherlands) supported the idea of ambassadors and thought that the Standing Committee should have a say in their appointment. He also asked from which budget the Ambassadors’ expenses were paid and suggested that appointments should be limited to two or three terms.

23. Ms Céspedes (Chile) congratulated the Secretariat on the success of YoG agreeing that gorilla conservation was a global concern. She added that Ambassadors should be experts or well known to enable them to be strong advocates of the cause. The criteria for appointing Ambassadors would depend on the goals set for the particular campaign.

24. Mr Kante (UNEP) said that Ian Redmond, who was well known to him, was unique and definitely an asset to CMS. He added that CMS needed a range of skills in its Ambassadors. While Ian Redmond provided a strong science background, someone with a track record in fundraising would also provide useful, complementary skills. Ms Virtue (CMS) clarified the distinction between CMS Ambassadors and “Year of the....” campaign Ambassadors. She reinforced Mr Kante’s point by citing the different expertise brought to CMS by the four CMS Ambassadors to date (Kuki Gallmann, Peter Schei, Stanley Johnson and Arnulf Müller-Helmbrecht). Some people could help in quite specific fields of activities, while others were generalists, able to address a wider range of issues. Given the time constraints in running a “Year of the ...” campaign, Ms Virtue said that it was necessary for the Secretariat to have the flexibility to appoint such ambassadors. The arrangements for appointing regular CMS Ambassadors should also be timely and flexible, and consultation with the Standing Committee or Scientific Council should be by correspondence.

25. The Chair agreed with all the points raised and added that the services rendered by those who had stepped down from office should be acknowledged.

26. Mr Abdul Munaf Qaimkhani (Pakistan) welcomed the document. With regard to Ambassadors, he agreed that the “Year of the ...” campaigns needed technical expertise, while the CMS Ambassadors could be drawn from all walks of life, including artists, sportsmen and even royalty. George Schaller, with years of experience in the field, would be an excellent choice for IYB in 2010. He proposed that other species be considered as the focus for “Year of the ...” in 2011, including the Houbara Bustard, for which many CMS Parties were Range States. He supported the idea of carrying on with the Thesis Award and urged that the work on gorillas be continued.

27. Mr Øystein Størkersen (Norway) endorsed the document and welcomed the Secretariat’s suggestion to work up more detailed criteria for selecting Ambassadors and defining their role. He pointed out that all those appointed so far had been European, albeit active on the world stage, but while agreeing that the number of Ambassadors should be limited, did not think it wise to set an arbitrary maximum. Mr Trevor Salmon (UK) agreed with Norway that there should not be set number of Ambassadors and urged that the costs of supporting Ambassadors should not be allowed to get out of control.

28. Regarding expenses, Ms Virtue (CMS) pointed out that all Ambassador positions were honorary, with only actual costs being reimbursed. Furthermore, Ambassadors had been creative in minimising the financial burden to CMS; for example, Ian Redmond’s flight to Africa had been paid by a TV company and he had used public transport while there. Similarly, Stanley Johnson combined missions for CMS while travelling to research articles commissioned by newspapers. Occasions where Ambassadors would have to call on Convention or “Year of the ...” funds were limited (e.g. attending COP).

29. In response to the points raised, the Secretariat agreed to delete the maximum number of Ambassadors while retaining the term limitation. George Schaller had been considered as Ambassador for YoG, but unfortunately had not been available. He had though provided a video message for the Website. As IYB was CBD-led, it would not fall to CMS to appoint Ambassadors.

30. The Chair responded to Pakistan’s suggestion for 2011 to be “Year of the Houbara Bustard”. He felt that it would be better to wait for the CMS instrument to come into force, and positive news would be announced in the Asia Region report. Mr Lenten added that “Year of the ...” campaigns had all focused on a higher taxonomic level rather than a single species.

31. The document was noted and subject to minor amendments was endorsed and adopted.

Action: Secretariat to draw up more detailed selection criteria and terms of reference for CMS and Year of the “Ambassadors” and “Champions”.

Agreed: the species for the “Year of the ...” 2011 would be bats.

Agenda Item 7: Future Shape of CMS Process

Agenda Item 7a.: First step in the Inter-sessional Process regarding the Future Shape of CMS (Res. 9.13 and addendum)

32. Mr Olivier Biber (Switzerland, Chair of the Inter-sessional Working Group on Future Shape) gave an account of the background to the Process, mentioning the membership of the Working Group (ISWGFS) and the actions undertaken to date. In February 2009, Mr Biber had come to Bonn to meet the support team and review the initial documentation. The UK and France

had drafted a questionnaire, which was later sent to all Secretariats. Mr Biber stressed it was important that this questionnaire had emanated from the Parties. The Environmental Regulation and Information Centre Ltd (ERIC) had been appointed in August funded by a voluntary contribution from France. The Secretariats had completed the questionnaires and the Working Group met in Bonn in October thanks to financial support from Germany. The current Standing Committee meeting, originally planned for October, had been postponed to allow more time to elaborate the first report, which was still considered a “work in progress”. The Working Group considered how to proceed with the next two steps of the process, which had implications for other activities of the Convention, e.g. the Scientific Council’s Flyways Working Group and the species reviews foreseen under Resolution 9.2.

33. The Working Group was now seeking feedback from the Standing Committee and through it the wider membership of the Convention. Mr Biber also called for financial support to enable consultants to be engaged to assist through Steps 2 and 3 and the Working Group to meet.

34. Ms Begonia Filgueira (ERIC) on behalf of the team of four consultants, who had worked on the contract, gave a presentation of the Step 1 Report, highlighting the progress of CMS over the past thirty years, the growth in membership and in the number of instruments, and its relationships with comparable MEAs. The structure of the Convention and the Agreements was described in some detail. In financial terms, the main difference between the Convention and the Agreements on one hand, and Memoranda of Understanding on the other was the stability provided by assessed contributions, which covered core administrative expenditure. MOUs and conservation projects mainly relied on voluntary contributions. The Report had been based on the questionnaires completed by the CMS Family Secretariats, meeting documents and reports. The tables would be completed and annexed to the Report in due course

35. Synergies and integration were facilitated by the geographic location of CMS, AEWA and EUROBATS in Bonn. The ASCOBANS Secretariat had merged with that of CMS in 2007, while the Gorilla Agreement was administered directly by CMS staff. Administering the growing number of MOUs was a major task for CMS. In 2002, 13 permanent staff looked after 12 instruments, while in 2009, 18 permanent staff were responsible for 27 instruments, mostly MOUs with no budget of their own. Only part of the burden was met by entering agreements with NGOs. Five further CMS instruments were in the pipeline, and there was no indication of additional resources being made available.

36. Funding through voluntary contributions was less secure, but donor countries tended to have a greater sense of ownership of the projects they supported. The Gorilla Agreement did envisage assessed contributions from its Parties, but the funds generated would only cover a fraction of the Agreement’s costs. Similarly only a quarter of the US\$120,000 needed to fund the African Elephant MOU for the next triennium had been raised. The 13% overhead charge levied on all expenditure by UNEP was ploughed back into CMS in the form of the staff of the Administration and Fund Management Unit (AFMU).

37. Compliance with traditional reporting obligations was a problem experienced across all Conventions, partly because of duplication and the ensuing “reporting fatigue” when similar data were required in different formats. CMS was working with other MEAs on harmonisation and IOSEA’s online reporting system was innovative and well regarded.

38. The main conclusion was that there were insufficient staff and other resources to implement the full range of activities, meaning some key tasks had to be put on ice. The Convention was facing a decision on how to manage future growth and whether it should seek to recruit more

Parties or develop new instruments. It needed to elaborate a fresh approach to capacity building to enhance the institutional capabilities of Parties in some regions.

39. Ms Marie-Christine Grillo-Compulsione (Executive Secretary, ACCOBAMS) said that she had been unable to attend the Working Group meeting but had been in direct contact with ERIC and stood ready to assist the process. She had some further comments on the draft report and would submit them in writing.

40. Ms Céspedes (Chile) commended the consultants on having produced a comprehensive report. She stressed the need to build on all possible synergies. In the short term, this might involve additional work but would bring savings and efficiencies in the longer term. Chile might submit further comments on the draft; no other country in South America had commented.

41. Ms Marianne Courouble (France) stressed the importance attached by her country to the Future Shape Process and announced a further voluntary contribution of €90,000 to cover meeting costs and hiring consultants.

42. Mr Salmon (UK) emphasised that the process needed to progress and the report was a “living document”. He suggested that a relatively tight deadline to bring Step 1 to a conclusion would help concentrate minds. He asked whether the Secretariat had yet analysed which elements of the Work Plan were being neglected for want of resources. Ms Mrema (CMS) said that the Secretariat would prepare this analysis in time for Step 2.

43. Ms Thiam (Senegal) requested a more flexible deadline to enable further consultations to take place in her region especially as the French version of the Report had only just appeared. She thanked the consultants for the Report but suggested that the role of the Senegal office in administering the Atlantic Turtle MOU should be mentioned. This office might also contribute to possible synergies with cetacean conservation in the region.

44. Mr Lok (Netherlands) felt that the report provided a sound basis for carrying on with the Future Shape process. He would provide some additional wording on the background to the ASCOBANS merger, but other countries in the European region had yet to submit their comments. Although the description of current structures was comprehensive, he felt that the authors of the report could deepen the analysis if they would identify more explicitly **advantages and disadvantages** of three different modes of **organisation, such as** by species or group of species, by region or by location. A strategy was needed to address the problem of a growing workload and finite resources, as Parties were unlikely to increase the budget substantially. He pointed out that, in setting any deadline for final comments, account should be taken of the forthcoming holiday period.

45. Ms Theresa Lim (Philippines) agreed that the Report was a good basis for future discussions. The key issue was how to enhance with the role of CMS and define a new strategic direction.

46. After some discussion, it was agreed that the deadline for comments to be submitted to the consultants and the Secretariat would be 20th January 2010. This should allow sufficient time for further regional discussions. With regard to the future timetable of the Future Shape Process, the possibility of the next COP taking place in October rather than December had to be taken into account. Mr Biber outlined the provisional timetable leading up to COP10 at the end of 2011: Step 2 of the Future Shape process would begin in December 2009. The Working Group would meet in June 2010 and the Step 2 report would be ready in September 2010 in time for the next Standing Committee. Step 3 would begin immediately after the next Standing Committee in November 2010. The Working Group would reconvene in February-March 2011 to discuss the first draft of the final

report and the three options required by Resolution 9.13 would have to be ready by April 2011 in order to meet the deadlines of the COP. Mr Biber concluded by thanking Germany and France for the funding, which ensured that the Working Group meetings could take place and consultants could be engaged.

47. The Chair asked whether further contributions should be sought and suggested that a letter be sent to likely donors. Mr Salmon (UK) felt that as the Future Shape Process was an opportunity for the Convention to pause and reflect, possibly resources earmarked for developing more instruments might be reallocated. The Secretariat confirmed that with France's pledge, there were now sufficient funds for the Future Shape Process but this did not include the three reviews envisaged under Resolution 9.2.

48. The Committee endorsed the report as it stood, recognising that there were further changes to be made and the annexes had still to be completed.

Draft Report endorsed but its status as "work in progress" was recognised

Deadline: submission of comments on the Draft report by 20th January to ERIC and the Secretariat

Secretariat: prepare analysis of activities of the Work Plan and corresponding resources

ERIC: mention role of SINEPAD in Atlantic turtles MOU in Report

Agenda Item 7b.: Review of existing CMS Agreements and related projects on taxonomic groups (Resolution 9.2)

49. Mr Biber (Chair, ISWGFS) introduced CMS/StC36/14. He said that Resolution 9.2 was silent on the issue of who should conduct the reviews and how. Neither Resolution 9.13 nor the addendum assigned the task to the ISWGFS. At their meeting in October, ISWGFS members identified two options: first, that in keeping with the spirit of Resolution 9.2, these reviews be carried out to provide the Future Shape process with a more in-depth analysis of all CMS instruments and funds be found to let a contract on the basis of the terms of reference drawn up by the CMS Secretariat in consultation with the Working Group; and second, that mandate of Resolution 9.2 had already been met by the Future Shape Working Group in Step 1 and would be further considered in Steps 2 and 3 without the need of carrying out the reviews in a fully comprehensive manner. His preferred option was the first one.

50. Mr Mshelbwala (Chair, Scientific Council) also preferred the first option and urged that the resources be found to finance the reviews. The Secretariat estimated that each of the three reviews would cost approximately €30,000.

51. Mr Kante (UNEP), in the light of the commitment shown by Mr Biber and others involved in the Future Shape process, offered to make US\$40,000 available, provided that matching funds were forthcoming from the Parties.

52. Thanking UNEP for the conditional offer of funding, the Chair sought and obtained a mandate to issue a letter seeking matching contributions when the draft minutes were circulated. He sought the support of regional members of the Committee. The Secretariat would also continue to seek additional funds. In order to meet the deadlines, work needed to start as soon as possible. He later announced that in the margins of the meeting a number of tentative promises for funding had been received.

Action: letters seeking voluntary contributions to be signed by the Chair and sent to some potential donors

Parties: tentative promises of voluntary contributions to be confirmed

Agenda Item 6.: CMS Strategic Plan

Agenda Item 6a. & b.: CMS Strategic Plan 2006-11 (Res 8.2 and Res 8.5) and CMS Strategic Plan 2012-17

53. Mr Marco Barbieri (CMS, Agreements Officer) spoke on the Strategic Plan 2006-11 and Agreement development, making reference to Document CMS/StC36/8 and the addendum. The Secretariat reported in the same fashion as at COP9, with activities included in the annual Work Plan linked to Strategic Plan objectives and targets. As essentially a report of activities, implementation by the CMS Secretariat, other parts of the CMS Family such as other CMS bodies, Agreements, individual Parties and other stakeholders were not covered in any detail. The Standing Committee was invited to provide feedback on whether that way of reporting was adequate and satisfactory.

54. Resolution 8.2 had requested the COP to review the Strategic Plan at COPs 9 and 10. The Secretariat had reported on midterm implementation at COP9. COP10 had to consider the complete Strategic Plan and consideration had to be given to how the assessment would be made. The Strategic Plan itself foresaw that its second, end-of-term review could be led by the Standing Committee or, if resources allowed, through an independent external assessment. The wider CMS Family should also be involved. Considering that results and recommendations of this assessment would be an important input for the development of the new Strategic Plan, discussions and decisions concerning the two processes had to be coordinated. As the outcomes of the Future Shape process were expected to represent key elements in the elaboration of the new Strategic Plan, a role of the Inter-sessional Working Group on Future Shape was foreseen.

55. Mr Biber, who had led the Working Group, which had drafted the previous Strategic Plan, explained that COP9 had unfortunately not given a clear mandate on how the roll forward should be conducted. The options proposed by the Working Group on the Future Shape were:

- To extend the current plan with appropriate amendments for, say, three years until 2014; this also had the advantage of having fewer cost implications, or
- To elaborate a complete new plan (this was closer to the spirit of the Resolution), but this would require three variants reflecting the three options which the Future Shape process required.

56. Ms Céspedes (Chile) acknowledging that CMS was in the midst of a structural review felt that the first option would be more appropriate. Developing three full options would be too time-consuming. Mr Lok (Netherlands) was concerned that simply adapting the existing plan meant carrying on as before and asked whether the Future Shape Working Group could indicate the way forward. The Convention was also running the risk of three years focusing on processes rather than conservation action.

57. The Chair had discussed this issue with the Secretariat and Mr Biber, and had agreed that producing even an outline of the key aims for each of the three Future Shape might not be easy, especially as there was no guarantee that any of the options would be close to the status quo. He felt that the current Plan should be extended, making more time for the Strategic Plan Working

Group to develop a draft after COP 10 when the Future Shape option would be known. Mr Biber agreed. It was not realistic to expect fully worked draft plans to be elaborated in parallel. He advocated adapting the present Plan for a short bridging period, incorporating any directional changes the Parties considered appropriate thus avoiding loss of momentum. Ms Courouble (France) supported Mr Biber's suggestion.

58. Mr Qaimkhani (Pakistan) stressed the importance of the new Strategic Plan, which should be brought into effect as soon as possible. He suggested that the 2006-11 Plan be extended for just one year, and mandate a dedicated Working Group at COP10 to finalise a new Strategic Plan for 2012-17 reflecting fully the Future Shape of the Convention. Mr Lenten (CMS) supported Mr Qaimkhani and stated that he did not think that the ISWGFS should be burdened with the additional task of drafting three versions of the Strategic Plan. He saw no problem with the COP mandating the Standing Committee to adopt an interim Plan, establishing a Working Group to elaborate the text and leaving it to COP11 in 2014 to adopt the final version.

59. The Chair, having ascertained that the concerns expressed by the Netherlands had been addressed and that Mr Biber was content that the proposal was workable, asked the meeting to endorse the suggested way of proceeding, with the current Plan being adapted and extended for one year. This was agreed.

8a. Reports from Standing Committee members and observers

60. The Chair invited the CMS Family Secretariats, regional members of the Committee and representatives of partner organisations to give brief oral reports on their activities.

CMS Agreement Secretariats

AEWA

61. Mr Sergey Dereliev (Technical Officer, AEWA) referred the meeting to Information Document 5, the report covering activities of the AEWA Secretariat since the previous year's MOP. The Agreement continued to grow, with Ethiopia about to become the 63rd party to AEWA in February 2010. MOP4 had adopted a nine-year Strategic Plan; nine years was considered the optimal period.

62. Seven implementation reviews were supposed to be submitted to each MOP, but funding had been secured for only five. In addition, the Secretariat and the Technical Committee had reviewed the phasing out of lead shot and the effects of climate change. Seven new species action plans had been approved bringing the total to fifteen. Administering this number of SSAPs was a challenge for the small Secretariat, so memoranda of cooperation were being concluded with NGOs to assist. A consultancy post covering the coordination of activities for Lesser White-fronted Geese had been created using funding from Norway. With French support, a consultancy post had also been established for the African Initiative. Twenty further species had been added to the AEWA annexes. These were mainly seabirds, but species coverage by ACAP had been deliberately excluded to avoid duplication.

63. The Information Officer post approved at MOP4 had been filled, with Mr Florian Keil, the previous JPO, being appointed. His time was split between the Wings over Wetlands project and implementation of the AEWA information strategy. A brochure on the experiences with phasing out lead shot had been produced in English and French; a Spanish-funded project had been carried out in North Africa on wetland management and immediately before the MOP, a negotiation

training session had been held for anglophone delegates. A similar exercise for francophone delegates was being considered.

64. An Implementation Review Process (IRP) had been adopted and the first case was pending. This concerned hunting of the Critically Endangered Sociable Lapwing in the Syrian Arab Republic. An advisory mission, funded by Germany, was being planned, in conjunction with the Syrian authorities.

65. In summary, despite the Agreement's best efforts, 41% of the species covered were still in decline, with the possibility that one had become extinct. In conjunction with CMS, a group led by Nicola Crockford of the RSPB hoped to find surviving specimens of the Slender-billed Curlew.

EUROBATS

66. Mr Andreas Streit (Executive Secretary, EUROBATS) reported that a series of publications advising how to implement key Resolutions had been produced, covering underground sites, environmental impact assessments for wind farms and forest management. The launch of new guidelines on over ground sites, such as historic buildings and dwellings, was imminent. The next MOP would be held in Prague, Czech Republic in September 2010, where one of the key issues would be recognising the entire Western Palaearctic as the Agreement Area, extending EUROBATS to the southern Mediterranean and the Middle East.

67. Voluntary contributions had allowed ten projects to be carried out, achieving positive results in transition countries. One project had been carried out in Tunisia.

ASCOBANS

68. Ms Heidrun Frisch (Coordinator, ASCOBANS) presented Information Document 6, the report of the CMS/ASCOBANS Secretariat. The main event had been MOP6 in Bonn, which had considered the Secretariat merger (covered in more detail under agenda point 9b). Two Action Plans had been adopted for the Harbour Porpoise in the North Sea and the Baltic. A Resolution calling for precautionary guidelines to minimise the disturbance caused to cetaceans by underwater noise especially during the construction of offshore wind farms had been adopted. The Agreement's new Work Plan (2010-12) identified two priorities: bycatch and noise. A revised national reporting format had been agreed.

69. The written report further contained information on other meetings held in the reporting period, namely the 16th Meeting of the Advisory Committee and the 5th Meeting of the Baltic Sea Working Group, an overview of the thematic and regional working groups formed under the Advisory Committee, information on projects supported with ASCOBANS funds as well as recent outreach material and activities.

Gorilla Agreement

70. Ms Virtue (CMS) presented the report on the Gorilla Agreement (Information Document 9). The Agreement had entered into force in June 2008. Six of the ten Range States were now Parties. The first MOP had taken place in Rome, which had adopted Action Plans for all four subspecies. A working group on monitoring had been established.

71. Delays had been encountered in establishing the Technical Committee with some Parties not having appointed their nominee. Funding remained a major problem, with the assessed contributions of the Parties, all developing countries, amounting to €18,000 or 10% of the budget.

The Secretariat arrangements meant there were no members of staff entirely dedicated to the Agreement, which impeded the development of its independent identity, but at least momentum was being maintained.

ACCOBAMS

72. Ms Grillo-Compulsione (ACCOBAMS) reported that Montenegro had acceded to the Agreement and that Egypt was in the process of doing so. A conference had been organised in Tunisia to facilitate information exchange, and training had been arranged for scientists. A training handbook had been published. The Agreement was implementing projects on bycatch and monitoring for stranded animals and a series of well-received sub-regional workshops had been held. The Scientific Committee would meet in Morocco to prepare the 2010-13 Work Programme ready for adoption at the MOP in Monaco.

Regional Representatives

73. Mr Nana Kofi Adu-Nsiah (Ghana) said that there had been a joint CMS-CITES meeting on elephants. Transboundary management was being promoted between Ghana and Burkina Faso with the creation of migration corridors in Community Resource Management Areas (CREMA).

74. Ms Thiam (Senegal) referred to a second regional meeting, which had been held in Cote d'Ivoire, and was further evidence of growing coordination within the framework of CMS.

75. Mr. Khaled Zahzah (Tunisia) reported that a large area in the south of his country had been designated as national park, including habitat suitable for antelopes.

76. Mr Qaimkhani (Pakistan) had received news of marine turtle activities in the Asian region by Oman, which was not yet a CMS Party, India and Pakistan. International NGOs were being enlisted to support data collection on two rare raptors, the Peregrine and Saker Falcons. The draft text Houbara Bustard Agreement was under consideration at the Foreign Affairs Ministry and a regional office was coordinating conservation efforts for the Snow Leopard.

77. Mr Ahmed Ibrahim Boug (Saudi Arabia) reported that the Houbara Bustard Agreement was progressing and confirmation from the Saudi Arabian Foreign Ministry of its willingness to act as depositary was awaited. Saudi Arabia was however not able to host the Agreement's Secretariat.

78. In accordance with Resolution 9.20, a meeting had been organised in the United Arab Emirates on the Saker Falcon. A research project funded by Saudi Arabia had been approved and a report would be submitted to the Scientific Council with a recommendation concerning the species' listing under CMS.

79. Mr Størkersen (Norway) had received no reports from other countries in the European region. Norway had hosted the ACAP MOP3 in April and was funding a consultancy post in the AEWAS Secretariat on the Lesser White-fronted Goose. In conjunction with the EU LIFE programme, projects were being funded for flyways. Norway had signed the Raptor MOU, was implementing a national plan for bat conservation and was considering making an offer to host COP10.

80. Mr Lok (Netherlands) highlighted the launch of a book "Living on the Edge" which had been a joint effort among Wetlands International, BirdLife International and the Dutch Government.

81. Ms Monika Lesz (Poland) said that Poland had instituted a monitoring system for white nose disease in bats and had established a joint ministerial forum regarding ASCOBANS. Poland had also completed its proposals for the Natura 2000 network of protected sites.

82. Ms Lim (Philippines) described bilateral cooperation between the Philippines and Australia on marine mammal strandings, and trilateral cooperation between the Philippines, Indonesia and Malaysia on marine turtles. The Philippines and Malaysia were carrying out transboundary enforcement work. In the “Coral Triangle” the three South East Asian countries and Australia were collaborating with Papua New Guinea, the Solomon Islands and Timor Leste. An East Asian marine conference had been held in November with over 800 participants, where the role of Marine Protected Areas in the conservation of migratory species was discussed. The meeting recommended that more studies be made of the biology and ecology of migratory species. Preparations for February 2010’s meeting on sharks were progressing.

83. Ms Nickel (Germany) announced that a JPO would be made available to CMS for two or perhaps three years to act as a regional officer for Central Asia. Germany would also provide €50,000 for the Sharks meeting and was proposing the addition of two shark species to the CITES annexes. A contribution of €25,000 had been made to fund the review of the “Year of the” campaigns and efforts were being made to revitalise the “Friends of CMS”, who were meeting later in December 2009.

84. Ms Céspedes (Chile) reporting on behalf of South America said that during COP9 a meeting of the signatories of the Grassland Birds MOU had been held with the participation of Brazil, Paraguay and Uruguay. A workshop on marine birds organised by an NGO had taken place in Uruguay and a strategy meeting on Andean flamingos had been held in La Paz, Bolivia, also attended by Mr Rilla of the CMS Secretariat. Ecuador was focusing on conservation actions and information exchange and had launched a database. Bilateral cooperation between experts from Canada and Chile was taking place. Chile was also conducting a study of nesting sites, was about to ratify the American Turtle Convention and had issued a decree banning the fishing of thirteen shark species.

85. On behalf of Central America and the Caribbean, Ms Ibelice Añino (Panama) had received no reports from other countries possibly because of recent changes of government in some. In Panama, parliament had taken several conservation initiatives. In October, with support from the US, training had been organised on cetacean issues and a national Action Plan for sharks had been concluded and another on marine turtles was planned.

86. The Chair thanked the representatives and members for their reports. He had identified a point raised in many reports, namely difficulties in liaising with Parties within the regions. Having discussed the matter with the Secretariat, he suggested that terms of reference be drawn up describing the role of regional members of the Standing Committee. The Chair requested all those present to send their correct contact details to the Secretariat and to him, and to assist the Secretariat in obtaining up-to-date details of all National Focal Points.

Action: Secretariat to draft TOR on the role of the regional members of the Standing Committee; Committee Members to provide contact details

Observers

87. Mr Sadegh Sadeghi Zadegan (Islamic Republic of Iran) regretted to have to announce that the last bird in the Western flock of Siberian Cranes had failed to reappear this year. The seventh meeting of signatories of the MOU would take place in March 2010 in Teheran, at which the

question of whether to create a separate Trust Fund would be decided. The Siberian Crane wetlands project under GEF was reaching its conclusion and a main issue for the above mentioned MOU meeting **would be** to consider the ways to deliver the follow-up actions of the GEF project to the Siberian Crane MOU. Iran was also active in initiatives searching for the Slender-billed Curlew, coordinated by Nicola Crockford of RSPB. He pointed out that, because recently there had been no Range State meetings under the Slender-billed Curlew MOU, **organising** a Range State meeting could **help** reactive and reinforce **this** MOU.

88. Ms Nicola Crockford (BirdLife International) introduced herself as John O'Sullivan's successor. She recalled that BLI had been involved in CMS from the very start. At a recent restructuring within BLI, it had been decided to reduce the organisation's coverage of MEAs but to maintain involvement in CMS initiatives because of the Convention's proven track record. She welcomed the ERIC report and its encouraging discussion it had provoked among the Parties.

89. She pointed to alarming declines in sub-Saharan passerine migratory birds. She was however heartened by the good spirit of cooperation among CMS MOUs and working groups dealing with the Siberian Crane, Sociable Lapwing and the Slender-billed Curlew. Responding to Mr Zadehan's comment on there not having been any meetings of range states for the Slender-billed Curlew MOU, she felt the first priority was to find the birds and try to fit the transmitters provided by AEWA.

Agenda Item 9: Resources

Agenda Item 9a: Secretariat manpower and organisation – recruitment of staff

90. Mr Lenten (CMS) said that in the past twelve months, nineteen posts had become vacant across the CMS Family. Fourteen staff members had been recruited and five were still being processed. Mr Lenten presented an organigram and highlighted some changes to reporting lines that had been made. The Executive Secretary's post had been filled with the appointment of Elizabeth Mrema. The recruitment of the Deputy Executive Secretary was proceeding.

91. He pointed out that the post related to the Sahelo-Saharan Antelopes project was vacant and welcomed the allocation of a JPO from the German Government. The JPO would probably spend some of their time in Abu Dhabi. If UNEP agreed to fund one of the existing Secretariat posts from the 13% PSC, then funds would be released enabling additional staff to be employed.

Agenda Item 9b.: Merger of CMS Secretariat and ASCOBANS: outcome of MOP6

92. Mr Lok (Netherlands) reminded the meeting that the evaluation of the ASCOBANS Secretariat arrangements had been on the agenda of COP9, but CMS Parties had felt it more appropriate to allow the ASCOBANS Parties to express their views first. There had been extensive discussions on the evaluation at the Advisory Committee in April and the Committee requested that the Secretariat draw up three budget proposals. At the MOP in October, it had been agreed to continue with the interim arrangements for a further three years. The Advisory Committee was asked to review the arrangements again in 2011 and report back to the next MOP in 2012. The willingness of the CMS Parties to continue to support a merged Secretariat arrangement was noted with gratitude.

93. The meeting noted Document CMS/StC36/12 rev 1 and confirmed that the merged Secretariat arrangements should continue for a further three years.

Agenda Item 9c. & d.: Status of CMS Trust Funds 2009-11 and fundraising

94. Mr Sergey Kurdjukov (Administration and Fund Management Officer, CMS) announced that, of the €1.9 million contributions due in 2009, €1.7 million had been received. Some of the unpaid €200,000 could be expected, as the Parties concerned often paid late in the year. Some Parties had remitted their contributions in advance and €500,000 had been given in voluntary contributions. Although the balances in the Trust Fund were healthy, Parties in arrears were still requested to pay their subscriptions.

95. The Finance and Budget Sub-Committee had met and reviewed income and expenditure (see also agenda point 10a). Questions were raised on issues such as Information Technology, travel, expenditure on consultants and the CMS presence in Washington DC. In answer to a question from the Chair, Mr Kurdjukov explained that the level of arrears in CMS were in line with other MEAs. The most likely reason for non-payment was the economic downturn and adverse exchange rates. UNEP sent invoices and where appropriate reminders. The Chair said that although the arrears were not presenting CMS with cash flow problems, the Committee should not overlook the issue. Assessed contributions were part of the Parties' commitments and the sums outstanding were affordable.

96. Mr Biber (Switzerland) announced that in addition to the voluntary contribution towards the Siberian Crane MOU meeting, a further €15,000 would be made available in 2010 for the Flyways Working Group.

97. It was agreed that representatives on the Standing Committee should contact those Parties from their regions that were in arrears.

<p><i>Action: Parties in arrears to be reminded to pay their contributions (Regional Representatives and Secretariat)</i></p>

Agenda Item 9e.: CMS Office in Abu Dhabi

98. Ms Mrema (CMS) introduced Information Document 11 and reminded the Committee of the generous offer from the authorities in Abu Dhabi to fund for at least three years an office to manage the Raptor and Dugong MOUs. The staff had been recruited and all except one had taken up their duties. The team was about to move into its new offices in a new Environment Agency building before end of this year and the Host Country Agreement had basically been finalized and was currently with Abu Dhabi authorities for their final review in readiness for signature. An official launch was being planned to open the office with a media event to promote the work of the office.

99. Ms Courouble (France) asked whether the Abu Dhabi Office had been able to advance any conservation activities. In response it was pointed out that the Executive Coordinator had only moved to Abu Dhabi in June and the other staff later, and a number of bureaucratic hurdles had had to be crossed.

100. Mr Salmon (UK) and Mr Størkensen (Norway) sought clarification of the Abu Dhabi and Bangkok offices' responsibilities towards the IOSEA marine turtle MOU. The Secretariat promised to look into this issue and provide clarification in due course. Ms Courouble who had attended the negotiation meetings understood that the Abu Dhabi office's remit regarding IOSEA extended only to the western part of the range. Ms Thiam (Senegal) wondered whether it could assist outside the IOSEA area, in particular with implementation of the Atlantic turtle MOU. Mr Salmon (UK) suggested that such issues could be referred to the Finance and Administration Sub-Committee for resolution.

Agenda Item 10.: Follow-up on outstanding Standing Committee 35 and COP9 decisions

Agenda Item 10a.: Finance and Budget Sub-Committee (Res 9.14)

101. Mr Salmon (UK), the Chair of the Finance and Budget Sub-Committee reported on the first session of the newly formed body. He apologised for having to give an oral report rather than the written one foreseen in Resolution 9.14, which had established the Sub-Committee. A written report would follow.

102. All regions that had nominated a representative (only Oceania had yet to do so), Germany as an observer and members of the Secretariat had attended the first meeting. The discussion had been open and constructive. The roles of the Sub-Committee included monitoring expenditure, and ensuring that contributions were received. Parties in arrears should be reminded. The accounts presented covered the first three quarters of the year and most budget lines were on track. Some staff lines were underspent because of vacant posts, as were some of the related programmes. Consultancies were being used to cover some gaps, and the Sub-Committee had requested that this be explained through footnotes for the sake of greater clarity.

103. At COP9, concerns had been expressed at the high costs of IT services being provided by UNV in the main UN Campus. The Secretariat had sought tenders from other providers, but interest was limited and no suitable applicants had come forward. It had therefore been agreed that the Secretariat should continue to use UNV but negotiate an improved service.

104. Overall, the Convention's finances were sound and the Programme of Work progressing satisfactorily. The format of the CMS Work Plan (Information Document 2) would be amended so that each activity was listed with reference to the Resolution mandating it. The financial information would show whether activities were funded from the core budget or from voluntary contributions and for which activities funds had still to be raised. The Secretariat had agreed to provide a quarterly update on the Convention's financial position in addition to the exception reports stipulated in the Resolution.

<p><i>Action: Chair of the Sub-Committee to provide a written report. Sub-Committee to make comments on the format of the Work Plan.</i></p>

Agenda Item 10b.: Code of conduct for Partnerships with the private sector (Resolution 9.6)

105. Ms Aline Kühl (Special Assistant, CMS) referred to Resolution 9.6 on cooperation with other bodies and to Document CMS/StC36/16 and highlighted the wide range of cooperative activities undertaken by the Secretariat and the value of these. CMS had established formal partnerships with several MEAs, NGOs, IGOs and the private sector, as well as a much greater number of *de facto* partnerships. The document under consideration concerned relations with the private sector; these currently included TUI AG and Lufthansa AG.

106. Resolution 9.6 requested the Secretariat to develop a code of conduct for partnerships with the private sector following the examples of CBD's Business and Biodiversity Initiative and the Ramsar Convention's Resolution X.12. This draft was based on the UN guidelines for interactions with the business community, by which CMS was bound. The CMS-specific draft of a code of conduct before the Committee also sought to take into account the needs of private sector partners, who often required prompt and flexible responses.

107. The meeting considered the Code of Conduct contained in the Annex to the document. Mr Lok (Netherlands) was concerned that CMS might opt to pursue partners who offered easy solutions rather than ones who could make a real difference in addressing the problems of migratory species.

He further suggested wording to request partners to assist in removing obstacles to migration, especially if the company in question was involved in infrastructure development. The Secretariat agreed to revise the wording to assuage these concerns, specifically adding that it would be desirable for CMS partners to have an Environmental Corporate Responsibility Programme in place.

108. The document was endorsed subject only to the amendments requested by the Netherlands. The final guidelines can be found in Annex 3.

Agenda Item 11.: CMS Meetings

Agenda Item 11a.: Scientific Council 2010 and 2011

109. Mr Mshelbwala (Chair, Scientific Council) had attended the Gorilla Symposium in Frankfurt-am-Main. He had also presided over the first “Activity Planning Meeting” of a small group of Scientific Councillors, to which the Vice-Chairs, the COP-appointed Councillors and the convenors of Working Groups had been invited. It had discussed the small grants programme, the format of the report on the conservation status of CMS Appendix I Species, criteria for listing species on the CMS Appendix II, criteria for the classification of range states and revision of nomenclature of bird species. It had requested the Secretariat to undertake a survey of the expertise of the Council’s members and had considered items for inclusion on the agenda of the 16th Meeting of the Council, which would be held in the second quarter of 2010, by which time the new Scientific and Technical Officer would be in post.

110. A Working Group had been established on flyways with Mr Taej Mundkur (Councillor for Asiatic Fauna) as Chair and Mr John O’Sullivan (Councillor for Birds) as Vice-Chair. Switzerland had offered funding for a meeting and linkages to the Future Shape process had been secured especially through Mr Biber’s membership of both Working Groups. Mr Mundkur had also attended the Future Shape Working Group.

111. Mr Mshelbwala had attended a meeting in Nairobi on post 2010 targets, together with Ms Virtue of the Secretariat. The General Assembly and the CBD COP were both due to consider proposals. Further regional and sub-regional meetings had been scheduled. The third meeting of the Chairs of advisory bodies to Biodiversity Conventions had taken place. Mr Mshelbwala has attended along with the Chairs of the CITES animals and plants committees and the Chair of Ramsar’s advisory body, who had given a presentation highlighting the overlaps in the Conventions’ work plans. There was scope for greater cooperation on habitat restoration, ecotourism, urbanisation, alien species and climate change.

112. The Inter-governmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) was intended to be a new international mechanism to complement the work of existing bodies. It was being designed to be independent of any MEA. One problem appeared to be the lack of negotiating mandates from Parties for the MEAs to participate fully. The Standing Committee was requested therefore to authorise CMS to take part in IPBES’s third meeting, provisionally scheduled for March-April 2010. Mr Kante (UNEP) stressed that IPBES could play a similar role in promoting biodiversity issues as the IPCC had done for climate change.

113. Ms Courouble (France) sought clarification of the status of the Activity Planning Meeting, as the French Scientific Councillor had not been invited. The Secretariat explained that the planning meeting was advisory and had been convened as a means of addressing the issue of maintaining the Council’s momentum between full meetings and responding to a request of COP9

to hold a third meeting of the Council in the triennium. Because there were insufficient funds to hold a full Council meeting, participation in the meeting had been limited.

114. In response to questions about how the Standing Committee and Scientific Council would be kept informed about IPBES, Ms Mrema suggested that the Secretariat prepare and circulate a briefing document in advance of the next IPBES meeting. The Committee was content with this proposal.

Agenda Item 11b.: Results of the COP9 participants' questionnaire

115. Ms Laura Cerasi (Consultant, CMS) presented document CMS/StC36/Doc 17, the results of the COP9 participants' questionnaire. The overall reaction had been positive although there were some aspects, which could be improved for COP10, such as the production of revised documents in-session. Delegates appreciated the side events, which also served as an opportunity for networking.

116. Ms Céspedes (Chile) thought that more use could be made of electronic media to save paper as most delegates attended COP with a laptop. Before the Conference, delegates should have the option of choosing not to receive hard copies of documents. Ms Mrema (CMS) pointed to technological difficulties in some regions where e-mail was still not totally reliable.

117. The meeting also considered the practicality of restricting the number of times any one document underwent revision, to reduce the amount of printing and save time and paper. The Secretariat suggested that time could be set aside towards the end of the Conference to allow for the preparation of final versions of documents.

Agenda Item 11c.: Date, Cost, Format and Venue of COP10, 2011

118. Mr Lenten (CMS) reminded the meeting that at the end of COP9 offers to host COP10 had been solicited. Three expressions of interest had been received: from Georgia, Mongolia and Norway. The Secretariat would remain in touch with the governments of these three countries. He explained that UN rules required host countries to pay the additional costs of holding meetings away from UN centres. The target dates lay between September and December 2011. The views expressed in the COP9 Participants' Questionnaire would influence the planning of COP10.

119. Ms Nickel (Germany) pointed out that CMS was a global Convention and venues outside Europe should be examined. Mr Lenten pointed out that AEWMA had found holding its MOP in Madagascar had increased travel costs. Mr Kante (UNEP) while stressing he did not wish to compete with Parties willing to host the Conference, said that excellent facilities existed in Nairobi and CMS would be welcome to return to UNEP HQ.

Agenda Item 11d.: Date and venue of the 37th Meeting of the Standing Committee

120. Ms Mrema (CMS) suggested that a date towards the end of 2010 be set to allow sufficient time for the report of the Future Shape Step 2 to be prepared. The Secretariat would ensure that the date did not coincide with Ramadan or events organised by other MEAs, such as the CBD COP.

Agenda Item 12.: Any Other Business and closure

121. Mr Kante (UNEP) suggested that CMS set itself the goal of recruiting a further 15 Parties in the next year, pointing out that there were still 80 countries which had yet to accede. UNEP had

appointed biodiversity focal points in many of its regional offices whose tasks included support to MEAs.

122. Ms Mrema (CMS) announced that the third edition of the CMS Family Guide and a CMS T-shirts produced by the German Government were now available.

123. After the customary expression of thanks to all who had contributed to the smooth running of the meeting, with special mention to the interpreters and the hosts of the dinner on the first evening, the Chair declared the meeting closed at 12:46.

36th Meeting of the Standing Committee
Bonn, 8-9 November 2007

CMS/StC36/Inf.4/Rev.1

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36th Meeting of the Standing Committee

Bonn, 2-3 December 2009

CMS/StC36/2/Rev.1

Agenda Item 2

PROVISIONAL ANNOTATED AGENDA AND SCHEDULE

Venue UN Campus (*Langer Eugen*), Room 2712, Hermann-Ehlers-Str 10, 53113 Bonn

Wednesday 2 December 2009

Morning session 10.00 – 12.30 hrs

1. Opening remarks and introductions

The Chair will open the meeting followed by welcoming addresses by the Host Government and the Executive Secretary CMS

2. Adoption of agenda, schedule and rules of procedure

The agenda, annotated agenda and schedule (doc StC36/2) and the rules of procedures (doc StC36/4) will be proposed for adoption

3. Adoption of the reports of the 34th and 35th CMS Standing Committee meetings (Rome, Nov/Dec 2008)

The final draft reports of the 34th (doc StC36/5) and 35th (doc StC36/6) CMS Standing Committee meetings will be proposed for adoption

4. Report on accession of new Parties to the Convention

The Depositary will report on the latest developments regarding accession of new Parties to the Convention (doc StC36/7)

5. Secretariat's report on key inter-sessional activities since December 2008

The Secretariat will report on its activities since COP9 (doc StC36/8) including the Year of the Gorilla activities (StC36/9) and Campaigns, Honorary Roles and Awards (doc StC36/18)

6. CMS Strategic Plan

a. CMS Strategic Plan 2006-2011 (Res 8.2 & Res 8.5):

• Report on progress made by Agreements

The Secretariats of the Agreements present will be requested to briefly report on some of their activities since COP9.

b. CMS Strategic Plan 2012-2017

The Chair of the Inter-sessional Working Group on the Future Shape of CMS (ISWGoFS) will introduce doc StC36/11. The Meeting will be requested to decide the way forward regarding drafting of the Strategic Plan 2012-2017.

Lunch break 12.30 – 14.00 hrs

Afternoon session 14.00 – 17.30 hrs

7. Future Shape of CMS Process

a. First step of the Inter-sessional Process regarding the Future Shape of CMS (Res. 9.13 and

Addendum)

The Chair of the ISWGoFS and the Consultant will introduce doc StC36/15. The Meeting will be requested to give further guidance on the Future Shape Process

Coffee/Tea break 15.00 –15.30 hrs

Continuation of agenda item 7

- b. Reviews of the existing CMS Agreements and related projects on taxonomic groups (Res. 9.2)**

The Chair of the ISWGoFS will introduce doc StC36/14 and the Meeting will be requested which option should be followed

8. Reports from Standing Committee members and observers

The regional Members of the Standing Committee and Observers will be invited to report on activities in their region and/ or of their Organization

Thursday, 3 December 2009

Morning session 09.00 – 12.30 hrs

Continuation of agenda item 8

9. Resources

- a. Secretariat manpower and organization – recruitment of staff**

The Secretariat will orally inform the Meeting on the staffing situation

- b. Merger of CMS Secretariat and ASCOBANS: outcome of MOP6**

A representative of the ASCOBANS Parties will introduce doc StC36/12 and inform the Meeting on the outcome of MOP6

- c. Status of CMS Trust Funds 2009-11**

The Secretariat will inform the Meeting on the status of the CMS Trust Funds 2009-2011 (doc StC36/13)

- d. Fundraising**

The Secretariat will inform the Meeting on Fundraising activities (doc StC36/13)

Coffee/Tea break 10.30-11.00 hrs

Continuation of agenda item 9

- e. CMS Office in Abu Dhabi**

The Secretariat will inform the Meeting on the latest development regarding the establishment of the Abu Dhabi Office (Inf36/11)

10. Follow-up on outstanding StC35 and CoP9 decisions:

- a. Finance and Budget Subcommittee (Res. 9.14)**

The Chair of the Finance and Budget Subcommittee will orally report on the activities of the Committee since COP9

b. Code of conduct for Partnerships with the private sector (Res. 9.6)

The Secretariat will introduce doc StC36/16. The Meeting will be requested to endorse this code of conduct

Lunch break 12.30 – 14.00 hrs

Afternoon session 14.00 – 16.30 hrs

11. CMS Meetings

a. Scientific Council Meetings 2010 and 2011

The Chair will orally report on the activities of the Scientific Council since COP9 and on meetings planned for 2010 and 2011

b. Results of the COP9 Participants' questionnaire

The Secretariat will give a short presentation of the results of the COP9 Participants' questionnaire

c. Date, cost, format and venue of COP10, 2011

The Secretariat will orally report on the preparations for COP10

d. Date and venue of the 37th Meeting of the Standing Committee

12. Any Other Business and closure

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 Sector¹”:

- 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. Analysing 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.

¹ 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. Formalising 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 fund-raising 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.