



CONVENTION ON MIGRATORY SPECIES

Distr: General

UNEP/CMS/COP9/REPORT

Original: English

CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS
NINTH MEETING
Rome, Italy, 1-5 December 2008

Proceedings of the Ninth Meeting of the Conference of the Parties Part I

REPORT OF THE NINTH MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS

INTRODUCTION

1. At the invitation of the Government of Italy, and in accordance with Resolution 8.20 of the Eighth Meeting of the Conference of the Parties and the decision taken by the 31st Meeting of the Standing Committee, the Ninth Meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) was held at the headquarters of the Food and Agriculture Organization of the United Nations in Rome, Italy, from 1 to 5 December 2008.
2. The following 86 Parties to the Convention attended: Albania; Algeria; Antigua and Barbuda; Argentina; Australia; Austria; Bangladesh; Belarus; Belgium; Bolivia; Bulgaria; Burkina Faso; Cameroon; Chad; Chile; Congo (Republic of); Costa Rica; Côte d'Ivoire; Croatia; Cuba; Czech Republic; Democratic Republic of the Congo; Denmark; Ecuador; Egypt; Estonia; European Union; Finland; France; Gabon; Georgia; Germany; Ghana; Greece; Guinea; Guinea-Bissau; Honduras; Hungary; India; Iran (Islamic Republic of); Italy; Jordan; Kazakhstan; Kenya; Latvia; Lithuania; Madagascar; Mali; Mauritania; Mauritius; Monaco; Mongolia; Morocco; Netherlands; New Zealand; Niger; Nigeria; Norway; Pakistan; Panama; Paraguay; Peru; Philippines; Poland; Portugal; Samoa; Saudi Arabia; Senegal; Seychelles; Slovakia; Slovenia; South Africa; Spain; Sri Lanka; Sweden; Switzerland; Syrian Arab Republic; Tajikistan; The former Yugoslav Republic of Macedonia; Togo; Tunisia; Uganda; Ukraine; United Kingdom of Great Britain and Northern Ireland; Uruguay; and Yemen.
3. The following 12 States not party to the Convention were also represented: Botswana; Brazil; China (People's Republic of); Equatorial Guinea; Haiti; Kuwait; Montenegro; Mozambique; Saint Lucia; Saint Vincent and the Grenadines; United Arab Emirates; and the United States of America.
4. Observers from the following United Nations bodies, Secretariat units, specialized agencies and related organizations and projects also attended: Food and Agriculture Organization of the United Nations (FAO); Convention on International Trade in Endangered Species of Wild Fauna and Flora (UNEP/CITES); United Nations Convention to Combat Desertification (UNCCD); United Nations Environment Programme (UNEP); Agreement on the Conservation of African-Eurasian Migratory Waterbirds (UNEP/AEWA); Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area (ACCOBAMS); Agreement on the Conservation of Populations of European Bats (UNEP/EUROBATS); Agreement on the Conservation of Small Cetaceans

of the Baltic, North East Atlantic, Irish and North Seas (UNEP/ASCOBANS); Great Apes Survival Project Partnership (UNEP/UNESCO - GRASP); Caribbean Environment Programme (UNEP/CEP); UNEP/IOSEA Indian Ocean - South East Asia Marine Turtle Memorandum of Understanding; Division of Global Environment Facility Coordination (UNEP/DGEF); UNEP/GEF African-Eurasian Flyways Projects (Wings over Wetlands); UNEP/GEF Siberian Crane Wetlands Project; Mediterranean Action Plan Regional Activity Centre for Specially Protected Areas (UNEP/MAP-RAC/SPA); Regional Office for West Asia (UNEP/ROWA); World Conservation Monitoring Centre (UNEP/WCMC).

5. The following other governmental and non-governmental bodies or agencies qualified in fields relating to the conservation of migratory species of wild animals as well as private companies were represented: Alliance of Marine Mammal Parks and Aquariums (AMMPA); BirdLife International; BirdLife Italy - LIPU; Council of Europe (Natural Heritage and Biological Division); ECOCEAN; Federation of Associations for Hunting and Conservation of the EU (FACE); Humane Society International (HSI); Institute of Avian Research; National Institute for the Protection and Environmental Research (ISPRA); International Association of Oil and Gas Producers (OGP); International Council for Game and Wildlife Conservation (CIC); International Court of the Environment Foundation (ICEF); International Crane Foundation (ICF), International Fund for Animal Welfare (IFAW); International Union for Conservation of Nature (IUCN); International Union for Conservation of Nature IUCN/SSC Primate Specialist Group; International Union for Conservation of Nature IUCN/SSC Shark Specialist Group; International Union for Conservation of Nature IUCN/SSC African Elephant Specialist Group; International Whaling Commission (IWC); Last Great Ape Organisation (LAGA); Legambiente; Marine Science Station Center; Municipality of Rome; National Park of Abruzzo, Lazio and Molise; Natural History Museum - Basra University of Iraq, Nordic Council of Ministers; Ocean Conservancy; Programa Restauración Tortugas Marinas (PRETOMA); The Pew Environment Group; Ramsar Convention on Wetlands; Royal Belgian Institute of Natural Sciences (IRSNB); Portuguese Society for the Study of Birds (SPEA); Touristik Union International (TUI AG); Unité régionale des tortues marines de la Côte Atlantique de l'Afrique (URTOMA/SINEPAD); University of Rome - Sapienza; University of Kent; Wetlands International; Whale and Dolphin Conservation Society (WDCS); Wildfowl and Wetlands Trust; Wildlife Conservation Society (WCS); World Association of Zoos and Aquariums (WAZA); World Wide Fund for Nature (WWF) - International; World Wide Fund for Nature (WWF) – South Africa; World Wide Fund for Nature (WWF) – Italy; World Wide Fund for Nature (WWF) -Traffic and Timber Trade; World Wide Fund for Nature (WWF) – Wamer; Zoological Society Frankfurt (ZSF); Zoological Society of London (ZSL).

6. The complete list of participants appears in Annex XI to the present report.

I. ORGANIZATIONAL MATTERS

OPENING OF THE MEETING (Item 1)

7. The meeting was opened at 10 a.m. on Monday, 1 December 2008, by Mr. Robert Hepworth, Executive Secretary of the Convention on Migratory Species, who expressed thanks to the Food and Agriculture Organization of the United Nations (FAO) and the Government of Italy for having hosted the conference. In his welcoming remarks, Mr. Hepworth alluded to parallels between modern migratory bird conservation and practices in ancient Rome. He noted that CMS was a unique catalyst for international action, building on the strong community of 110 member States. He highlighted a number of achievements of the Convention over the previous triennium, such as its work on avian influenza, and drew attention to the forthcoming Year of the Gorilla campaign, building on the success of the Year of the Dolphin.

WELCOMING ADDRESSES (ITEM 2)***Opening address by Mr. James Butler, Deputy Director-General of the Food and Agriculture Organization of the United Nations (FAO)***

8. Mr. James Butler, Deputy Director-General of the FAO, said that FAO had recognized biodiversity as the *sine qua non* of food security, poverty eradication, sustainable development, economic growth and prosperity. Relevant FAO activities and priorities, at the genetic, species and ecosystem levels, were based on an interdisciplinary approach and on partnerships and synergies in the areas of knowledge management, technical assistance, and policy development and implementation. FAO and CMS had jointly coordinated the Scientific Task Force on Avian Influenza and Wild Birds since June 2007, promoting balanced decision-making in disease control, while recognizing the need to conserve waterbird species and their habitats. Other common concerns were the prevention, management and mitigation of human-wildlife conflicts related to migratory species of wild fauna; linkages between climate change and biodiversity; and the assessment and monitoring of the status of and trends in habitat connectivity and fragmentation. FAO had produced manuals on human-wildlife conflict management and had developed the Land Cover Classification System, in cooperation with UNEP, to compare land cover data from different countries, thereby supporting transboundary activities.

9. He urged participants to foster partnerships during the conference aimed at promoting the conservation and sustainable use of biodiversity and at attaining the 2010 Biodiversity Target and the Millennium Development Goals.

Statement by H.S.H. Prince Albert II of Monaco

10. His Serene Highness, Prince Albert II of Monaco, said that achievement of the goal of species conservation required coordinated action, transcending national borders and continents, to address the technical and legal challenges stemming from lack of resources or political will. He warmly welcomed the concrete programmes being undertaken by CMS and its 110 Parties to achieve that goal. Monaco was deeply concerned to promote the well-being of species present in the waters under its jurisdiction. It had signed an agreement with Italy and France on the establishment of the Pelagos Sanctuary and hosted the Permanent Secretariat of the CMS Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area (ACCOBAMS). A foundation in his own name – the Prince Albert II of Monaco Foundation – promoted the conservation of biodiversity in the Mediterranean and other regions. It had recently begun work on the reintroduction of the monk seal, an endangered symbolic species of the western Mediterranean. Another project focused on protecting endangered albatross and petrel species in the southern Indian Ocean.

11. The survival of wildlife and, in particular, of migratory species was closely bound up with the well-being of humankind. For instance, the devastating wars and massacres in the Great Lakes region of Africa had also taken their toll of the region's gorillas. The Year of the Gorilla, which was being inaugurated that day, was an important step towards redressing the damage done. In general, coordinated CMS action involving States, international organizations and private initiatives would help to ensure that the safeguarding of animal species and human communities went hand in hand.

Statement by H.E. Stefania Prestigiacomo, Minister for the Environment, Land and Sea of Italy

12. Ms. Stefania Prestigiacomo, Minister for the Environment, Land and Sea of Italy, said that many migratory animals were born in Italy, others spent the summer or winter there and an even greater number were in transit. The country was a flyway for hundreds of bird species on their way from Africa to northern Europe or Asia. An atlas of migratory birds, the product of 20 years of research by the Italian institute for wild fauna in collaboration with the Ministry of the Environment, would be issued within the next few days, and a DVD containing all the data in the atlas would be made available to participants in the Conference. Flyways were also used by many bats, butterflies and other species. Her Ministry was about to sign an agreement with the City of Rome on the establishment of a centre for the safeguarding of bats in the Rome area. It had also signed an agreement with the Ministry of Cultural Heritage and Activities on

protecting bats in historical buildings, thereby averting a possible conflict between preservation of the natural environment and the cultural heritage. Italy was also under an obligation to conserve migratory cetaceans, fish and sea turtles in its marine environment. It was committed, in particular, to the Pelagos Sanctuary shared with Monaco and France.

13. Participants were being called upon at the present Conference to decide on the future of the Convention and the structure that would best protect animal species as they moved through territories fraught with anthropogenic risks ranging from electric wires to ocean noise and from climate change to invasive alien species. Italy, which would shortly assume the presidency of the G-8, would seek to draw the attention of the international community to biodiversity issues, including those about to be addressed at the Conference.

Statement by Mr. Fabio De Lillo, Environment Commissioner of the City of Rome

14. Mr. Fabio De Lillo, Environment Commissioner of the City of Rome, said that Rome was Europe's greenest capital city, with 67 per cent of its total area consisting of parks, gardens, pine forests and agricultural areas. The new urban plan took up the ecological challenge, connecting the green zones in the city centre with the suburbs through ecological corridors which provided for the safe passage and spread of animal and plant species. Rome's 20 protected natural areas were a unique phenomenon among European cities, covering over 30 per cent of the municipality. The city's biodiversity was equally impressive. There were 1,300 species of flora, 5,200 species of insects, 160 species of vertebrates, including 115 species of birds and 30 species of mammals in the most heavily populated part of Rome.

15. The Office of the Environment Commissioner was cooperating with the Ministry of the Environment in setting up a centre for the safeguarding of bats to monitor existing species and to help rehabilitate those that were traumatized or experiencing other difficulties. The centre would also train staff and disseminate knowledge regarding the species and their habitat.

Signing ceremony

16. Ms. Stefania Prestigiacomo, and Mr. Fabio De Lillo, signed a Protocol of Understanding on the establishment of a Centre for the Safeguarding of Bats in Rome.

Message from Mr. Achim Steiner, Executive Director of the United Nations Environment Programme (UNEP)

17. Mr. Achim Steiner, Executive Director of the United Nations Environment Programme (UNEP), stressed the importance of viewing CMS actions in the context of other international instruments relating to biodiversity and climate change. For instance, decisions taken under the Convention on Biological Diversity could have far-reaching implications for activities under CMS.

18. International cooperation called for the promotion of public awareness. Nations needed to work together to ensure that species would return from one part of the world to another from year to year. The success of the Year of the Turtle and the Year of the Dolphin had shown how international environmental instruments could be made relevant to local communities by making them aware that the preservation of habitats of migratory species could have a direct bearing on their livelihoods and economy, including tourism development. Ways of making that linkage should, in his view, be further explored. He was pleased that agreement had been reached on declaring a Year of the Gorilla, a flagship species with the potential to touch hearts and minds. He also commended the ten "CMS Champions", individuals who had made particular effort to mobilize governments and people to take urgent action to further the Convention's goals.

Statement by Mr. Chris Butler-Stroud, Chief Executive of the Whale and Dolphin Conservation Society (WDCS)

19. Mr. Chris Butler-Stroud, Chief Executive of the Whale and Dolphin Conservation Society (WDCS), speaking on behalf of non-governmental organizations attending the Conference, said that never before had the adverse impact of human activities on species that swam, flew, walked or ran across invisible borders been so strongly felt. The threats included climate change, by-catch, habitat loss, noise, pollution and teetering ecological balances. Although the economic and political events of recent months had revealed the interconnected nature of the modern world, the common perception seemed to be that conservation was far removed from global politics. In that context, CMS offered a key to looking past borders, a key to cooperation and connectivity. It sought to conserve animals regardless of where their homes were, animals whose socially complex lives enriched human life.

20. Recognizing connectivity brought with it a responsibility to protect and to work in partnership. Over the past three years, the CMS partner non-governmental organizations (NGOs), as serious stakeholders in the conservation process, had worked hard to deliver positive progress toward the commitments made during the previous meeting of the Conference of the Parties. WDCS had been a founding partner in the Year of the Dolphin campaign and had gained a wealth of experience through its close partnership with CMS, ACCOBAMS, ASCOBANS and TUI. It had also participated in the development of the two newest aquatic mammal agreements, in the Pacific and Western African regions. The global network of marine mammal agreements under CMS would be at the core of future conservation in a challenging environment.

21. He said that partner NGOs were increasingly prepared to demonstrate their commitment, to bear scrutiny and to be accountable. In return they urged all concerned to look beyond existing borders and to seize the opportunity for connectivity and a shared future.

ADOPTION OF THE RULES OF PROCEDURE (Item 3)

22. The 1st plenary session considered the provisional rules of procedure for the Ninth Meeting of the Conference of the Parties (UNEP/CMS/Conf.9.4/Rev.1).

23. The rules of procedure were adopted without amendment and are reproduced at Annex I.

ELECTION OF OFFICERS (Item 4)

24. At the 1st plenary session of the Conference, in accordance with rule 5 of the rules of procedure, the Chair of the Standing Committee requested nominations for the following officers: Chair of the Conference, Chair of the Committee of the Whole (also to serve as Vice-Chair of the Conference) and Vice-Chair of the Committee of the Whole.

25. The Conference elected the following officers by acclamation:

Conference of the Parties

Chair: Mr. Fernando Spina (Italy)
Vice-Chair: Mr. Alfred Oteng Yeboah (Ghana)

Committee of the Whole

Chair: Mr. Alfred Oteng Yeboah (Ghana)
Vice-Chair: Mr. Mohammad Saud Sulayem (Saudi Arabia)

ADOPTION OF AGENDA AND WORK SCHEDULE (ITEM 5)

26. Introducing the item at the 1st Plenary Session, Mr. Lahcen El Kabiri, Deputy Executive Secretary of the Convention on Migratory Species, drew attention to the provisional agenda (UNEP/CMS/Conf.9.1/Rev.4), the annotated provisional agenda (UNEP/CMS/Conf.9.1/Addendum) and the provisional schedule of meetings (UNEP/CMS/Conf.9.2/Rev.3). He outlined the way the Conference would work through a plenary meeting, a Committee of the Whole and various working groups and committees. The meeting adopted its agenda, as set out in Annex II to the present report. A list of all conference documents is contained in Annex III.

27. It was agreed that agenda items 1 to 11, 16, 17 and 19 to 30 would be discussed in plenary session. The Committee of the Whole would discuss agenda items 12 to 15 and 18, and also provide input to agenda item 26.

ESTABLISHMENT OF CREDENTIALS COMMITTEE AND SESSIONAL COMMITTEES (Item 6)

28. The item was taken up at the 1st plenary session. The delegations of Australia, Chile, Congo, Morocco, Cote d'Ivoire, France, Mali, the Syrian Arab Republic and Ukraine expressed their willingness to serve on the Credentials Committee, which would elect a chair at its first meeting.

29. The Deputy Executive Secretary said that the Standing Committee had discussed the establishment of an open-ended working group on budget and resources. The delegation of France had agreed to chair the working group; volunteers to participate in the group were invited to submit their names to the Secretariat.

ADMISSION OF OBSERVERS (Item 7)

30. The item was taken up at the 1st plenary session. Introducing the item, the Deputy Executive Secretary invited the meeting to admit as observers the eight Conference-appointed Scientific Council experts, together with representatives of international organizations and international and national non-governmental organizations meeting the criteria set out in article VII, paragraph 9 of the Convention. The Conference agreed to the admission of the observers.

31. The representative of Monaco urged that the rules of procedure be examined with respect to the requirement to admit as observers entities that served as secretariat units for CMS agreements, particularly when their mandates obliged them to attend.

II. REVIEW OF IMPLEMENTATION (UNDER THE CMS STRATEGIC PLAN 2006-2011)

OVERVIEW OF IMPLEMENTATION (INCLUDING 2010 BIODIVERSITY TARGETS) (ITEM 8)

(a) Strategic Assessment of Implementation

32. The item was taken up at the 1st plenary session.

33. The Executive Secretary drew attention to documents UNEP/CMS/Conf.9.5 and Addendum, which presented an overview of CMS activities from 2006 to 2008. The triennium had been a successful one, and many of the targets set out in the Strategic Plan for 2006–2011 had been achieved. The high priority accorded to fundraising had yielded considerable resources, including the largest ever single donation to CMS, and in-kind contributions had also been received. More than 20 proposals for listing species in Appendix I to the Convention had been prepared and six new International Single Species Action Plans had been developed. Substantial progress had been achieved in the conclusion and entry into

force of regional species agreements, most importantly the Agreement on the Conservation of Gorillas and their Habitats, which had been signed by six Parties and had entered into force. Much work had been done to raise awareness among the public in general and non-party States in particular, with a view to increasing the number of Parties to the Convention even further. Since the previous meeting of the Conference of the Parties, 18 countries had acceded to the Convention and there had been a significant number of signatures of regional species agreements, including by non-party States.

34. Despite such achievements, the activities of the CMS Secretariat were hampered by understaffing. Its permanent staffing levels had remained unchanged since 2002 and should be adjusted to reflect the substantial increase in the number of Parties, programmes and species agreements since then. The Secretariat's scientific and technical capacity suffered from a lack of resources both in absolute terms and by comparison with other conventions. Given the particular lack of junior professional staff, the Secretariat should be given the opportunity to employ on a more permanent basis some of those who had provided consultancy services.

35. During the ensuing discussion, the increase in the number of Parties to the Convention was welcomed. The Secretariat was strongly commended on its work, particularly given its relatively low staffing levels. In the face of growing threats to migratory species, the CMS and the CMS family should take time to reflect on how best to pursue conservation and other activities and how the organization should be structured. Awareness-raising activities were vital in involving the general public in conservation efforts, and smaller organizations within the CMS family could act as effective ambassadors at local level. It was suggested that the proportion of the budget made up of voluntary contributions was too large and that the core budget should be increased. Attention was drawn to inaccuracies in some of the figures given in document UNEP/CMS/Conf.9.5. The need to provide the CMS Secretariat with more staff and additional resources was highlighted.

36. The representative of Peru declared her country's intention to sign the MoU on high Andean flamingos.

REPORTS FROM CONVENTION AND AGREEMENT BODIES (Item 9)

(a) *Depositary and Host Country*

37. The item was taken up at the 1st plenary session. In considering the item, the meeting had before it the report of the Depositary (UNEP/CMS/Conf.9.6).

38. The representative of Germany, the host country for the Secretariat and depositary for the Convention, listed the countries that had acceded to the Convention since the eighth meeting of the Conference of the Parties, bringing the total number of Parties to 110.

39. The Conference took note of the report of the depositary.

(b) *Standing Committee*

40. The item was taken up at the 1st plenary session.

41. Mr. Andrew McNee, Chair of the Standing Committee, reported on the 34th meeting of the Standing Committee and drew attention to the reports of the 31st, 32nd and 33rd meetings contained in document UNEP/CMS/Conf.9.7. The Standing Committee had held four meetings, including one teleconference, between the eighth and ninth meetings of the Conference of the Parties, a period which had been a significant triennium for the Convention. Support for regional agreements had been forthcoming from Parties and non-Parties alike, including in regions with few CMS Parties such as South-East Asia, effectively raising the profile of the Convention. Serious thought should be given to how to build on the achievements of the 2006–2008 triennium in the face of numerous challenges. The Standing Committee had expressed support for the proposed intersessional process on the future shape of CMS, which was the

subject of a draft resolution to be discussed by the Conference of the Parties. Reports of the 34th and 35th Meetings of the Standing are attached as Annex IV and Annex V to this report.

42. In response to a question from the floor, the Executive Secretary said that consideration might usefully be given to how to involve all Parties more effectively and efficiently in the work of the Standing Committee between meetings of the Conference of the Parties. Proposals to increase the size of the Standing Committee could address that issue in part.

43. The representative of the Philippines drew attention to the many activities being undertaken to promote the Convention and increase the number of Parties in her region.

44. The Conference took note of the report of the Chair of the Standing Committee.

(c) Scientific Council

45. The item was taken up at the 1st plenary session.

46. Mr. John Mshelbwala, Chair of the Scientific Council, outlined the mandate and composition of the Scientific Council drawing particular attention to the eight Conference-appointed Councillors for various taxonomic groups, thematic areas and geographic regions. Since the eighth meeting of the Conference of the Parties, the Chair and Vice-Chairs of the Scientific Council and the Conference-appointed Councillors had participated in a range of meetings, missions and negotiations and the Chair continued to represent the Scientific Council at meetings of the Standing Committee. The 14th meeting of the Council, held in Bonn, Germany in March 2007, had focused on a review of progress, including on key issues identified at the eighth meeting of the Conference of the Parties. The 15th meeting of the Council, held in Rome, Italy, on 27 and 28 November 2008, had examined how the Council could contribute to achieving the 2010 Biodiversity Target. Its work, though fruitful, had been hampered by the short duration of the meeting and the Council had urged the Secretariat to allow more time for future meetings. He drew attention to the report of the 15th meeting (Annex VI to this report) contained in document UNEP/CMS/Inf.9.9, in particular the appeal made to the Conference of the Parties to consider reinstating budget funding for the Small Grants Programme, a flagship of the CMS, which was imperative if the CMS was to contribute meaningfully to attaining the 2010 Biodiversity Target.

47. A short discussion ensued, during which the need for more time to be allocated to meetings of the Scientific Council was underlined. It was suggested that the Council could benefit from the participation of regional experts.

48. The Conference took note of the report of the Chair of the Scientific Council.

(d) Article IV Agreements/Memoranda of Understanding

49. The item was taken up at the 2nd plenary session. Attention was drawn to a review of Article IV Agreements concluded or under development (UNEP/CMS/Conf.9.9). Progress reports were presented on a number of Agreements and Memoranda of Understanding.

50. The Executive Secretary of the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic Area (ACCOBAMS), Marie-Christine Grillo-Compulsione reported that there were now 21 Parties to the Agreement. A working group of government representatives and scientists had been set up to discuss guidelines on tackling the impact of anthropogenic noise on cetaceans. Strategies for the mitigation of ship strikes in the Mediterranean were being developed with the assistance of the International Maritime Organization (IMO). Another major project involved the compilation of comprehensive population estimates and information on the distribution of cetaceans in the ACCOBAMS area.

51. The Executive Secretary of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA), Bert Lenten, said that 62 of the 118 Range States had ratified the Agreement. The

first ever strategic plan, covering the period 2009-2017, had been adopted at the fourth session of the Meeting of the Parties in Madagascar in September 2008. The meeting had also established an implementation review process, whereby Parties would be offered advice on dealing with adverse effects of human activity on migratory waterbirds or their sites and habitats. Two major projects were currently being executed. It was hoped to complete the Wings Over Wetlands (WOW) project by 2010, but substantial additional funding would be required. The second was the WetCap project on strengthening waterbird and wetland conservation capacities in North Africa, for which the Spanish Development Agency had provided a generous grant.

52. The Executive Secretary of the Agreement on the Conservation of Populations of European Bats (Eurobats), Mr. Andreas Streit, noted that an agreement signed the previous day between the Italian Ministry of the Environment and the City of Rome was an example of the kind of action promoted by Eurobats. Its Advisory Committee had produced successful practical guidelines on the protection of bats in underground sites and in wind farm projects. It was currently developing guidelines on bats in historical buildings, and on effective monitoring and sustainable forest management. Thanks to generous support from France, Germany, Luxembourg and Monaco, a number of small-scale conservation, research and public awareness projects would shortly be launched. He called upon Parties to consider voluntary contributions to support the initiative. He drew attention to a provision in the draft resolution on priorities for CMS agreements, highlighting the need to develop an appropriate instrument for sub-Saharan African bats under CMS auspices.

53. Ms. Heidrun Frisch, the ASCOBANS Co-ordinator, reported that the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) had been expanded to include the Irish Sea and the north-east Atlantic in February 2008. This expansion was reflected in a new title for the agreement, applicable for those countries having accepted the amendment pertaining to the geographic scope. On 1 January 2007, the ASCOBANS and CMS Secretariats had been merged for a provisional three-year period. Thanks to voluntary contributions from Finland, Germany, Sweden and the United Kingdom and substantial budgetary savings in 2007, funds had been released for conservation and research projects selected by the Advisory Committee. Workshops had been held in 2007 on selection criteria for marine protected areas for cetaceans, wind farms and marine mammals, small cetacean population structure in the ASCOBANS area, and the genetics and population structure of the harbour porpoise in the Baltic.

54. The Coordinator of the Secretariat of the Indian Ocean-South-East Asia Marine Turtle Memorandum of Understanding (IOSEA-MOU), Mr. Douglas Hykle, reported that the MoU had been signed by 28 States and that further signatures were expected at the present meeting. He acknowledged the voluntary contributions from Australia, South Africa, the United Kingdom and the United States, as well as CMS and UNEP, which had helped to sustain the operations of the MoU. IOSEA had pioneered a successful Year of the Turtle campaign in 2006, and had introduced a sophisticated online reporting system that was unparalleled among multilateral environmental agreements (MEAs). A comprehensive analysis had revealed a marked improvement in both reporting and implementation of the IOSEA agreement since 2006. Nevertheless, major challenges remained, especially in the area of turtle by-catch, unsustainable egg harvest and degradation of habitat. Cooperation with a number of fisheries-related bodies, notably FAO and the Indian Ocean Tuna Commission (IOTC), had intensified. It was hoped to hold a strategic planning session in February 2009 with CMS support.

55. Mr. Lamine Sebogo, IUCN Regional Office for West Africa, introduced the report of the IUCN Species Survival Commission's African Elephant Specialist Group (IUCN/SSC/AfESG) on implementation of the MoU concerning Conservation Measures for the West African Populations of the African Elephant (West African Elephant MoU). Six areas in West Africa hosted about three quarters of the elephant population. Transboundary initiatives had included a workshop and action plan (Guinea and Liberia); a workshop and management programme (Côte d'Ivoire and Ghana); a management plan and a bilateral agreement on corridor management (Burkina Faso and Ghana); a study of elephant movements, an ecological assessment of the corridor and a coordination workshop (Burkina Faso and Mali); and a transboundary management programme and joint surveillance agreement (Benin, Burkina Faso and Niger). National strategies were also being developed or finalized in Benin, Guinea, Liberia, Niger and Sierra

Leone and focal points had been designated. He warmly thanked donors, in particular France, Japan, the Netherlands and the United States Fish and Wildlife Service (USFWS).

56. A representative of the CMS Secretariat informed the meeting of its participation in a meeting organized by CITES/MIKE in Mombasa, Kenya in June 2008. Recognition of the need to exchange experiences had given rise to the idea for CMS and CITES to organize the first Meeting of the Parties to the West African Elephant MoU back-to-back with a MIKE West African Elephant meeting in early 2009.

57. Representatives of several Range States (notably Mali, Chad, Guinea Bissau, Nigeria, Republic of Congo, Democratic Republic of Congo and Guinea) intervened to comment on the IUCN report and make suggestions for further follow-up action.

58. In response to a request for action by CMS on behalf of Central African elephants, the Deputy Executive Secretary of CMS said that the Secretariat would consider undertaking a feasibility study of the matter.

59. At its 9th session, the Conference of the Parties adopted Recommendation 9.5 on Cooperative Action for the African Elephant *Loxodonta africana* in Central Africa, as contained in Annex VII to the present report.

60. A representative of the Secretariat of the Agreement on the Conservation of Albatrosses and Petrels (ACAP) said that there were now 12 Parties to the Agreement and that several other Range States were completing domestic pre-accession procedures. The headquarters of the Secretariat was about to be established formally in Hobart, Australia. A database on breeding sites and population status and trends had been developed and used to assess the conservation status of each species listed under ACAP. While progress had been made in developing seabird by-catch mitigation technologies, considerable research was still required to prove their effectiveness.

61. A representative of the Regional Coordination Unit for the Marine Turtles of the Atlantic Coast of Africa (URTOMA), reporting on implementation of the MoU concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa, said that 23 States had signed the MoU to date and had designated focal points. A second meeting of signatories had been held in Dakar, Senegal, in March 2008. The meeting had established an Advisory Committee and adopted an amendment to the MoU to enable it to be signed by other States, including Portugal, Spain and the United Kingdom. Operational costs were high because of the need to publish all documents in three languages: English, French and Portuguese. Senegal, which hosted URTOMA, therefore renewed its appeal to developed countries for financial support.

62. At the 6th plenary session, the Chair announced that the first meeting of the Parties to the Agreement on the Conservation of Gorillas and their Habitats had completed its work and reached agreement on a budget and on action plans for all species. He thanked the Governments of France and Germany for their donations and commended all States that had actively supported the Gorilla Agreement.

63. The Conference took note of the oral and written reports submitted under article IV Agreements and Memoranda of Understanding.

64. At the 8th plenary session, Mr. Laurent Stefanini, Ambassador of France to Italy, and Ms. Sonia Jacques Gherson da Silveira, Deputy National Director of Environmental Management of Mozambique, signed the Indian Ocean-South-East Asia Marine Turtle MoU (IOSEA-MOU).

REPORTS FROM STATES (Item 10)**(a) Party States (including regional economic integration organizations (REIOs))****(i) Synthesis of Party reports**

65. The item was taken up at the 2nd plenary session.

66. Ms. Harriet Gillett of the UNEP World Conservation Monitoring Centre (WCMC) reported that 54 Parties out of a total of 108 (50 per cent) had submitted a report within the deadline in 2008, compared with 51 per cent in 2005. Only 35 Parties had reported in both 2005 and 2008. Seventeen Parties had proposed species for inclusion in the appendices: 34 for Appendix I and 39 for Appendix II. Thirty-five Parties reported on their involvement in the development of new agreements. Eight Parties were reported to have made voluntary contributions to the CMS Trust Fund, while another 11 had made voluntary contributions to other countries.

67. The following recommendations were made: the Scientific Council should consider species for listing and prioritize the development of new agreements; better reporting on transboundary parks should be encouraged and cooperation with the Convention on Biological Diversity (CBD), the Ramsar Convention and the International Convention for the Prevention of Pollution from Ships (MARPOL) should be improved; good practice should be spread through international exchange of information on successful actions; new legislation should be enacted on the impact of marine traffic on marine species, on fishing net design and use, on marine turtle nesting beaches and on sharks; CMS taxonomy should be harmonized with that of daughter agreements and of other organizations and conventions; capacity-building should be focused to enable more Parties to use satellite telemetry; by-catch should continue to be addressed as a priority issue and should be kept high on the agenda of the Biodiversity Liaison Group; the by-catch mitigation methods of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) should be adopted and there should be improved reporting; good practice regarding habitat and pollution and regarding electrocution and wind turbines should be shared; and better reporting on avian influenza should be encouraged.

68. During the ensuing discussion, the report was welcomed as a valuable contribution to the work of CMS. Several Parties requested additional time to submit their national reports to the Secretariat. It was suggested that the recommendations contained in the report be considered in the light of the conclusions of the working groups established by the Conference of the Parties. Several Parties gave additional information on measures they had undertaken since the eighth meeting of the Conference of the Parties, such as species-specific initiatives, regional cooperation activities and legislative reforms. The recommendations of the WCMC on by-catch should be incorporated into the draft resolution before the Conference on that issue. The lack of adaptation measures for migratory species reported by Parties underscored the importance of the draft resolution on climate change to be considered by the Conference. The need for greater collaboration between the CMS Secretariat and the secretariats of other CMS family organizations, and between focal points for the various organizations, was highlighted.

69. The representative of Australia offered to share his country's experience with interested parties in relation to the entanglement of large whales and other species in fishing gear.

70. Mr. Francisco Rilla, Information & Capacity Building Officer, responding to points made, expressed appreciation for the work of the WCMC in preparing the report and urged all Parties that had not yet submitted their national reports to do so by the end of February 2009. Although the analysis and synthesis of reports had already been prepared, the information they contained was nevertheless valuable to the work of the Secretariat.

71. The Conference took note of the report contained in document UNEP/CMS/Conf.9.10.

(ii) Statements by new Parties that have acceded since November 2005

72. At the 2nd plenary session, the Chair invited new Parties that had recently acceded to the Convention to deliver statements to the Conference. Statements were made by the representatives of Costa Rica and the Islamic Republic of Iran.

(b) Non-Party States

(i) Announcements of new accessions

73. At the 2nd plenary session, the Chair invited statements from non-Party States in the process of joining the Convention or considering accession in the future.

74. The representative of Brazil said that a letter of understanding would be signed between CMS and the Chico Mendes Institute of Brazil during the ninth meeting of the Conference of the Parties. Brazil had recently ratified the Agreement on the Conservation of Albatrosses and Petrels and discussions on acceding to CMS were progressing steadily and positively.

75. No further statements were made.

(ii) Others

76. No statement was made under this agenda item.

REPORTS FROM UNEP AND PARTNERS (Item 11)

77. The item was taken up at the 2nd plenary session.

(a) UNEP

78. Introducing the report of UNEP (UNEP/CMS/Inf.9.14), Ms. Elizabeth Mrema outlined the activities undertaken by the UNEP Secretariat during the 2006–2008 triennium. Financial and other support had been provided to the CMS Secretariat, including funding derived from overhead charges for four staff members. Focal points had been identified in UNEP's regional offices to support all agreements managed by UNEP. A joint project on knowledge management was under way, with three key components: harmonization of national reporting; the development of an information portal; and online reporting portals, a system already being used by AEWA. A specific reporting portal for CMS was planned if funding could be secured. Initiatives were being taken on coherent implementation, organizing the obligations of Parties under various environmental conventions into a logical, issue-based framework.

79. In view of the recent entry into force of the Agreement on the Conservation of Gorillas and their Habitats, she highlighted the work of the UNEP Great Apes Survival Project (GRASP). The Year of the Gorilla would provide further opportunities for UNEP to play a role in implementing CMS. The Conference of the Parties would discuss efforts to meet the 2010 Biodiversity Target and to implement the Strategic Plan 2006–2011, in particular by integrating migratory species activities into national action plans on biodiversity. In collaboration with the Global Environment Facility (GEF), UNEP had assisted over 30 countries in that regard. It had also collaborated with other bodies, such as the European Environment Agency.

80. The Conference took note of the report contained in document UNEP/CMS/Inf.9.14.

(b) Biodiversity Liaison Group

81. In the absence of a representative of the CBD which provided the Secretariat for the Biodiversity Liaison Group, the Executive Secretary introduced document UNEP/CMS/Conf.9.12 outlining the history of the Biodiversity Liaison Group, which involved six MEAs, and describing its activities. He highlighted work on knowledge management, including the development of a single Web portal; ensuring coherent

application of the Addis Ababa principles and guidelines by the various biodiversity-related Conventions; and increasing scientific cooperation among conventions, including the possibility of establishing a specific body. In the interests of raising the profile of biodiversity activities as a whole, it was proposed that there would be no species-specific “Year of...” campaign in 2010. Attention would focus instead on the achievement of the 2010 Biodiversity Target. He drew attention to paragraph 17 of the document, which sought guidance from the Conference of the Parties on future activities of the Biodiversity Liaison Group.

82. The Islamic Republic of Iran was among several Parties to express strong support for the work of the Biodiversity Liaison Group in harmonizing approaches to biodiversity-related activities. The Conference took note of the report contained in document UNEP/CMS/Conf.9.12.

(c) Other intergovernmental bodies

83. The Chair called for statements from intergovernmental bodies attending the Conference of the Parties.

84. Mr. Nelson Andrade Colmenares, the representative of the UNEP Caribbean Environment Programme (UNEP/CEP) outlined the work of the Programme, which addressed biodiversity in the Latin American and Caribbean region within the framework of the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (the Cartagena Convention). Parties to the Cartagena Convention were encouraged to use CMS mechanisms as appropriate, as the two instruments were mutually supportive. He drew attention to joint activities carried out with CMS and other environmental organizations and outlined progress made in the region in capacity building, species conservation and protected area management.

85. A statement was read out by a representative of the Secretariat on behalf of the Council of Europe, depositary for the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention), which had done substantial work on a range of issues, always liaising with CMS. It had been instrumental in implementing the Convention on Biological Diversity in Europe and, following the signing of a MoU in May 2008, a joint action plan between CMS and Bern Convention had been developed for 2009–2010. A MoU between CMS and the Bern Convention would be signed in the near future, focusing on areas of common concern and exploiting synergies to contribute to the wider tasks of preserving and enhancing biological diversity.

86. A representative of the Regional Activity Centre for Specially Protected Areas (RAC/SPA) of the UNEP Mediterranean Action Plan (UNEP/MAP) gave examples of joint activities from the long history of collaboration between the Centre and CMS and expressed satisfaction at steps to further enhance cooperation between their secretariats for the benefit of the Mediterranean region.

(d) Civil society

87. The Chair invited statements from non-governmental organizations and other partners of CMS.

88. A representative of Wetlands International described the work of his organization, which was based on the understanding that the link between biodiversity and sustainable development was critical. He highlighted the importance of work on flyways and outlined some joint efforts being undertaken on the issue, in which respect Wetlands International was keen to intensify collaboration with CMS and other partners. In the face of the continued threat posed by highly pathogenic avian influenza, he emphasized the importance of collaborative efforts to inform the debate.

89. A representative of BirdLife International, while expressing satisfaction at progress made since the eighth meeting of the Conference of the Parties, including the signing of MoUs on several bird species, nevertheless underlined the fact that the situation of migratory animals had worsened. He urged the Conference to take strong measures to protect endangered species and to establish work plans to ensure effective implementation of the Convention.

90. A representative of the International Fund for Animal Welfare (IFAW), welcoming the growth of the CMS family in terms of membership and scope, outlined some of the major challenges facing the Convention, notably the lack of adequate resources to support the core capacity and functions of the Secretariat. Despite encouraging progress, more had to be done to ensure full implementation of the Convention and other agreements and to respond to the challenges facing migratory species.

91. A representative of the International Whaling Commission (IWC), drawing attention to a written statement available to delegates, highlighted the many common activities and areas of interest between CMS and her organization and encouraged cooperation between their respective secretariats. The knowledge and expertise of IWC's Scientific Committee could benefit the work of the Convention.

92. A representative of WWF-International, describing the breadth and scope of her organization, outlined the many areas of activity it shared with CMS and expressed its willingness to participate in the Year of the Gorilla initiative. Welcoming new regional and species agreements, she nevertheless underlined the need to ensure that existing agreements were being effectively implemented.

93. A representative of the Whale and Dolphin Conservation Society (WDCCS) said that, despite the success of the Year of the Dolphin initiative, many cetacean species remained endangered or critically endangered. He urged the Conference to take action to strengthen the CMS family and its cooperation with other organizations, enhance the role of CMS in cetacean conservation and ensure substantive resources for marine work within the core CMS budget.

94. The Chair announced that a partnership agreement would be signed between CMS and the Frankfurt Zoological Society during the ninth meeting of the Conference of the Parties.

MEASURES TO IMPROVE THE CONSERVATION STATUS OF APPENDIX I SPECIES (Item 12)

95. The Committee of the Whole took up the item at its 3rd session.

(a) *Major (concerted action) projects*

96. The Deputy Executive Secretary introduced the item and the document on major species projects, including concerted actions (UNEP/CMS/Conf.9.14/Rev.1). The document gave information on the following actions: the Sahelo-Saharan Antelopes action plan programme, the Central Eurasian Aridland concerted action and the UNEP/GEF project on the Siberian Crane. The last two projects had been tabled under agenda item 18.

97. Concerted action on Sahelo-Saharan Antelopes had been developed through many resolutions and encompassed 14 Range States and six endangered species. He highlighted the work done by the Secretariat, which had been funded in part by the French Global Environment Fund (FFEM) and the European Commission and carried out in conjunction with the countries concerned and field partners, such as the Sahara Conservation Fund (SCF). A technical series publication on the antelopes had been produced for the Range States. Since 2003, the Standing Committee had received reports on the programme and provided technical guidance. The programme had focused on various countries, and activities were currently concentrated on the Termit region and creating the Termit-Tin Toumma Protected Area. Other activities included: monitoring, work with local communities, poaching prevention and reintroduction of species into the wild. It was hoped that the programme could be made operational in Chad in the near future.

98. In conclusion, he drew attention to the request addressed to the Conference of the Parties for action to be taken.

99. It was pointed out that the Central Eurasian Aridland concerted action was a much more recent project than the other two mentioned in the document. Projects were already being implemented in that

area under other conventions and by many government agencies and NGOs. It was important to ensure that a cooperative approach was followed and that CMS acted as an “umbrella”.

100. The Secretariat was congratulated on the excellent work done on the major species projects mentioned and support was expressed for the action proposed.

101. The Committee of the Whole welcomed the progress made on major species projects, including concerted actions, and supported the action proposed in document UNEP/CMS/Conf.9.14/Rev.1.

(b) Other measures to promote the conservation of Appendix I species

102. This item was taken together with item 13 (b). See below.

MEASURES TO IMPROVE THE CONSERVATION STATUS OF APPENDIX II SPECIES (Item 13)

(a) Development of new and future Agreements

103. The Committee of the Whole took up the item at its 3rd session.

104. Mr. Marco Barbieri, Agreement Development and Servicing Officer, drew the attention of the meeting to document UNEP/CMS/Conf.9.9, reporting on progress in the implementation of Article IV Agreements already concluded and development of new Agreements during the triennium 2006-2008. He then introduced draft resolution 9.2 on priorities for CMS Agreements, pointing out that it covered both binding and non-binding Agreements.

105. The representative of Paraguay, speaking on behalf of the Group of Latin American and Caribbean Countries (GRULAC), proposed that the Flyway mentioned in section 2a (iii) under Birds be limited to the Americas and that the Central Pacific be omitted. It was also suggested that a working group within the Scientific Council be set up to consider scientific and policy issues related to flyways, with a view to reviewing existing initiatives and considering the possibility of developing an appropriate framework. The group should start its work in January 2009 and continue until March 2010, when it could make appropriate recommendations to the 16th meeting of the Scientific Council.

106. The Committee was reminded by one representative that in making any decisions on new Agreements, the intersessional discussions in the working group on the future shape of the CMS had to be taken into account and that priority should be given to implementing existing CMS Agreements. Another representative, however, while supporting the link to the intersessional process, considered that there was a risk of losing momentum if any new agreement had to await the working group’s conclusions. Therefore work on agreements already under development had to continue.

107. It was pointed out that the work on sturgeons under the Bern Convention was relevant to section (d) under fish, particularly as some types of sturgeon were not yet the subject of any protection.

108. At the 4th session of the Committee of the Whole, several further amendments were suggested to draft resolution 9.2/Rev.2, particularly to ensure that the text did not pre-empt any decisions of the 2nd meeting to identify and elaborate an option for international cooperation on migratory sharks, to be held immediately after the ninth meeting of the Conference of the Parties.

109. It was suggested that a new agreement on raptors in the Americas be drafted, building on the recent MoU on African and Eurasian Birds of Prey.

110. Mr. William Perrin, Scientific Councillor for Aquatic Mammals, said that including the Indian Ocean in the scope of the proposed instrument on cetaceans in South-East Asia would greatly increase the number of Range States involved and therefore enhance the potential for developing an effective agreement. A representative of a non-governmental organization expressed support for the proposed

instrument. In due course, separate instruments for the two regions should be considered. Welcoming the process for reviewing the future shape of CMS, a representative of another non-governmental organization expressed the view that the review process should not stand in the way of progress. Work on agreements should continue concurrently.

111. At the 8th plenary session, draft Resolution 9.2/Rev.4 was discussed in some detail and a number of further amendments were suggested. The final version of Resolution 9.2 on Priorities for CMS Agreements is contained in Annex VIII to the present report.

(b) Other measures to promote conservation and sustainable management of Appendix II species

112. At its 3rd session, the Committee of the Whole decided to consider agenda items 12(b) and 13(b) together.

113. The Acting Scientific and Technical Officer introduced draft resolution 9.1/Rev.1 on concerted and cooperative actions, which had been considered by the 15th meeting of the Scientific Council and subsequently revised. He drew attention to the distinction between concerted and cooperative actions: the former referred to Appendix I species for which immediate coordinated action under the Convention was desired, while the latter concerned Appendix II species for which the negotiation of an Agreement was not foreseen in the near future, but which required attention. The draft resolution proposed species for concerted and cooperative actions over the coming triennium. The Scientific Council was keeping concerted and cooperative actions under regular review at its meetings. A summary of the progress in the implementation of such actions was included in the report of the 15th meeting of the Council, available to the meeting as document UNEP/CMS/Inf.9.9/Rev.1.

114. He added that the Scientific Council had also reviewed and endorsed six International Single Species Action Plans (ISSAP) which had been prepared over the past triennium. The ISSAPs were submitted to the Conference of the Parties for adoption.

115. Following the introduction, a question was raised as to what funding was available in order to implement the ISSAP.

116. The Committee of the Whole took note of the implementation of the concerted and cooperative actions and approved the inclusion of *Platanista gangetica gangetica* (Ganges river dolphin), *Tursiops truncatus ponticus* (bottlenose dolphin), *Pelecanus crispus* (Dalmatian pelican), *Anser cygnoides* (Swan goose) and *Marmaronetta angustirostris* (Marbled duck) as species designated for concerted actions during 2009-2011, and of *Lycaon pictus* (African wild dog) for cooperative action during the same period. It also approved the continuation of concerted and cooperative actions approved by COP8 for a further triennium.

117. The meeting also endorsed six International Single Species Action Plans, ISAAP developed within concerted and cooperative actions, for the following species:

White-winged Flufftail *Sarothrura ayresi*
Madagascar Pond Heron *Ardeola idae*
Lesser Flamingo *Phoeniconaias minor*
Chinese Crested Tern *Sterna bernsteini*
Black-faced Spoonbill *Platalea minor*
Spoon-billed Sandpiper *Eurynorhynchus pygmeus*

118. At its 8th plenary session, the Conference of the Parties adopted Resolution 9.1/Rev.1 on Concerted and Cooperative Actions, as contained in Annex VIII to the present report.

OPERATIONAL INSTRUMENTS OF CMS (ITEM 14)

119. The Committee of the Whole took up the item at its 4th session.

120. Mr. Pierre Devillers, Vice-Chair of the Scientific Council, introduced the document on operational instruments of the Convention on Migratory Species (UNEP/CMS/Conf.9.16). He emphasized that, while a legal expert had been consulted, the document reflected only his personal views.

121. During a lively discussion, some representatives suggested that the Secretariat should have issued the paper as an information document, rather than a conference document, although it was considered that key issues for CMS were addressed therein. One representative felt that the constant emphasis on financial savings could lead donors to scale back contributions and that centralizing agreements would mean generalization rather than specialization. Merging the agreements' committees and the Scientific Council would be contrary to all previous work, as would combining meetings of Parties and Conferences of Parties, although in some cases back-to-back meetings could be contemplated. The representative of UNEP expressed doubt as to the validity of the legal interpretations and proposals contained in the document, noting that agreements were independent of each other and any proposal to modify them had to be agreed by their membership.

122. Following the discussion, it was agreed that the document in question would be considered by the intersessional working group on the Future Shape of the CMS.

CMS INFORMATION MANAGEMENT (ITEM 15)**(a) Information Management System (IMS)**

123. The Committee of the Whole took up the item at its 4th session.

124. Mr. Francisco Rilla, Information and Capacity-Building Officer, CMS Secretariat, introduced the progress report on implementation of the CMS Information Management Plan (document UNEP/CMS/Conf.9.18/Rev.1) and draft resolution 9.3 on CMS information priorities. He reported that the CMS information system was constantly being updated and reviewed, and was coordinated with other agreements. The Secretariat was working with UNEP, CITES and other MEAs to make an information-sharing and knowledge-management system available online. Progress was now also being made on the Global Register of Migratory Species (GROMS), which had originally been delayed because of lack of funds. An agreement had been signed with the Global Biodiversity Information Facility (GBIF) allowing GROMS to share the GBIF website. Information from the Scientific Council would be integrated into the whole information process, including through the use of the TEMATEA tools.

125. At its 7th plenary session, the Conference of the Parties adopted Resolution 9.3/Rev.1 on CMS Information Priorities, as contained in Annex VIII to the present report.

(b) Party Reports

126. The Information and Capacity-Building Officer introduced the document on the format for future party reports (UNEP/CMS/Conf.9.20) and draft resolution 9.4 on the future of national reports. He said that under the new form of online national reporting, reports from Parties were stored in a database before being collated by the Secretariat and used to generate information. The reporting template, which was already online, would, *inter alia*, ensure cooperation and provide information on species population size and national bodies. In response to a question, he said that efforts were being made to improve the quality of online reporting, which was already available in English, French and Spanish.

127. Following questions from the floor, the Deputy Executive Secretary drew attention to the provision of the Convention stating that national reports should be submitted six months in advance of the meeting of

the Conference of the Parties. He also recalled that Parties that had joined within six months prior to the current meeting had not been required to submit reports to the Conference.

128. During the ensuing discussion, it was stressed that national reports should focus on conservation results. It was also noted that any decisions on online reporting would depend on the outcome of the working group on budget, but it was hoped that it would improve the standard of information given to Parties, which was sometimes fragmented.

129. At its 7th plenary session, the Conference of the Parties adopted Resolution 9.4 on the Future of National Reports, as orally amended, as contained in Annex VIII to the present report.

CMS OUTREACH AND COMMUNICATIONS (ITEM 16)

(a) “Year of the” campaigns

130. The item was taken up at the 3rd plenary session. Introducing the report on the Year of the Dolphin and future species campaigns (UNEP/CMS/Conf.9.21) under item 16(a), Veronika Lenarz (Senior Information Assistant, CMS) said that the Year of the Dolphin had been launched in 2006 by the patron of the campaign, His Serene Highness Prince Albert II of Monaco, and coordinated by CMS in partnership with ACCOBAMS, ASCOBANS, WDCCS and the private tourism company TUI. Numerous conservation bodies and corporate partners had joined in the campaign through its website. The objective of awareness-raising had been achieved through a dedicated educational campaign, media relations and further joint action with United Nations agencies, workshops, lectures and exhibitions as well as initiatives by journalists, artists, schools and other conservation bodies. The closing event would be held in Crete soon after the end of the present meeting. The Year of the Gorilla, 2009, had already been launched on the opening day of CMS COP9. Great ape conservationist Ms. Jane Goodall was to act as patron and tropical field biologist and conservationist Mr. Ian Redmond (GRASP Chief Consultant) was the first Year of the Gorilla Ambassador. Individuals would be able to support conservation projects through an electronic payment system on the website.

131. The representative of Germany said that her country was contributing €200,000 to the Year of the Gorilla. The Ministry of the Environment would host a scientific symposium on gorillas in Frankfurt in June 2009 to mark the 30th anniversary of the Convention, which would be accompanied by fundraising efforts. Germany also planned to produce an awareness-raising poster featuring the link for online donations to gorilla projects. Her country would also contribute to a gorilla conservation project in the Democratic Republic of the Congo and a gorilla rehabilitation project in the Central African Republic.

(b) Implementation of the Outreach and Communication Plan

132. Introducing the report on the Outreach and Communication Plan (UNEP/CMS/Conf.9.22/Rev.1) under item 16(b), a representative of the Secretariat said that the CMS website was its business card. Keeping it up to date almost daily, and producing a monthly bulletin in three languages, called for substantial resources. Publications on topics such as avian influenza had been globally distributed. A second edition of the CMS Encyclopaedia (CMS Family Guide) had just been published and would be constantly updated. CMS ambassadors and patrons played an important role in raising awareness and securing support. The Information and Capacity Building Officer drew attention to draft resolution 9.5 prepared by the Secretariat on outreach and communication issues.

133. The representative of France pledged €137,000 to CMS and GRASP for 2009 to support cross-border gorilla conservation measures, within the context of its broader support for biodiversity activities in the Congo Basin.

134. The representative of Monaco said that €30,000 from its 2009 conservation budget was earmarked for gorilla conservation activities and also pledged surplus funds from the 2008 budget to the cause.

135. During the ensuing discussion, appreciation was expressed for the pledges made by France, Germany and Monaco. Support was expressed for “Year of...” initiatives in general and the Year of the Gorilla in particular, and several Parties including the Republic of Congo, outlined specific activities undertaken or planned to promote the initiative and to conserve gorillas and their habitat. Those included creating national parks and protected areas, repatriating gorillas and reintroducing orphaned animals to the wild, capacity building, and promoting ecotourism. The importance of supporting Range States was highlighted. Several speakers including Mali, Guinea and Guinea Bissau underlined the need to broaden the focus to all great ape and primate species, in particular chimpanzees, which were the subject of relatively few conservation efforts. Ghana suggested that a date in June 2009, already designated for celebrations of the 30th anniversary of the signing of the Convention on Migratory Species, be marked as Day of the Gorilla throughout the world. The representative of Chile suggested that 2012 be designated Year of the Flamingo.

136. With regard to outreach and communication, several Parties outlined activities they had undertaken. CMS needed to mobilize the international community in order to reach target groups more effectively and that should be promoted through outreach days, for example in universities and schools. Support should be given to non-governmental organizations, which were often at the forefront of implementing the Convention on the ground. Cooperation with institutions in non-party States could raise the profile of the Convention and encourage accession. It was suggested that future reports on the implementation of outreach and communication plans should contain more information on results achieved, and that synergies should be developed with other organizations to avoid duplication of effort. Several amendments were proposed to draft resolution 9.5.

137. A representative of the Secretariat of the United Nations Convention to Combat Desertification (UNCCD) outlined some of the problems associated with climate change, notably scarcity of land and water, and expressed satisfaction that the Conference’s deliberations had taken account of such issues. UNCCD’s activities focused in particular on reconciling environmental and humanitarian considerations.

138. The Deputy Executive Secretary expressed gratitude to France, Germany and Monaco for their generous donations. Drawing attention to the fact that the post of Inter-Agency Liaison Officer within the Secretariat had been vacant for over a year, he underlined the correlation between resources and results. The budget proposed by the Secretariat for 2009–2011 represented the bare minimum necessary for the Secretariat to function, which should be borne in mind by the budget resources working group.

139. At its 9th plenary session, the Conference of the Parties adopted Resolution 9.5/Rev.1 on Outreach and Communication Issues, as orally amended, as contained in Annex VIII to the present report.

COOPERATION WITH OTHER CONVENTIONS AND PARTNERS (ITEM 17)

140. The item was taken up at the 4th plenary session. The Chair, introducing the item, drew attention to documents UNEP/CMS/Conf.9.23/Rev.1 and draft resolution 9.6/Rev.1.

141. Ms. Véronique Herrenschildt (CMS Consultant) outlined some of the key areas of cooperation described in document UNEP/CMS/Conf.9.23/Rev.1. It was essential that agreements with other bodies continue to be translated into concrete action to benefit conservation efforts on the ground and provide for adequate financing. Plans for future cooperation between CMS and its partners would be presented to the next meeting of the Biodiversity Liaison Group. The first priority for all organizations concerned should be to participate in each other’s deliberations.

142. A representative of the CMS Secretariat underlined the importance of input from all its numerous partners for the work of the Secretariat, even though only those with which specific agreements had been concluded were covered in the report. She outlined some of the vital activities undertaken in cooperation with partners, who did sterling work in spreading the message of CMS and giving life to the Convention. She drew attention to the questionnaire annexed to the document and requested that partners complete and return it to the CMS Secretariat.

143. Attention was drawn to the potential for cooperation with the Conservation of Arctic Flora and Fauna programme of the Arctic Council.

144. During the ensuing discussion, several amendments were suggested to draft resolution 9.6/Rev.1.

145. A representative of the Interim Secretariat of the New Partnership for Africa's Development Environment Initiative (SINEPAD) described some environmental protection initiatives taken in cooperation with CMS, particularly with regard to land degradation and cross-border trade. CMS could play a stronger role in support of Africa and its wildlife, for example by increasing the number of species agreements in the region.

146. A representative of the IUCN, which had been a CMS partner since the inception of the Convention, outlined some recent IUCN activities, in particular a survey of all mammal species, completed in October 2008, and an evaluation done by BirdLife International of the susceptibility of species to climate change, which included all bird species. Data from both projects could be shared with CMS. His organization was keen to develop closer cooperation with CMS, under the Memorandum of Cooperation signed in 2003.

147. With reference to cooperation between CMS and CITES, a representative of WDCS emphasized that discussions on harmonizing taxonomy should focus primarily on whether different systems were mutually intelligible, rather than on establishing a unified system. Reciprocal representation at meetings would help to build relations between the two organizations, which was particularly important given that many species, such as the narwhal, featured on the Appendices to CMS and also came under the scope of CITES.

148. At its 8th session, the Conference of the Parties adopted draft Resolution 9.6/Rev.2 on Cooperation with Other Bodies, as contained in Annex VIII to the present report.

(a) *Integration of migratory species into national biodiversity strategies and action plans (NBSAPs) and into ongoing and future programmes of work under the Convention on Biological Diversity*

149. Strong cooperation between CMS and CBD was encouraged by several Parties. One speaker outlined national activities under several other Conventions, including CBD.

(b) *Enhanced collaboration between CMS and the FAO*

150. A representative of the Secretariat of FAO outlined the Organization's priorities and activities in the areas of conservation and sustainable management of biodiversity, which recognized the positive links and synergies between biodiversity and the agriculture, fisheries and forestry sectors. FAO expertise was instrumental in making progress towards achieving global food security. Stressing the importance of reconciling the environmental and production sectors, she expressed FAO's desire to strengthen its cooperation with the whole CMS family on issues of common concern.

(c) *Biodiversity Liaison Group activities*

151. See Agenda Item 11(b) above.

(d) *Cooperation with Non Governmental Organizations*

152. See agenda item 11 (d) above.

(e) **Cooperation with the Private Sector**

153. It was suggested that a paragraph be inserted into the draft resolution calling for a code of conduct on partnerships with private sector organizations to be prepared for approval by the next meeting of the Standing Committee.

KEY POLICY ISSUES (ITEM 18)

(a) **Climate Change and Migratory Species**

154. The Committee of the Whole took up the item at its 1st session on 1 December 2008.

155. Mr. Alfred Oteng Yeboah, Chair of the Committee of the Whole, introducing the item, drew attention to the report prepared by the Secretariat on climate change and migratory species (document UNEP/CMS/Conf.9.24), the report by the United Kingdom on indicators of the impact of climate change on migratory species (UNEP/CMS/Inf.9.22) and draft resolution 9.7/Rev.1, submitted by Australia and revised by the Scientific Council.

156. Ms Aline Kühl (CMS Secretariat) gave a presentation emphasizing that climate change was known to be affecting ecosystems across continents and was thus an international issue of highest priority. It could no longer be denied that global warming was taking place and that it affected migratory species on a global scale. The process of migration was heavily dependent on external factors. Climatic impact on migratory species could be direct, but also indirect through density-dependence effects and through interaction with human populations. The complexity of the issue had not limited policy development, as numerous CMS Family resolutions and research projects facilitated, *inter alia*, by the United Kingdom's Department for Environment, Food and Rural Affairs (DEFRA) illustrated. However, given the urgency of the matter, there needed to be global action to address both mitigation and adaptation strategies to tackle climate change. She then drew attention to developments such as the establishment of the Climate Change Working Group by the Scientific Council, the background paper UNEP/CMS/Conf.9.24, the 2nd research project funded by DEFRA on using migratory species as indicators (document UNEP/CMS/Inf.9.22) and the publication of the report on "Climate Change and Migratory Species", which had been launched at the twelfth meeting of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC).

157. Draft resolution 9.7/Rev.1, submitted by Australia and added to by the 15th meeting of the Scientific Council, was greatly welcomed by delegates to set the CMS agenda on climate change for the next triennium. Australia emphasized that the text recognized that climate change was a global issue and had to be addressed appropriately, focusing on those species most at risk, which, in the case of CMS, meant the species listed in its Appendix I. India referred to the report of the Intergovernmental Panel on Climate Change (IPCC) which showed that Climate Change would result in further biodiversity loss.

158. In the ensuing discussion, support was expressed for the draft resolution, but several amendments were proposed. As climate change was also being addressed by other MEAs, Chile, supported by Argentina, suggested that the text confine itself strictly to climate change and migratory species.

159. It was emphasized that climate change had a particularly negative impact on Arctic animals and it was proposed that a recommendation be made to the ninth meeting of the Conference of the Parties on the establishment of a working group on marine species in the Arctic region.

160. The Chair of the Committee of the Whole requested delegations to hand in their proposed amendments in writing and established a working group, with Australia as facilitator, to prepare a revised text.

161. At the 8th plenary session, a revised version of the draft resolution on climate change impacts on migratory species (UNEP/CMS/Resolution 9.7/Rev.2) was discussed and further amendments proposed.

In particular, the vulnerability of Small Island Developing States to climate change effects and their need for capacity-building, including regional workshops, in the area of mitigation and adaptation activities were mentioned as points for inclusion. It was also suggested that all references to those activities be amended to conform with language agreed after lively debate on the subject at the ninth Meeting of the Conference of the Parties to the Convention on Biological Diversity (CBD).

(b) Highly Pathogenic Avian Influenza

162. The Committee of the Whole took up the item at its 1st session.

163. Ms. Rebecca Lee (Wildfowl and Wetlands Trust (WWT)) introduced the report of the Scientific Task Force on Avian Influenza and Wild Birds (UNEP/CMS/Conf.9.25) and the draft of the resolution 9.8/Rev.1 which had been endorsed by the Scientific Council on responding to the challenge of emerging and re-emerging diseases in migratory species, including highly pathogenic avian influenza H5N1.

164. She explained that highly pathogenic avian influenza subtype H5N1 (HPAI H5N1) had first been recognized as an important animal disease in 1997. It was an unusual disease because it was not confined to poultry but had spread to wild birds. Its direct impacts were mortality among the bird population, including threatened species, while indirect impacts were measures taken against wild birds and public perception. One of the objectives of the Scientific Task Force, which had been created in 2005, was to ensure that wild birds were not forgotten when policy decisions on avian influenza were taken. After describing the work carried out by the Task Force, she highlighted the main points of the draft resolution before the Committee and the continuing and future challenges.

165. Mr. Scott Newman (FAO) explained that the original draft resolution had been expanded to include emergent and re-emerging diseases in migratory species and not just avian influenza. In general, 72 per cent of emergent infectious diseases came from wildlife species.

166. There was a balance between health and disease in every individual, population, community and ecosystem, but it could be upset by a number of factors. Disease could result from climate change, global trade, or environmental degradation, and had thus become a conservation issue. Wildlife disease could be a source of concern for human health and could be a reservoir of zoonotic infections. The lessons learned from the work of the Task Force could be used to establish a separate task force to tackle other wildlife diseases, taking into account the work of the Working Group on Migratory Species as Vectors of Disease.

167. There was general support for the expansion of the draft resolution to include emerging and re-emerging diseases and it was suggested that particularly important diseases should be targeted. It was noted that information-sharing and early-warning systems were important, particularly for Range States. Concern was expressed, however, that there was no provision in the CMS budget for funding activities in that respect.

168. The Deputy Executive Secretary, in response, said that although no funds had been specifically assigned to such activities, they were covered by staff who dealt with more than one issue. If it were felt that a special budget line was needed within the overall budget, a proposal to that effect would have to be made.

169. It was reiterated that there was a need to include in the annexes diseases which affected migratory wildlife only. The Argentinean delegation also felt that it would be appropriate to continue with the current method of financing the task force by means of voluntary contributions from the Parties.

170. A representative of the Secretariat drew the Conference's attention to the fact that the presentation given by Ms. Rebecca Lee had been prepared over a long period of time in consultation with the Scientific Task Force and she had been paid through voluntary contributions, but the Secretariat now wished that payment to be part of the core budget. He also said that, as the focus of the work on avian influenza and other diseases was on migratory birds, participation in the Scientific Task Force by countries not yet affected by avian influenza was still very valuable.

171. Another representative of the Secretariat said that the Scientific Task Force's work had involved participation and expertise from various sectors, including non-governmental organizations, ornithologists and virologists. The choice of diseases, of whatever kind, should be driven by the organizations that participated in the Task Force, but would most likely include diseases only affecting wildlife or only livestock.

172. The representative of ACCOBAMS said that her organization was currently developing an epizootic plan for 2009 and would be happy to provide information thereon.

173. The representative of the Ramsar Convention on Wetlands said that the 10th Conference of the Parties to that Convention had adopted resolution X.21 on guidance on responding to the continued spread of highly pathogenic avian influenza. Although Ramsar was referred to in preambular paragraph 5 of the resolution, the background for the reference could be made clearer.

174. It was taken that there was general acceptance of the resolution, except for the few minor additions suggested, which would be added to make the document clearer.

175. At its 8th plenary session, the Conference adopted draft resolution 9.8/Rev.2 on Responding to the Challenge of Emerging and Re-emerging Diseases in Migratory Species, including Highly Pathogenic Avian Influenza H5N1, as orally amended, as contained in Annex VIII to the present report.

(c) *Migratory Marine Species*

176. The Committee of the Whole took up the item at its 1st plenary session.

177. Ms. Heidrun Frisch, (CMS Secretariat), introduced document UNEP/CMS/Conf.9.26/Rev.1 on strategic considerations for 2009-2011 and beyond for migratory marine species. She highlighted the conclusion by CMS of a large number of MoUs and the many, cumulative and interconnected threats to migratory marine species. Among other actions, the Conference could consider: issuing an interpretative resolution on the CMS definition of migration; ensuring connectivity and cooperation with MEAs; investigating the potential role of CMS as a global management framework for networks of marine protected areas (MPAs) and undertaking a legal review of the interaction between existing national and international laws with regard to MPAs in the High Seas.

178. A further priority should be to ensure closer linkages within the CMS Family of Agreements and MoUs. Regional nodes of expertise could be developed and technical resources shared, while the implementation of existing resolutions should be followed up.

179. Two priority issues were identified for the conservation of migratory marine species. With regard to by-catch, a global assessment of its impact on all marine species listed in the CMS Appendices, promotion of by-catch mitigation technologies and identification of priority fisheries, regions and species for additional cooperative action. On climate change, more research on adaptation and mitigation of the impact on marine species was needed, more dialogue with other bodies and an assessment of threats to listed species. Climate change-related threats should also be given consideration when proposing new species for listing in the CMS Appendices.

180. Parties were requested to consider: identifying priority issues, species and habitats; requesting the Scientific Council to prioritize climate change and by-catch issues; reviewing CMS marine agreements; and ensuring adequate resources for work.

181. In the ensuing discussion, general support was shown for draft resolutions 9.18/Rev.1 and 9.19/Rev.1, although a number of proposals for amendment were introduced. There was also a call for seabirds to be included in a revision of the document, as they were generally felt to be an integral part of the marine ecosystem. Some representatives felt that an update of the definition of migration was not a priority issue.

182. The representative of Monaco raised the issue of bluefin tuna in the Mediterranean, which was a highly migratory species and particularly relevant in view of a recent decision by the International Commission for the Conservation of Atlantic Tuna (ICCAT) that threatened the species, and suggested that the issue could be examined intersessionally. The increasing CMS role in marine conservation was welcomed and there were calls for rapid progress on the development of the programme of work for cetaceans as a follow-up of Resolution 8.22.

183. It was suggested that any work related to the conservation of marine mammals in the high seas should be done in coordination with the relevant bodies, most notably the General Assembly of the United Nations. The importance of marine-protected areas was reiterated, in particular for shared species. One representative also felt that national legislation, which was often not in accordance with international agreements, should be mentioned in the text of the resolutions.

184. With regard to resolution 9.19/Rev.1 on marine noise, the resolution should have a long-term focus for further development. With respect to resolution 9.18/Rev.1 on by-catch, it was pointed out that ASCOBANS had already done considerable work on by-catch and the Secretariat could use that as a reference. It was also suggested that the issue of fisheries discarding species of no commercial interest during fishing should be highlighted, for example, in a separate paragraph.

185. It was noted that greater research on marine species that required cooperation at a regional level would be welcome, as would a reference to the Barcelona Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, the FAO and other bodies with relevant expertise.

186. As there had been many comments and specific proposals for amendments of the draft resolutions, it was agreed that a working group would be established to incorporate all suggestions into the draft resolutions considered under agenda item 18(c).

187. The representative of Australia submitted an interim report of the working group at the 8th plenary session. Draft resolution 9.18/Rev.2 on by-catch had been finalized. As the working group had been unable to agree on whether the proposed draft text (9.09) on migratory marine species should be a resolution or recommendation, the words “recommendation” and “resolution” had been placed in square brackets in the title. Further discussion of draft resolution 9.19/Rev.2 on adverse anthropogenic marine/ocean noise impacts on cetaceans and other biota was required because some amendments made by a drafting group were deemed to be substantive rather than editorial.

188. At its 9th plenary session, the Conference of the Parties adopted the text on migratory marine species proposed by the working group, as orally amended, as Resolution 9.9/Rev.2 on Migratory Marine Species, as contained in Annex VIII to the present report.

189. The Conference of the Parties, at its 9th session, adopted resolution 9.18/Rev.2 on By-Catch and resolution 9.19/Rev.2 on Adverse Anthropogenic Marine/Ocean Noise Impacts on Cetaceans and other Biota, as orally amended, as contained in Annex VIII to the present report.

(d) Flyways

190. The item was taken up by the Committee of the Whole at its 2nd session.

191. Mr. Franz Bairlein, Institute of Avian Research, gave a presentation on flyways, highlighting the history of tracking birds and their migration, as well as the publication of a new atlas on migratory birds that would be distributed to the representatives. The atlas included a small section on migration, however, and many such national atlases were necessary for a better understanding of a migratory species. The information gathered should then be compiled and used for conservation purposes.

192. As migratory species did not simply rely on breeding grounds, but also areas for passage and environmental conditions at their wintering grounds, long-distance migratory species were particularly threatened in comparison with resident or short/medium-distance migratory birds. Monitoring could be done using traditional techniques such as ringing or modern technology such as satellite telemetry and isotope mapping, which allowed data to be obtained very quickly. Data on where migratory birds passed and stopped over were crucial to developing transnational collaboration and programmes as migratory species were affected by the threat to stopover habitats from agricultural use and climate change. Study of migration became increasingly relevant to human health through avian-borne infectious pathogens and diseases. Climate change would mean change in the vectors transferring pathogens from birds to humans. CMS was best placed to tackle the challenging task of driving such study.

193. Mr. Douglas Hykle, Senior CMS Adviser, introduced a series of presentations relating to the UNEP/GEF Siberian Crane Wetland Project (SCWP). He recalled that the MoU concerning Conservation Measures for the Siberian Crane was the oldest CMS MoU, having been concluded in 1993. The UNEP/GEF SCWP had been developed in response to the need to protect key sites along the flyways. The project was now in its final stage and consideration would have to be given to the follow-up. He concluded by paying tribute to the dedication and professionalism of the team involved, which had been a decisive factor in the project's achievements.

194. Ms. Claire Mirande (International Crane Foundation) gave a presentation on the conservation of flyway wetlands, using the Siberian Crane as a flagship species. She said that this critically endangered bird had indeed proved a highly effective flagship species. The project was ecosystem-based and interlinked with species conservation and a multi-level approach to flyway conservation. Eleven Range States had signed the CMS MoU and four countries - the People's Republic of China, the Russian Federation, Kazakhstan and the Islamic Republic of Iran - participated in the project. The development objective was to secure the ecological integrity of the network of critical wetlands needed for the survival of the Siberian crane, migratory waterbirds and other globally significant wetland biodiversity in Asia. Activities took place at three levels: addressing threats at key sites, wider measures for wetlands and waterbird conservation at the national level, and flyway coordination and regional targeted research.

195. After describing some achievements in the countries participating and in the region, she noted that CMS funding for the Siberian Crane MoU might end in 2008 unless the Conference of the Parties made budgetary provision. Consideration was being given to options for developing long-term funding potential in order to allow some of the project activities to continue through the MoU.

196. Mr. Qian Fawen (National Project Manager, China) gave a presentation on the development of a new flyway monitoring network in China. The overall goals were to monitor the distribution and movements of the Siberian Crane and other globally significant waterbirds along their flyway in China, to provide a scientific basis for conserving and managing waterbirds and their habitats, to establish a waterbird monitoring network, to promote cooperation and communication among the staging sites, and a public education campaign. The monitoring programme covered nine key species, including cranes, storks and the Great Bustard, 37 waterbird species, and other common species. He described some of the results of the programme during the period 2007-2008 and the project's main achievements. Staging sites used by the Siberian Crane and other waterbird species had been discovered and the peak period for northward and southward migration had been identified. The methods used to collect and analyse the monitoring data had been standardized and the network linked to monitoring along the northern part of the flyway. Considerable efforts had been made to promote public awareness at key sites and they were linked to parallel education efforts along the Russian part of the flyway. The next steps would be to finalize and publish the monitoring results for the past five years in 2009, strengthen coordination with related non-governmental organizations and establish a waterbirds database in China.

197. Mr. Alexei Blagovedov (National Technical Manager, Russia) gave a presentation on the development of a network of flyway wetlands in Yakutia. There was already a well-developed network of protected areas with different nature conditions and legal protection in Yakutia. However, cross-sectoral cooperation and conservation efforts were still needed at the local, provincial, federal and international levels. He described some of the activities being undertaken at the local level and emphasized that special

attention was being paid to raising public awareness on the importance of waterbirds and wetland conservation. Local businesses were also encouraged to integrate biodiversity considerations into their business practices.

198. Ms. Vera Inyutina (Kazakhstan) gave a presentation on the expansion of the wetland protected area network in northern Kazakhstan. She emphasized that Kazakhstan was situated on a major waterbird flyway and its network of wetlands in the north was a vital element of the Central Asian flyway. The project sites were staging areas between breeding and wintering grounds and played an important role in maintaining migratory waterbird populations, including at least 10 globally threatened species. She highlighted the progress made at all project sites from 2005 to 2008 and underlined the importance of involving the local population in conservation efforts, particularly young people.

199. Ms. Azin Fazeli (National Technical Officer, Islamic Republic of Iran) said that her country had the only known wintering site in Western Asia. It was privately owned so there had to be cooperation with the local community if the wetland was to be protected. A Site Management Committee had been set up, involving local stakeholders who could provide input to conservation and management activities at the site. There were also Trappers' Associations, through which the trappers' perception of the wetlands had changed, leading to their involvement in co-managing the site. Community-based groups and local non-governmental organizations had helped to raise awareness and provided a link between project management and the local people. Experience had shown that formal and organized structures had to be developed in order to involve local stakeholders in site management and conservation, with external assistance to facilitate discussions and negotiations. Local people were often dependent on the habitat and ways to provide them with alternative income had to be found. A sense of ownership had to be created at the local level and gaining the trust of stakeholders was a key factor in site management. Without the support of the local population, no conservation effort would be successful.

200. In his concluding remarks, Mr. Douglas Hykle said that the presentations had demonstrated that this was a vast project involving a large number of activities in each country. He noted that it had received strong backing from UNEP as part of its portfolio of GEF projects. It was far more than simply a project for the Siberian Crane and had done much to build capacity for the protection of wetlands in each of the countries. As the project was in its final stages, it was time for CMS to consider what the next steps should be.

201. He recalled that one of the project's outputs was the creation of a network of sites of importance for Siberian Cranes and other waterbirds in the West / Central Asian Flyway. Sites had already been designated by five countries. Ms. Elena Ilyashenko, Siberian Crane Flyway Coordinator, assisted the Executive Secretary in the presentation of certificates to representatives of India, the Islamic Republic of Iran and Kazakhstan attesting to their designation of sites for the protection of the Siberian crane and other waterbirds.

202. The Executive Secretary then introduced the future flyways policy paper (document UNEP/CMS/Conf.9.27) and the relevant part of Resolution 9.2. He indicated that the document had been prepared by the Secretariat in response to the request by the 32nd meeting of the Standing Committee to prepare a comprehensive factual paper on flyways and a document for the ninth meeting of the Conference of the Parties on flyway policies, including some policy recommendations. The document also satisfied the requirement under the Convention for the Conference of the Parties to review arrangements made under CMS auspices for migratory species conservation.

203. The flyway concept was essentially an operational concept, defined as a geographical region within which a species or a constellation of species, or some populations or a constellation of populations, completed their annual cycle. The new Action Plan for the Central Asian Flyway (CAF) had been finalized after consultations with the 30 Range States and it covered 175 species, 13 of which were already listed in CMS Appendix I. The Secretariat considered that the focus should be on implementing the Action Plan rather than on the "legal umbrella" or links to other bodies. It was essential for a viable mechanism to be established for the Flyway under the CMS.

204. With regard to the East Asian – Australasian Flyway (EAAF), the CMS Standing Committee had issued a statement in September 2006 welcoming the Flyway Partnership (EAAFP) and had encouraged all Parties and other States in the region to join it. He expressed the hope that the partnership would serve as a bridge to a more permanent arrangement under CMS auspices. The Secretariat proposed that the EAAFP be invited to submit a formal report to the tenth meeting of the Conference of the Parties and, if appropriate, to attend intersessional meetings of the Standing Committee and the Scientific Council.

205. Turning to the American Flyways Process, he said that several programmes and initiatives were already in place and, ideally, they should lead to a flyway agreement covering Central and South America and the Caribbean, similar to the AEWA.

206. The Central Pacific Flyway had unique biological characteristics, but it did not appear to have given rise to organizational developments that would amount to a flyway agreement. Its considerable significance for conservation had, however, generated many research and awareness-raising initiatives. Nevertheless, it was recommended that the Conference of the Parties request the Secretariat, in cooperation with the Scientific Council and Parties that were Range States to prepare an Article IV, paragraph 3, or 4 Agreement and an Action Plan for the conservation of migratory birds of the trans-hemispheric Central Pacific Flyway.

207. The representative of Switzerland announced his country's intention to sign the MoU on African Eurasian Raptors once it had been finalized. With respect to the Central Asian Flyway, he noted its overlap with the geographical area of AEWA, and suggested a specific reference to AEWA in Resolution 9.2.

208. The representative of AEWA questioned the specific duty of the Conference of the Parties to review the progress made by Agreements, mentioned in paragraph 8 of the document, because that was the role of the Parties to the Agreement. One observer noted that the document focused on flyways for waterbirds, although flyways were used by many other migratory birds, and that only north-south flyways were covered, whereas there was also east-west migration and other patterns should be taken into account.

209. With respect to the EAAF Partnership, the representative of Australia expressed thanks for the expertise and assistance of the CMS Secretariat in its development, recognized that the Partnership met the terms of a CMS Article IV Agreement, and offered to encourage non-CMS Parties to consider closer collaboration with CMS in the further development of the Flyway Partnership. He noted that one of the roles of the CMS Conference of the Parties in reviewing progress under Agreements was to look at the linkages and potential synergies between the arrangements for different flyways.

210. During the discussion, commitment to the flyways process was reaffirmed and general support was expressed for the draft resolution, with the proposal of a number of amendments to improve the text, including some from Argentina.

211. It was emphasized that there were important lessons to be learned from all the initiatives taken. Their future development had to be consistent, as well as in conformity with the future shape of the CMS, an issue to which they were closely linked. Priority should be given to implementation of existing agreements and finalization of those under preparation, and that was another aspect which the relevant working group should bear in mind. CMS was particularly well-placed to promote collaborative global action on migratory birds.

(e) *Migratory Terrestrial Species*

212. The Committee of the Whole took up the item at its 3rd session.

213. Ms. Roseline Beudels-Jamar, Scientific Councillor for Belgium, introduced the document on terrestrial mammals and CMS (UNEP/CMS/Conf.9.28). In particular, she emphasized that megafauna were the component of biodiversity that had suffered the most in the erosion of natural heritage. The Scientific Council regarded conserving and restoring megafauna as an important part of conservation and many of

the Sahelo-Saharan megafauna were targeted by CMS work. In that connection, she drew attention to the proposals contained in draft recommendation 9.2 on Sahelo-Saharan megafauna.

214. She also drew attention to draft recommendation 9.1 on Central Eurasian aridland mammals, which asked for renewed support for concerted action. Document UNEP/CMS/Conf.9.28 suggested that work begin on four further initiatives on: Atlantic and North European megafauna; South American megafauna; Sub-Saharan megafauna; and South/South-East Asian megafauna. Draft recommendation 9.3 on tigers and other Asian big cats recalled the poor state of conservation for them and urged Parties and Range States to enhance transboundary cooperation. The representative of India reported on the survey and conservation work being conducted in his country and on collaborative efforts being undertaken in conjunction with neighbouring range states. He also stressed the importance of CMS working with other MEAs, such as CITES, which had complementary programmes for tigers and Asian big cats.

215. In the ensuing discussion, support was given by Range States Jordan and Yemen and others for the extension of the concerted action on Central Eurasian aridland mammals to a broader zone. The representative of Kenya supported initiatives in favour of megafauna, which played a key role in the Kenyan economy and culture. The representative of Mali expressed gratitude to FFEM and ONCFS for this support, and called for the Agadir recommendations to be implemented and for greater support across the region for antelope conservation. The representative of Tunisia expressed gratitude to FFEM and CMS and described a reintroduction project concerning the oryx and addax. The representative of Norway welcomed the review and proposals in Doc.9.28 and drew attention to other initiatives concerning northern megafauna, including the Polar Bear Agreement, and urged that synergies be found with bodies such as the Arctic Council and CAFF (Conservation on Arctic Fauna and Flora). While there was some support for the recommendation on tigers and other Asian big cats and the four new initiatives suggested, concern was expressed that they duplicated the work of existing international conventions and initiatives. In that regard, it was suggested that the Scientific Council should instead work to coordinate and ensure international and regional cooperation within the framework of existing initiatives. The Scientific Council should assess work already being done before opting to establish new initiatives, and CMS should cooperate with, in particular, the IUCN/SSC Cat Specialist Group, CITES and the World Bank's Global Tiger Conservation Initiative. Mr. Colin Galbraith, Vice-Chair of the Scientific Council, noted the importance of the conservation of tigers and other Asian big cats. He also noted the need for the Council to work with parties and other organizations to establish how CMS could add value to current efforts and how clear priorities for actions should be identified, reported and discussed at future Council Meetings.

216. Some representatives asked the Secretariat for help in preparing national action plans on migratory species, while others requested technical support. Many countries had benefited from existing concerted action by CMS and partner countries and organizations. These included Canada, France, Spain, the FAO, the FFEM (Fonds Français pour l'Environnement Mondial), the French National Hunting and Wildlife Agency (ONCFS), and the Sahara Conservation Fund (SCF). Some representatives gave details of specific work carried out at the national level.

217. After discussion, it was agreed that proposals for amendments to the recommendations and the related document would be submitted in writing.

218. At its 9th plenary session, the Conference of the Parties adopted Recommendation 9.1 on Central Eurasian Aridland Mammals, as orally amended, and Recommendation 9.2 on Sahelo-Saharan megafauna, as orally amended, recommendation 9.3/Rev.2 on tigers and other Asian big cats, as contained in Annex VII to the present report.

PROPOSALS SUBMITTED BY PARTIES TO AMEND APPENDICES TO THE CONVENTION (ITEM 19)

219. The item was taken up at the 5th plenary session. In considering the item, the meeting had before it a document on proposals for amendment of Appendices I and II to the Convention (UNEP/CMS/Conf.9.29) and a further document containing comments from Parties in response to those proposals (UNEP/CMS/Conf.9.29/Addendum).

220. Introducing the item, the Acting Scientific and Technical Officer said that 13 proposals for amendments to Appendix I and eleven proposals for amendments to Appendix II had been received by the prescribed deadline. Those proposals had been duly circulated and comments received from five Parties. The Scientific Council had made recommendations in the light of its review of the proposals at its 15th meeting.

221. Mr. Colin Galbraith, Vice-Chair of the Scientific Council, speaking on behalf of its Chair, reported briefly on the outcome of that review by the Scientific Council. Most of the proposals for amendment of Appendix I had been recommended for adoption without controversy. The proposal to list the Barbary sheep *Ammotragus lervia*, had not been supported. However, the species had been considered suitable for listing in Appendix II. Algeria undertook to draft a revised proposal for consideration by other parties. Consensus could not be reached concerning the listing of the Saker falcon *Falco cherrug*, which was however recommended by the majority of the Council's members. Concerning Appendix II, the proposals concerning Maccoa Duck *Oxyura maccoa* and African skimmer *Rynchops flavirostris* had been withdrawn. Consensus could not be reached on two proposals concerning sharks: Porbeagle *Lamna nasus* and Spiny dogfish *Squalus acanthias*. The Council was unanimous in considering the northern hemisphere populations suitable for listing, while opinions diverged for the southern hemisphere populations. Considering that a significant part of the population certainly met the criteria, the entire species could be considered suitable for listing.

222. The representative of Saudi Arabia said that his country opposed the proposal submitted by the Government of Croatia to list the entire population of the Saker falcon in Appendix I; he said that the proposal was based on obsolete and inaccurate data. A different picture was suggested by more recent data, which were nevertheless still inadequate to serve as a basis for sound scientific judgement. He therefore proposed that the decision on listing the Saker falcon be postponed until sufficient data were available, adding that his position was supported by such Parties as Algeria, Bangladesh, Egypt, Jordan, Mongolia, Pakistan, the Syrian Arab Republic and Tunisia, as well as by such non-Parties as Kuwait and the United Arab Emirates. He further proposed that the issue be examined under the new MoU on African Eurasian Raptors. His country was willing to contribute to the conduct of a survey of the species in Range States, for which purpose other contributions would also be welcome. Lastly, he announced that the United Arab Emirates authorities had offered to organize and host a meeting of Range States to discuss the status of the species.

223. The representative of Croatia pointed out that, having been endorsed by the Scientific Council, her country's proposal clearly fulfilled the necessary criteria. Moreover, lack of data was no reason to postpone a decision on the matter, not least bearing in mind the precautionary principle.

224. In the absence of consensus on inclusion of the Saker falcon, a contact group was set up to discuss the matter.

225. At the 8th plenary session, the facilitator of the contact group on the Saker falcon indicated that a draft resolution on the issue would be submitted by Saudi Arabia, reflecting the contact group's agreement that the proposal to list the species in Appendix I to the Convention should be withdrawn.

226. Resolution 9.20 on the Saker Falcon *Falco cherrug* was introduced by Saudi Arabia at the 9th plenary session and was adopted as orally amended, as contained in Annex VIII to the present report. Following adoption of the resolution, Croatia withdrew its proposal to list the Saker falcon in Appendix I.

227. Mr. Pierre Devillers, Vice-Chair of the Scientific Council, emphasized that the proposal to list the Barbary sheep *Ammotragus lervia* applied only to the historical range of the species and not to the introduction of populations in the United States of America and elsewhere.

228. The plenary resumed discussion of the item at its 6th session. The Conference approved the following species for inclusion in Appendix I: bottlenose dolphin *Tursiops truncatus ponticus* Irrawaddy dolphin *Orcaella brevirostris*; Atlantic humpback dolphin *Sousa teuszii*; West African manatee *Trichechus*

senegalensis; Baer's pochard *Aythya baeri*; Egyptian vulture *Neophron percnopterus*; Peruvian tern *Sterna lorata*; Yellow-breasted bunting *Emberiza aureola*; Cerulean Warbler *Dendroica cerulea*; and Streaked Reed-warbler *Acrocephalus sorghophilus*.

229. The cheetah *Acinonyx jubatus* had been proposed for inclusion in Appendix I but the representative of Norway pointed out that a ban on trade might cause problems for CITES, under which limited trade from a few range states was allowed. He suggested deferring a decision on the matter until the next meeting of the Conference of the Parties. Mr. Devillers, Vice-Chair of the Scientific Council, said that the situation of the cheetah was catastrophic in Asia and North Africa. If no action was taken, the species might well be extinct by the time the next Conference was convened. The issue of CITES quotas for three Range States in southern Africa might be addressed by excluding these populations from Appendix I and possibly listing them on Appendix II instead. The representatives of the Democratic Republic of the Congo, Egypt and Uganda expressed strong support for that suggestion and the representative of Norway withdrew his objection.

230. The Acting Scientific and Technical Officer pointed out that Rule 11 of the Rules of Procedure permitted the consideration of proposals arising out of the discussion provided that the new proposal was circulated to Parties. The presenting Party, Algeria, would therefore be required to resubmit a formal proposal.

231. Algeria subsequently submitted a proposal on inclusion of cheetahs in Appendix I, with the exception of the populations in Botswana, Namibia and Zimbabwe, without proposing their inclusion on Appendix II.

232. The Conference of the Parties approved the proposal at its 9th session.

233. The Conference approved the following species for inclusion in Appendix II: bottlenose dolphin *Tursiops truncatus* (Mediterranean population); Clymene dolphin *Stenella clymene* (West African population); African wild dog *Lycaon pictus*; saiga *Saiga tatarica*, and Barbary sheep *Ammotragus lervia*.

234. Commenting on the proposals to include the harbour porpoise *Phocoena phocoena* (North-West African population) and Risso's dolphin *Grampus griseus* (Mediterranean population) in Appendix II, the representative of Norway said that it was unclear whether the populations complied with the relevant criteria because of the lack of estimates of existing populations and forecasts of trends. Norway withdrew its objection in view of the lack of support from other Parties but recommended that the Scientific Council should review the criteria for inclusion of species in Appendix II, which were relatively vague, and ensure consistency with the situation under other conventions. The representative of Monaco pointed out that the purpose of the proposal was to harmonize CMS Appendices with the list of species adopted under ACCOBAMS. The proposals to include the harbour porpoise and Risso's dolphin in Appendix II were then approved. Mauritania pointed out that *Phocoena phocoena* was covered by the West African MoU on Small Cetaceans and Manatees. Surveys on the ground indicated the low population numbers of the species.

235. The representatives of Chile and Argentina objected to the proposal to include the shortfin and longfin mako sharks *Isurus oxyrinchus* and *Isurus paucus* in Appendix II. The shortfin mako shark, the species found in their waters, was covered by national and regional conservation plans which afforded adequate protection.

236. At the 9th plenary session, the Conference of the Parties agreed that the shortfin and longfin mako sharks *Isurus oxyrinchus* and *Isurus paucus* should be listed in Appendix II.

237. The representative of Chile, supported by the representatives of Ecuador and Uruguay, wished it to be recorded that, while her country did not oppose the proposal in a spirit of consensus, there was no evidence to suggest that the populations of the species *Isurus oxyrinchus* found in their waters were in an unfavourable conservation status in the South-East Pacific. Artisanal fisheries targeting the species were authorized and regulated. All population data provided in the proposal concerned the North Atlantic and

the Mediterranean. The species was included in the National Plan of Action for the Conservation of Chondrichthyes. Initiatives existed among south-east Pacific States to elaborate regional action plans. Uruguay accepted the inclusion of the species. However, Uruguay wanted to state that no threat to either *Isurus oxyrinchus* or *Lamna nasus* had been demonstrated in the Southwest Atlantic. Uruguayan fisheries' catch rates were low and due to by-catch, but there were no directed fisheries. The species were managed through the implementation of the National Plan of Action for the Conservation of Chondrichthyes in Uruguayan fisheries.

238. Objections were raised by several Parties to the proposals to include the porbeagle *Lamna nasus* and the spiny dogfish *Squalus acanthias* in Appendix II. It was decided to set up a contact group to discuss further the proposals concerning the four shark species.

239. At the 8th plenary session, the representative of the European Union reported that the contact group on sharks had produced a revised proposal for the spiny dogfish *Squalus acanthias* that took account of concerns about northern hemisphere populations. The group considered, however, that the Scientific Council should review existing data on the species, particularly on the southern hemisphere population.

240. The revised proposal to list the northern hemisphere population of the spiny dogfish *Squalus acanthias* in Appendix II was approved by the 9th plenary session.

241. With regard to the porbeagle *Lamna nasus*, the contact group felt that caution should be exercised in view of the inadequacy of available data. National plans of action were currently being implemented and would promote conservation of the species. The representative of Mauritania drew attention to the need for donor support for such plans.

242. At its 9th session, the Conference of the Parties decided to list the porbeagle *Lamna nasus* in Appendix II.

243. The representatives of Argentina, Chile and Uruguay stated that there was no evidence that south-west Atlantic and south-east Pacific populations of the porbeagle were in an unfavourable conservation status, but they would not object to its listing in Appendix II. Catches were very limited and of accidental nature mainly in Patagonian toothfish fisheries and the populations were covered by national action plans for shark conservation. An assessment of the species in the south-west Atlantic was planned to be undertaken in 2009 within relevant RFMOs. There was no evidence of interchange between the south-west Atlantic and south-east Pacific populations, which were therefore to be considered distinct.

244. The representative of Norway, while not objecting to the consensus, did not consider that the porbeagle qualified for global listing according to the existing criteria based on the documentation presented to the Conference.

245. The representative of Denmark, while supporting the proposal as a European Union member state, indicated that Denmark reserved the right to issue a territorial reservation concerning the Faeroe Islands, which were not included in the European Union, on the listing of the porbeagle and spiny dogfish in Appendix II. He read a declaration to this effect on behalf of the Government of the Faeroe Islands, attached as Annex IX to this report.

246. The representative of Norway said that the increasing number of proposals for listing of species of considerable commercial interest was attracting national and international political attention. Norway proposed that the Secretariat should be instructed to strengthen the review process by obtaining a written assessment of all proposals by expert panels that were independent of the Scientific Council. The representative of Costa Rica felt that the Scientific Council was meant to provide objective scientific analysis to the Parties. This had not been the case with regard to proposals to add shark species to Appendix II. It was hoped repetitions could be avoided in the future. The Chair supported that view but noted that the Council's work was sometimes impeded by lack of resources. Mr. Devillers, Vice-Chair of the Scientific Council, said that the consequences of failing to list a species in time were no less serious than those of proposing an unduly large number of species for listing.

247. At its 9th plenary session, the Conference of the Parties adopted recommendation 9.4 on standardized nomenclature for the CMS Appendices.

CMS CAPACITY BUILDING ACTIVITIES (ITEM 20)

248. The item was taken up at the 5th plenary session. In considering the item, the meeting had before it a report on the CMS capacity-building strategy (UNEP/CMS/Conf.9.30/Rev.2), prepared by the Secretariat, and draft resolution 9.12 on the same subject.

249. Introducing the item, the Information & Capacity Building Officer emphasized the importance of capacity-building over the coming three years for bodies involved in implementing the Convention and its legal instruments. In that context, national or regional training programmes might cover a variety of topics, including, for instance, the impact on migratory species caused by, *inter alia*, climate change, invasive alien species, habitat degradation, by-catch and such infectious diseases as avian influenza. Encompassing human, scientific, technological, organizational and institutional capabilities, capacity-building was a long-term process for which the Bali Strategic Plan for Technology Support and Capacity-building provided an effective framework. Essential to its success was the planning phase, including legislation and funding matters, followed by the construction phase involving such activities as regional workshops, training, liaison with other MEAs and computer-based learning. The implementation phase would entail a variety of activities and projects, which he briefly outlined, culminating in the important phase of feedback and analysis of status and outcomes, on which basis the cycle would recommence. Financial support was vital, however, to the development of all such capacity-building activities and the identification of priorities for future research that would together enable CMS to continue its work of enhancing migratory species.

250. In the ensuing discussion, the importance of identifying capacity-building priorities on the basis of needs highlighted by developing countries was stressed. In that regard, it was pointed out that the national capacity-building assessments conducted in some countries could be useful. Those priorities should be set in line with the approved budget for capacity-building, which would inevitably be large and should identify implementation costs. Further details of the five proposed options for developing an effective CMS capacity-building programme, including their cost, were needed to enable their full consideration, which should be done in conjunction with other MEAs. One representative said that, while national priority-setting was crucial, additional funding and data were needed to achieve the 2010 global target relating to ecosystem management set at the World Summit on Sustainable Development. To that end, capacity-building through regional, sub-regional and thematic workshops was imperative. It was further suggested that capacity-building for CMS and other MEA focal points, as well as for traditional communities, should be mentioned in the draft resolution, along with the important capacity-building role of civil society. The need to engage national training schools and other similar entities in capacity-building activities was also highlighted. Lastly, it was proposed that the reference to regional nodes be removed from the draft resolution.

251. The representative of Egypt said that his country was willing to share the considerable experience which it had developed in controlling the spread of avian influenza, while the representative of the Food and Agriculture Organization of the United Nations (FAO) drew attention to the FAO contribution to capacity-building activities relating to the impact of avian influenza on wildlife species. It would next focus on extending that contribution, which had also included flyway partnerships, to the subject of wildlife conservation and health. The representative of Wetlands International further drew attention to a flyway training toolkit developed by his organization as a global application. The toolkit would soon be available and he called for assistance with the funding of its implementation.

252. Responding to comments made, a representative of the Secretariat stressed that the capacity-building strategy was a work in progress, adding it that had already generated favourable interest. Indeed, CMS had been working in close conjunction with other MEAs to disseminate information on the subject. Concerning the budget, the first option was to allocate a sum of US\$40,000 over a three-year period for

training workshops, the venues and facilities for which would be necessarily limited by such a sum. The second option was more ambitious and would place a greater burden on the Secretariat. A further possibility would be to combine both options. The draft resolution would be revised in the light of the discussion.

253. At its 8th plenary session, the Conference of the Parties adopted Resolution 9.12/Rev.1 on Capacity Building Strategy, as contained in Annex VIII to the present report.

III. RESOURCES AND “FUTURE SHAPE” OF THE CONVENTION

SECRETARIAT MANAGEMENT AND ORGANIZATION (ITEM 21)

254. Introducing the item, which was taken up at the 3rd plenary session, the Chair of the Standing Committee said that the Committee had discussed the future shape of the Convention and had decided that an intersessional process should be set in motion to permit in-depth consideration of all relevant issues. He drew attention in that connection to draft resolution 9.13 submitted by France on behalf of the European Union, which the Committee had strongly endorsed and recommended for adoption by the Conference. The draft resolution proposed the establishment of an *ad hoc* working group on the future shape of CMS.

255. The representative of France, speaking on behalf of the European Union, said that the draft resolution also proposed that the *ad hoc* working group should discuss the strategic plan for the period 2012-2017, ensuring that it reflected new developments in the shape of the Convention. Draft terms of reference were proposed in document UNEP/CMS/Inf.9.24. However, see paragraph 261 below.

256. A number of representatives expressed support for the draft resolution provisions concerning involvement of CMS in United Nations efforts to ensure system-wide consistency of management and policy development and concerning cooperation with other MEAs. It was recommended that the Scientific Council be represented in the *ad hoc* working group from the outset.

257. The representatives of Argentina, the Democratic Republic of the Congo, Guinea-Bissau, Mali, Monaco, Mongolia, Peru, the Philippines, Switzerland and Uganda expressed an interest in becoming actively involved in the *ad hoc* working group. Several representatives emphasized the importance of ensuring equitable geographical distribution. The terms of reference provided for two members per region, but representatives from Africa considered that two representatives would be insufficient to reflect the diversity of their region and stressed the importance of ensuring adequate representation for developing countries. A number of representatives suggested that the working group should be open-ended. Brazil and Haiti also expressed an interest in participating.

258. The representative of ACCOBAMS lamented the fact that the terms of reference provided for participation by Party representatives of CMS Agreements, but made no provision for participation by secretariats. The representative of WDCCS said that a number of non-governmental organizations wished to be considered for participation.

259. The Executive Secretary said he hoped that the format of the current Strategic Plan, which had been developed with sound professional advice, would be maintained for ease of reporting and breakdown into annual work plans. The content, of course, would have to reflect the evolving shape of CMS. Questions such as geographical representation, whether the membership of the proposed *ad hoc* working group should be open-ended, and the extent to which the secretariats of CMS Agreements and CMS partner organizations should be involved required further discussion. Moreover, the resource implications had not yet been factored into the budget.

260. The Chair invited the representative of Chile to convene a working group to discuss draft resolution 9.13 and the proposed terms of reference.

261. The representative of Chile, submitting the report of the working group on the future shape of CMS at the eighth plenary session, drew attention to draft resolution 9.13/Rev.2 concerning the proposed establishment of an *ad hoc* working group. Agreement had not yet been reached on paragraph 3bis mandating the working group to develop the strategic plan from 2012-2017. Draft resolution 9.13/Addendum contained the draft terms of reference of the *ad hoc* working group. It was proposed that it should be composed of a core group of Parties with the same geographical composition as the Standing Committee. The Chair and Vice-Chair of the Standing Committee would be *ex officio* members. The group would work in consultation with the Party representatives and secretariats of CMS regional Agreements and with partner organizations representing civil society.

262. At its 9th plenary session, the Conference of the Parties considered revised texts of Resolution 9.13 on Intersessional Process regarding the Future Shape of CMS and the proposed terms of reference (Resolution 9.13/Addendum) and adopted them, as orally amended and as contained in Annex. VIII to the present report.

263. After the Chair had called for nominations for the core group of Parties to be represented on the *ad hoc* working group, the Conference of the Parties decided that it should be composed of the following representatives:

Africa: Kenya, Morocco and one other to be determined (later confirmed to be South Africa);
South and Central America and the Caribbean: Cuba and Peru;
Asia: India and Yemen;
Europe: France, Switzerland and the United Kingdom;
Oceania: Australia.

STRATEGIC PLAN – ROLL FORWARD 2012-2017 (ITEM 22)

264. This item was discussed above. See item 21. The Resolution on the Future Shape (9.13) did not charge the Future Shape Working Group with drafting the roll-forward of the Strategic Plan.

BUDGET AND ADMINISTRATION (ITEM 23)

(a) *Outcome of CMS Budget 2006-2008*

265. The item was taken up by the plenary at its 3rd session.

266. The Deputy Executive Secretary introduced the item and related document ‘CMS – a convention that works’ – Implementation of the CMS Work Programme 2006–2008 (UNEP/CMS/Conf.9.5) and its addendum. The table set forth in the addendum gave details of the goals achieved under each of the Strategic Plan 2006–2011 objectives and CMS activities. Listing the numerous achievements under each objective, he highlighted advances with regard to studies of migratory species, threats to migratory species, birds, small grant projects, fish, marine mammals, terrestrial mammals, communication tools, activities with other international conventions and organizations and CMS institutions, and membership development. All the practical results of the Strategic Plan were detailed in the document.

267. Mr. Sergey Kurdjukov, Administration and Fund Management Officer CMS Secretariat, introduced annexes 3–6 to the document entitled “CMS budget and manpower 2009–2011 and execution of budget 2006–2008” (UNEP/CMS/Conf.9.33/Rev.2). He indicated that annex 3 contained the status of contributions as at 28 November 2008. For the 2006–2008 triennium, the collection rate for contributions was approximately 95 per cent; however €350,000 were outstanding for the current triennium and prior years. Annex 4 contained the Secretariat projection that the CMS Trust Fund would contain €367,000 at the end of 2008. Annex 5 showed the Secretariat’s estimation that voluntary contributions of €237,000 would remain at the end of 2008. Annex 6 contained information on the execution of the 2006-2008 budgets, 96 per cent of which would have been spent by the end of 2008.

268. In the ensuing discussion, the Secretariat was congratulated on its approach to collecting contributions. In response to concerns that some contributions paid did not appear in document UNEP/Conf.9.33/Rev.2, the Secretariat asked those concerned to address the Secretariat directly, as problems might have occurred because contributions were paid to UNEP and then transferred to CMS. The representative of Ecuador also explained that his country appeared to be in arrears simply because of exchange rate issues.

(b) *CMS Budget 2009–2011 and Medium Term Plan*

269. The item was taken up at the 3rd plenary session.

270. The Executive Secretary, introducing the item, said that the budget proposals contained in document UNEP/CMS/Conf.9.33/Rev.2 had been submitted to the Parties at least 90 days before the meeting of the Conference of the Parties, as required by the Convention. The Standing Committee and UNEP headquarters had also been consulted during the preparation process, in spite of the difficult position resulting from the long vacancy in the Administrative Officer post.

271. He emphasized that the Secretariat had held budget option 1 at €7 million in view of the current global financial crisis. The lower option had not increased since countries had seen the first budget proposals in August 2008. The Secretariat considered option 1 to be based on zero real growth, as it equated to the 2006–2008 budget, plus contributions from new Parties, inflation in the host country and other cost factors. Option 1 would enable the financing of two new P-2 grade officers in 2009 and one beginning in October 2010. There was provision for increases in some project lines, including capacity-building and small conservation grants.

272. Option 2 would allow four further posts to be created and was the option required to carry out the Strategic Plan previously agreed by the Conference. That option would also cover a full online reporting system (SONAR) for CMS (for which a project proposal was contained in document UNEP/CMS/Inf.9.19). The Secretariat had not been able to raise the funds for the system's implementation from voluntary contributions.

273. Both options would require substantial draw-down from the CMS Trust Fund, the amount depending partly on the outcome of negotiations with UNEP with respect to a vacant post, and the Host Government, with respect to charges for information technology (IT) support. The introduction of IT charges of €100,000 per year and other various increased charges of €50,000 had already been taken into account in the current year. Each project line included explanations in the document. There was background material on the case for increasing staff capacity in document UNEP/CMS/Conf.9.5, in particular the table contained in paragraph 23. In response to questions raised by representatives prior to the meeting, he cited figures showing that there were fewer staff members in the CMS Secretariat than in the bodies of similar conventions, and that all of the main activity indicators (e.g. number of Parties, size of funds managed, number of species Agreements and projects) had grown substantially.

274. He also indicated that neither budget included the creation of regional nodes; one extra post was envisaged under option 2 to enhance CMS capacity in the existing office in Bangkok. It was proposed that the office in Washington be continued for the time being on consultancy terms and that carry-over from the 2006–2008 budget would be used to fund the components of the project not provided by the United States Fish and Wildlife Service. The Government of Abu Dhabi had also offered to host an office for the Memoranda of Understanding on Dugongs and Raptors, meaning that no additional budget was required for those two memoranda. Deliberations within the framework of the Agreement on the Conservation of Gorillas and their Habitats had recommended that some staff resources be allocated to that instrument.

275. In response to a question from the floor, the Executive Secretary emphasized that the budget was not intended to pre-empt any intersessional work on the future shape of CMS. The budget was a holding budget, intended to ensure that necessary work would be done, but it did not change the senior CMS staffing structure. He also recalled that the resources for the CMS and ASCOBANS Secretariat merger

were to be provided through the ASCOBANS Parties and a budget for the merger had been agreed until the next Meeting of the Parties to ASCOBANS.

276. In response to a query from the Chairman of the Scientific Council, he drew attention to budget line 3302, under which €65,304 had been provided for the Scientific Council to hold one intersessional meeting and one meeting immediately prior to the next Conference of the Parties in the forthcoming triennium. He was aware, however, that the Scientific Council had expressed a desire for longer meetings, which were not provided for under either option. In conclusion, he urged the Parties to consider option 2 carefully.

277. The appeal by the representative of the Islamic Republic of Iran, for continuing funds for the Meeting of the Range States of the Siberian Crane MoU in 2009 and for the existing flyway Siberian crane coordinator was noted. The Parties were urged to bear in mind that any decisions taken on the future shape of CMS would have an impact on the budget. Some delegations questioned whether option 1 was truly a zero real growth option.

278. At the 6th plenary session, the representative of France, reporting on progress in the deliberations of the resources and budget working group, said that agreement had not yet been reached on the proposed structure of the Secretariat and the creation of three new posts. Two options were currently being considered. The Executive Secretary noted that the funding for capacity-building envisaged under option 1 would permit the organization of only one or two workshops. The funding envisaged under option 2 would permit the creation of two additional capacity-building posts and the development of an integrated programme.

279. The representative of France submitted the final report of the resources working group at the 8th plenary session. Drawing attention to draft resolution 9.14/Rev.1, he said that consensus had been reached on the creation of two new posts in the Secretariat, a staff increase of 10 per cent, which constituted a significant achievement under the current difficult economic circumstances. It was proposed that the Executive Director of UNEP should undertake a review of the grading of the Secretariat's posts by 2011 in the light of the outcome of the deliberations of the *ad hoc* working group on the future shape of CMS. It was further proposed that the Standing Committee should be instructed to set up a finance and budget subcommittee to consider all financial and budgetary matters.

280. The representative of the Whale and Dolphin Conservation Society (WDCCS) expressed disappointment at the proposed appropriation for the triennium of only €170,000 for conservation grants and projects which would make it extremely difficult for developing countries to implement effective conservation activities. Mr. Devillers, Vice-Chair of the Scientific Council, noted that the proposed appropriation was inconsistent with the recommendation of the Scientific Council.

281. The representative of Germany encouraged Parties and organizations to flesh out the core budget by means of voluntary contributions. She announced a donation by the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety of €50,000 for the meeting to identify and elaborate an option for international cooperation on migratory sharks, to be held immediately after the Conference of the Parties.

282. At its 9th session, the Conference of the Parties adopted resolution 9.14/Rev.1 on Financial and Administrative Matters and Terms of Reference for the Administration of the Trust Fund for the Convention on the Conservation of Migratory Species of Wild Animals, as orally amended, as contained Annex VIII to the present report.

(c) *Other administrative issues*

283. No issues were raised under this agenda item.

(d) Fundraising

284. The item was taken up at the 3rd plenary session. Introducing the report on CMS fundraising (UNEP/CMS/Conf.9.34), the Deputy Executive Secretary said that the Secretariat's fundraising campaign during the period 2006-2008 among a variety of stakeholders had proved highly successful. He warmly thanked donor countries that had contributed to the Trust Fund as well as the German charitable organization Friends of CMS, which had supported a large number of projects. The Parties were asked to approve the recruitment of a P-3 grade partnerships and fundraising officer and to agree to the establishment of a fundraising body in the United Kingdom along the lines of Friends of CMS.

285. In response to a suggestion by the representative of Egypt that CMS should emulate CBD's "Biodiversity in Good Company" campaign to involve the business community in CMS fundraising activities, the Deputy Executive Secretary said that the matter had been discussed in the Standing Committee and that action had already been taken to secure support from companies and the private sector.

INSTITUTIONAL ISSUES (ITEM 24)*(a) Elections to the Scientific Council and the Standing Committee*

286. The item was taken up at the 5th plenary session. In considering the item, the meeting had before it a paper on the composition and operation of the CMS Standing Committee (UNEP/CMS/Conf.9.35/Rev.2), prepared by the Secretariat, and a draft resolution on the same subject (UNEP/CMS/Resolution 9.15). Chile, on behalf of GRULAC, requested that United Nations standard nomenclature be used, i.e. "Latin America and the Caribbean" which normally included Mexico.

287. Introducing the item, the Executive Secretary drew attention to the proposed new model for the composition of the Standing Committee, as set forth in table 3 of the paper, which took into account the continuing growth of the Convention and mirrored the composition of the equivalent bodies of other MEAs. For purposes of comparison, the current composition of the Standing Committee was set forth in table 2 of the same paper.

288. The proposed new model was generally welcomed as an appropriate move that would not only improve representation but also enhance the effectiveness of the Standing Committee and facilitate its intersessional work. The representative of the European Union additionally proposed the establishment of a subcommittee on budgetary and financial matters to assist the work of the Standing Committee. He would submit proposed terms of reference for such a subcommittee for consideration by the working group on budget.

289. At its 8th plenary session, the Chair invited nominations from the floor for the Standing Committee. The following nominations were made for the five geographical regions:

- (a) Africa: representatives, Ghana, Senegal and Tunisia; alternates, Uganda, Democratic Republic of the Congo and South Africa, respectively
- (b) South and Central America and the Caribbean: representatives, Chile and Panama; alternates, Argentina and Antigua & Barbuda, respectively
- (c) Asia: representatives, Saudi Arabia and Pakistan; alternates, the Syrian Arab Republic and the Islamic Republic of Iran, respectively
- (d) Europe: representatives, Monaco, the Netherlands and Poland; alternates, Norway, France and Georgia, respectively
- (e) Oceania: representative, the Philippines; alternate, New Zealand.

Furthermore, Germany (as Depositary and Host Government) and the Host Governments of COP9 and COP10 would also be members of the Standing Committee.

290. The Acting Scientific and Technical Officer said that the following eight experts nominated by the Scientific Council to provide expertise in specific areas were willing and eligible to be reappointed for the 2009–2011 triennium:

- (a) Zeb Hogan (United States of America): fish
- (b) Colin Limpus (Australia): marine turtles
- (c) John O'Sullivan (United Kingdom): birds
- (d) William Perrin (United States of America): aquatic mammals
- (e) Taej Mundkur (India): Asiatic fauna
- (f) Alfred Oteng-Yeboah (Ghana): African fauna
- (g) Roberto Schlatter (Chile): Neotropical fauna
- (h) Barry Baker (Australia): by-catch

291. There being no objections to those nominations, the Conference approved the composition of the Standing Committee and the appointment of the eight Scientific Councillors.

292. Guinea Bissau emphasized the need for effective communication and cooperation between the Scientific Council and national scientific focal points.

293. At its 9th plenary session, the Conference of the Parties adopted resolution 9.15/Rev.1 on the composition and organization of the Standing Committee.

(b) *Experimental Merger of CMS and ASCOBANS Secretariat functions*

294. The item was taken up at the 5th plenary session. A representative of the United Nations Environment Programme (UNEP) gave a progress report. She recalled the agreement reached at the fifth Meeting of the Parties to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) in December 2006 to merge the CMS and ASCOBANS Secretariat functions for a trial period of three years. The meeting also requested UNEP to undertake a mid-term review of the merger. The review was in its final stage, and the report was now in the process of finalization and would not be available for submission to the Conference of the Parties until after it had been reviewed by the ASCOBANS Advisory Committee at its next meeting in April 2009 and subsequently by the next meeting of the Parties to ASCOBANS in October 2009. In the interim, the experimental merger was set to continue until the end of the trial period in December 2009, for which there were no budgetary implications in addition to those already accounted for when the merger was agreed.

Other institutional issues

295. The item was taken up at the 5th plenary session. Introducing the item, the Executive Secretary said that he wished to convey his enormous gratitude to the authorities of Abu Dhabi (United Arab Emirates) for their extremely generous offer of a grant, amounting to US\$ 3.5 million over a three-year period, to fund a coordinating unit for the memoranda of understanding on dugongs and raptors, as well as the north-western area of IOSEA, including premises in Abu Dhabi staffed by up to six officers. The proposed offer had been welcomed by the Standing Committee and by the signatories to those agreements. Consultations were under way, between the Secretariat, UNEP and the Environment Agency-Abu Dhabi with a view to establishing the office in 2009. That being so, the Parties concerned would additionally be relieved of substantial responsibilities relating to resource mobilization for activities in favour of dugongs and raptors, in particular.

296. The Conference of the Parties welcomed with appreciation the offer of Abu Dhabi, United Arab Emirates, which was confirmed by acclamation.

IV. FORMAL AND CONCLUDING BUSINESS

INTERIM AND FINAL REPORTS OF THE CREDENTIALS COMMITTEE (ITEM 25)

297. Interim oral reports were given to the plenary sessions by the Chair of the Credentials Committee. The plenary took up the item on the morning of Friday, 5 December 2008. The Chair of the Credentials Committee reported that 86 Parties had attended the Meeting. In all, 77 credentials had been submitted. After examination, 67 had been accepted. The Conference of the Parties adopted the report.

REPORTS OF SESSIONAL COMMITTEES (ITEM 26)

Resources working group

298. After a further report from the Working Group chair, set out in paragraphs 278-279, the Conference adopted resolution 9.14: "Financial and Administrative Matters and Terms of Reference for the Administration of the Trust Fund for the Convention on the Conservation of Migratory Species of Wild Animals".

Future Shape of CMS working group

299. The final report of the Working Group presented by Chile, set out in paragraph 261-262, was accepted by the Meeting and the Conference adopted Resolution 9.13 and the addendum containing the Working Group's terms of reference, which did not include responsibility for the roll-forward of the Strategic Plan.

Marine species working group

300. See paragraphs 187-189 above.

ADOPTION OF AMENDMENTS TO APPENDICES (ITEM 27)

301. The list of species added to the Appendices I and II is contained attached to this report at Annex X.

ADOPTION OF RESOLUTIONS AND RECOMMENDATIONS (ITEM 28)

302. The Ninth Meeting of the Conference of the Parties adopted 5 Recommendations and 17 Resolutions, which are contained in Annex VII and Annex VIII to the present report. The record of the deliberations of the Committee of the Whole and the plenary on the resolutions and recommendations can be found under the appropriate agenda items in the present report.

DATE AND VENUE OF THE TENTH MEETING OF THE CONFERENCE OF THE PARTIES (2011) (ITEM 29)

303. The item was taken up at the 9th plenary session. Introducing the item, the Executive Secretary drew attention to resolution 9.17 on arrangements for hosting the ninth and tenth meetings of the Conference of the Parties. No formal offers had yet been received from Governments to host the tenth meeting of the Conference of the Parties. Parties and non-Parties with an interest in hosting that meeting were therefore invited to so inform the Secretariat no later than 31 December 2009. The Standing Committee would subsequently review offers received and decide upon the most suitable venues accordingly.

304. The 9th session of the Conference of the Parties adopted resolution 9.17 on Arrangements for Hosting the Ninth and Tenth Meetings of the Conference of the Parties, as contained in Annex VIII to the present report.

ANY OTHER BUSINESS (ITEM 30)

305. At the 8th plenary session, a film on CMS and its activities for the conservation of migratory species was screened. The Executive Secretary stressed that it was a work in progress and that comments and input to enhance its content would be most welcome. The Secretariat took note of the suggestions made by representatives (including a reference to the Monk Seal *Monachus monachus* suggested by Mauritania), who commended the initiative, and also urged the submission of contributions for inclusion in the film, which would be available via the CMS website and as a DVD.

ADOPTION OF THE REPORT OF THE MEETING (ITEM 31)

306. At the 9th plenary session, the Conference of the Parties agreed to defer adoption of the draft report of the ninth meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (UNEP/CMS/Conf.9/L.1) until its preparation in all languages was complete, whereupon it would be circulated to all participants, who would have two weeks within which to submit comments to the Secretariat.

CLOSURE OF THE MEETING (ITEM 32)

307. A representative of the Ministry for the Environment, Land and Sea of Italy said that the meeting had produced excellent results and work between the Government and FAO on the meeting was indicative of broader cooperation on attaining the 2010 Global Biodiversity Target. The ninth meeting of the Conference of the Parties had been a landmark, with such important advances as the launch of work on the “future shape” of CMS with the establishment of an intersessional working group; the enlargement of the Standing Committee; and the inclusion of new shark species in the appendices.

308. Following that statement and after the customary exchange of courtesies, the meeting closed at 5.45 p.m. on Friday, 5 December 2008.



CONVENTION ON MIGRATORY SPECIES

Distr: General

UNEP/CMS/COP9/REPORT
ANNEX I

Original: English

CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS
NINTH MEETING
Rome, Italy, 1-5 December 2008

Proceedings of the Ninth Meeting of the Conference of the Parties Part I

RULES OF PROCEDURE FOR THE NINTH MEETING OF THE CONFERENCE OF THE PARTIES

Part I

Delegates, Observers, Secretariat

Rule 1 - Delegates

- (1) A Party to the Convention (hereafter referred to as a "Party")¹ shall be entitled to be represented at the meeting by a delegation consisting of a Representative and such Alternative Representatives and Advisers as the Party may deem necessary.
- (2) Without prejudice to the provisions of Rule 14, paragraph 2, the Representative of a Party shall exercise the voting rights of that Party. In their absence, an Alternative Representative of that Party shall act in their place over the full range of their functions.
- (3) Logistic and other limitations may require that no more than four delegates of any Party be present at a plenary session and sessions of the Committee of the Whole established under Rule 23. The Secretariat shall notify Parties, observers and other participants of any such limitations in advance of the meeting.

Rule 2 - Observers

- (1) The United Nations, its Specialized Agencies, the International Atomic Energy Agency and any State not a Party to the Convention may be represented at the meeting by observers who shall have the right to participate but not to vote.²
- (2) Any body or agency technically qualified in protection, conservation and management of migratory species which is either
 - (a) an international agency or body, either governmental or non-governmental, or a national governmental agency or body; or

¹ See Articles I, paragraph 1 (k), and XVIII of the Convention. A Party is a State which has deposited with the Government of the Federal Republic of Germany its instrument of ratification, acceptance, approval or accession by 30 September 2008.

² See Convention, Article VII, paragraph 8.

- (b) a national non-governmental agency or body which has been approved for this purpose by the State in which it is located;

and which has informed the Secretariat of the Convention of its desire to be represented at the meeting by observers, shall be permitted to be represented unless at least one-third of the Parties present object. Once admitted, these observers shall have the right to participate but not to vote.³

(3) Bodies and agencies desiring to be represented at the meeting by observers shall submit the names of their representatives (and in the case of bodies and agencies referred to in paragraph (2) (b) of this Rule, evidence of the approval of the State in which they are located) to the Secretariat of the Convention prior to the opening of the meeting.

(4) Logistic and other limitations may require that no more than two observers from any non-Party State, body or agency be present at a plenary session or a session of the Committee of the Whole of the meeting. The Secretariat shall notify Parties, observers and other participants of any such limitations in advance of the meeting.

(5) The standard participation fee for all non-governmental organisations is fixed by the Standing Committee and announced in the letter of invitation. Greater contributions are appreciated.

Rule 3 - Credentials

(1) The Representative or any Alternative Representative of a Party shall, before exercising the voting rights of the Party, have been granted powers by, or on behalf of, a proper authority, such as the Head of State, the Head of Government or the Minister of Foreign Affairs or the head of an executive body of any regional economic organisation or as mentioned in footnote 1 above enabling them to represent the Party at the meeting and to vote.

(2) Such credentials shall be submitted to the Secretariat of the Convention.

(3) A Credentials Committee of not more than five Representatives shall examine the credentials and shall report thereon to the meeting. Pending a decision on their credentials, delegates may participate provisionally in the meeting.

Rule 4 - Secretariat

The Secretariat of the Convention shall service and act as secretariat for the meeting.⁴

Part II

Officers

Rule 5 - Chairpersons

(1) The Chairperson of the Standing Committee shall act as temporary Chairperson of the meeting until the meeting elects a Chairperson in accordance with Rule 5, paragraph 2.

(2) The Conference in its inaugural session shall elect from among the representatives of the Parties a Chairperson and a Chairperson of the Committee of the Whole. The latter shall also serve as Vice-Chairperson of the Conference.

³ See Convention, Article VII, paragraph 9.

⁴ See Convention, Article IX, paragraph 4 (a).

(3) The Conference shall also elect, from among the representatives of the Parties, a Vice-Chairperson of the Committee of the Whole. If the Chairperson of the Committee of the Whole is absent or is unable to discharge the duties of Chairperson, the Vice-Chairperson shall deputize.

Rule 6 - Presiding Officer

- (1) The Chairperson shall preside at all plenary sessions of the meeting.
- (2) If the Chairperson is absent or is unable to discharge the duties of Presiding Officer, the Chairperson of the Committee of the Whole shall deputize.
- (3) The Presiding Officer shall not vote but may designate an Alternative Representative from the same delegation.

Rule 7 - Bureau

- (1) The Presiding Officer, the Chairperson and Vice-Chairperson of the Committee of the Whole, and the Chairpersons of the Scientific Council and the Standing Committee, and the Secretariat shall constitute the Bureau of the Conference with the general duty of forwarding the business of the meeting including, where appropriate, altering the timetable and structure of the meeting and specifying time limits for debates.
- (2) The Presiding Officer shall preside over the Bureau.

Part III

Rules of Order and Debate

Rule 8 - Powers of Presiding Officer

- (1) In addition to exercising powers conferred elsewhere in these Rules, the Presiding Officer shall at plenary sessions of the meeting:
 - (a) open and close the session;
 - (b) direct the discussions;
 - (c) ensure the observance of these Rules;
 - (d) accord the right to speak;
 - (e) put questions to the vote and announce decisions;
 - (f) rule on points of order; and
 - (g) subject to these Rules, have complete control of the proceedings of the meeting and the maintenance of order.
- (2) The Presiding Officer may, in the course of discussion at a plenary session of the meeting, propose to the Conference:
 - (a) time limits for speakers;
limitation of the number of times the members of a delegation or the observers from a State not a Party, body or agency may speak on any question;
 - (b) the closure of the list of speakers;
 - (c) the adjournment or the closure of the debate on the particular subject or question under discussion; and
 - (d) the suspensions or adjournment of the session.

Rule 9 - Seating, Quorum

- (1) Delegations shall be seated in accordance with the alphabetical order of the names of the Parties in the English language.

(2) A quorum for plenary sessions and sessions of the Committee of the Whole of the meeting shall consist of one-half of the Parties having delegations at the meeting. No plenary session or session of the Committee of the Whole shall take place in the absence of a quorum.

Rule 10 - Right to Speak

(1) The Presiding Officer shall call upon speakers in the order in which they signify their desire to speak, with precedence given to the delegates.

(2) A delegate or observer may speak only if called upon by the Presiding Officer, who may call a speaker to order if the remarks are not relevant to the subject under discussion.

(3) A speaker shall not be interrupted except on a point of order. The speaker may, however, with the permission of the Presiding Officer, give way during their speech to allow any delegate or observer to request elucidation on a particular point in that speech.

(4) The Chairperson of a committee or working group may be accorded precedence for the purpose of explaining the conclusions arrived at by that committee or working group.

Rule 11 - Submission of Proposals for Amendment of the Convention and its Appendices

(1) As a general rule proposals shall, subject to any provisions of the Convention itself, have been communicated at least 150 days before the meeting to the Secretariat, which shall have circulated them to all Parties in the working languages of the meeting. Proposals arising out of discussion of the foregoing may be discussed at any plenary session of the meeting provided copies of them have been circulated to all delegations not later than the day preceding the session. The Presiding Officer may also permit the discussion and consideration of urgent proposals arising after the period prescribed above in the first sentence of this Rule provided that they relate to proposed amendments which have been circulated in accordance with the second sentence of this Rule and that their consideration will not unduly inhibit the proceedings of the Conference. The Presiding Officer may, in addition, permit the discussion of motions as to procedures, even though such motions have not been circulated previously.

(2) After a proposal has been adopted or rejected by the Conference it shall not be reconsidered unless a two-thirds majority of the Representatives participating in the meeting so decide. Permission to speak on a motion to reconsider a proposal shall be accorded only to a delegate from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote.

Rule 12 - Submission of Resolutions or Recommendations

As a general rule Resolutions or Recommendations shall have been communicated at least 60 days before the meeting to the Secretariat who shall circulate them to all Parties in the working languages in the meeting. The remaining provisions of Rule 11 shall also apply *mutatis mutandis* to the treatment of Resolutions and Recommendations.

Rule 13 - Procedural Motions

(1) During the discussion of any matter, a delegate may rise to make a point of order, and the point of order shall be immediately decided by the Presiding Officer in accordance with these Rules. A delegate may appeal against any ruling of the Presiding Officer. The appeal shall immediately be put to the vote, and the Presiding Officer's ruling shall stand unless a majority of the Representatives present and voting otherwise decide. A delegate rising to a point of order may not speak on the substance of the matter under discussion.

(2) The following motions shall have precedence in the following order over all other proposals or motions before the Conference:

- (a) to suspend the session;
- (b) to adjourn the session;
- (c) to adjourn the debate on the particular subject or question under discussion;
- (d) to close the debate on the particular subject or question under discussion.

Rule 14 - Arrangements for Debate

- (1) The Conference may, on a proposal by the Presiding Officer or by a delegate, limit the time to be allowed to each speaker and the number of times delegates or observers may speak on any question. When the debate is subject to such limits, and a speaker has spoken for the allotted time, the Presiding Officer shall call the speaker to order without delay.
- (2) During the course of a debate the Presiding Officer may announce the list of speakers and, with the consent of the meeting, declare the list closed. The Presiding Officer may, however, accord the right of reply to any delegate if a speech delivered after the list has been declared closed makes this desirable.
- (3) During the discussion of any matter, a delegate may move the adjournment of the debate on the particular subject or question under discussion. In addition to the proposer of the motion, a delegate may speak in favour of, and a delegate of each of two Parties may speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
- (4) A delegate may at any time move the closure of the debate on the particular subject or question under discussion, whether or not any other delegate has signified the wish to speak. Permission to speak on the motion for closure of the debate shall be accorded only to a delegate from each of two Parties wishing to speak against the motion, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.
- (5) During the discussion of any matter a delegate may move the suspension or the adjournment of the session. Such motions shall not be debated but shall immediately be put to the vote. The Presiding Officer may limit the time allowed to the speaker moving the suspension or adjournment of the session.
- (6) Whenever the Conference considers a recommendation originating from the Committee of the Whole, where the discussion of the recommendation has been conducted with interpretation in the three working languages of the session, there shall be no further discussion on the recommendation, and it shall immediately be decided upon, subject to the second paragraph.

However, any delegate, if seconded by another delegate of another Party, may present a motion for the opening of debate on any recommendation. Permission to speak on the motion for opening the debate shall be granted only to the delegate presenting the motion and the secondary, and to a delegate of each of two Parties wishing to speak against, after which the motion shall immediately be put to the vote. A motion to open the debate shall be granted if, on a show of hands, one third of the voting Representatives support the motion. While speaking on a motion to open the debate a delegate may not speak on the substance of the recommendation itself.

Part IV

Voting

Rule 15 - Methods of Voting

- (1) Without prejudice to the provisions of Rule 1, paragraph 2, each representative duly accredited according to Rule 3 shall have one vote. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with the number of votes equal to the number of their member

States which are Parties. In such case, the member States of such organizations shall not exercise their right individually.⁵

(2) Representatives of Parties which are three or more years behind in paying their subscriptions on the date of the opening session of the meeting of the Conference of the Parties shall not be eligible to vote. However, the Conference of the Parties may allow such Parties to exercise their right to vote if it is satisfied that the delay in payment arises from exceptional and unavoidable circumstances, and shall receive advice in this regard from the Standing Committee.

(3) The Conference shall normally vote by show of hands, but any Representative may request a roll-call vote. The roll-call vote shall be taken in the seating order of the delegations. The Presiding Officer may require a roll-call vote on the advice of the tellers where they are in doubt as to the actual number of votes cast and this is likely to be critical to the outcome.

(4) All votes in respect of the election of officers or of prospective host countries shall be by secret ballot and, although it shall not normally be used, any Representative may request a secret ballot for other matters. If seconded, the question of whether a secret ballot should be held shall immediately be voted upon. The motion for a secret ballot may not be conducted by secret ballot.

(5) Voting by roll-call or by secret ballot shall be expressed by "Yes", "No" or "Abstain". Only affirmative and negative votes shall be counted in calculating the number of votes cast.

(6) If votes are equal, the motion or amendment shall not be carried.

(7) The Presiding Officer shall be responsible for the counting of the votes and shall announce the result. The Presiding Officer may be assisted by tellers appointed by the Secretariat.

(8) After the Presiding Officer has announced the beginning of the vote, it shall not be interrupted except by a Representative on a point of order in connection with the actual conduct of the voting. The Presiding Officer may permit Representatives to explain their votes either before or after the voting, and may limit the time to be allowed for such explanations.

Rule 16 - Majority

Except where otherwise provided for under the provisions of the Convention, these Rules or the Terms of Reference for the Administration of the Trust Fund, all votes on procedural matters relating to the forwarding of the business of the meeting shall be decided by a simple majority of votes cast, while all other decisions shall be taken by a two-thirds majority of votes cast.

Rule 17 - Procedure for Voting on Motions and Amendments

(1) A delegate may move that parts of a proposal or of an amendment be voted on separately. If objection is made to the request for such division, the motion for division shall be voted upon first. Permission to speak on the motion for division shall be accorded only to a delegate from each of two Parties wishing to speak in favour of and a delegate from each of two Parties wishing to speak against the motion. If the motion for division is carried, those parts of the proposal or amendment which are subsequently approved shall be put to the vote as a whole. If all operative parts of the proposal or the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole.

(2) When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on until all amendments have been put to the vote. When, however, the adoption of one amendment necessarily implies

⁵ See Convention, Article 1, paragraph 2.

the rejection of another amendment, the latter amendment shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon. A motion is considered an amendment to a proposal if it merely adds to, deletes or revises part of that proposal.

(3) If two or more proposals relate to the same question, the Conference shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Conference may, after voting on a proposal, decide whether to vote on the next proposal.

Rule 18 - Elections

(1) If in an election to fill one place no candidate obtains the required majority in the first ballot, a second ballot shall be taken restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Presiding Officer shall decide between the candidates by drawing lots.

(2) If in the first ballot there is a tie amongst candidates obtaining the second largest number of votes, a special ballot shall be held amongst them to reduce the number of candidates to two.

(3) In the case of tie amongst three or more candidates obtaining the largest number of votes in the first ballot, a special ballot shall be held amongst them to reduce the number of candidates to two. If a tie then results amongst two or more candidates, the Presiding Officer shall reduce the number to two by drawing lots, and a further ballot shall be held in accordance with paragraph 1 of this Rule.

Part V

Languages and Records

Rule 19 - Official and Working Languages

- (1) English, French and Spanish shall be the official and working languages of the meeting.
- (2) Speeches made in any of the working languages shall be interpreted into the other working languages.
- (3) The official documents of the meeting shall be distributed in the working languages.

Rule 20 - Other Languages

- (1) A delegate may speak in a language other than a working language. They shall be responsible for providing interpretation into a working language, and interpretation by the Secretariat into the other working languages may be based upon that interpretation.
- (2) Any document submitted to the Secretariat in any language other than a working language shall be accompanied by a translation into one of the working languages.

Rule 21 - Summary Records

- (1) Summary records of the meeting shall be circulated to all Parties in the official languages of the meeting.
- (2) Committees and working groups shall decide upon the form in which their records shall be prepared.

Part VI

Publicity of Debates

Rule 22 - Plenary Sessions

All plenary sessions of the meeting shall be open to the public, except that in exceptional circumstances the Conference may decide, by a two-thirds majority of Representatives present and voting, that any single session be closed to the public.

Rule 23 - Sessions of Committees and Working Groups

As a general rule, sessions of committees and working groups other than the Committee of the Whole shall be limited to the delegates and to observers invited by the Chairpersons of the committees or working groups.

Part VII

Committees and Working Groups

Rule 24 - Establishment of Committees and Working Groups

(1) In addition to the Credentials Committee, the Conference of the Parties shall establish a committee to forward the business of the meeting. This committee shall be called the Committee of the Whole. It shall be responsible for making recommendations to the Conference on any matter of a scientific or technical nature, including proposals to amend the Appendices of the Convention, as well as recommendations concerning financial, administrative and any other matter to be decided upon by the Conference.

(2) The Conference and the Committee of the Whole may establish such working groups as may be necessary to enable them to carry out their functions. They shall define the terms of reference and composition of each working group, the size of which shall be limited according to the number of places available in assembly rooms.

(3) The Credentials Committee and each working group shall elect their own officers.

Rule 25 - Procedure

Insofar as they are applicable, these Rules shall apply *mutatis mutandis* to the proceedings of committees and working groups; however, with the exception of the Committee of the Whole, interpretation may not be provided in sessions of the committees and working groups.

Part VIII

Amendment

Rule 26

These rules may be amended as required by decision of the Conference.



**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/COP9/REPORT
ANNEX II

Original: English

CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS
NINTH MEETING
Rome, Italy, 1-5 December 2008

**Proceedings of the Ninth Meeting of the Conference of the Parties
Part I**

AGENDA OF THE MEETING

I. Introductory Business

1. Opening of the meeting
2. Welcoming addresses
3. Adoption of Rules of Procedure
4. Election of officers
5. Adoption of agenda and work schedule
6. Establishment of Credentials Committee and sessional committees
7. Admission of observers

II. Review of Implementation (under CMS Strategic Plan 2006-11)

8. Overview of Implementation (including 2010 Biodiversity Targets)
 - (a) Strategic Assessment of Implementation (Secretariat Paper)
9. Reports from Convention and Agreement Bodies
 - (a) Depositary & Host Country
 - (b) Standing Committee
 - (c) Scientific Council
 - (d) Article IV Agreements/MoUs

10. Reports from States
 - (a) Party States (including REIOs)
 - (b) Non-Party States
11. Reports from UNEP and Partners
 - (a) UNEP
 - (b) Biodiversity Liaison Group
 - (c) Other intergovernmental bodies
 - (d) Civil society
12. Measures to improve the conservation status of Appendix I species
 - (a) Major (concerted action) projects
 - (b) Other measures to promote the conservation of Appendix I species
13. Measures to improve the conservation status of Appendix II species
 - (a) Development of new and future Agreements
 - (b) Other measures to promote conservation and sustainable management of Appendix II species
14. Operational Instruments of CMS
15. CMS Information Management
 - (a) Information Management System (IMS)
 - (b) Party Reports
16. CMS outreach and communications
 - (a) "Year of the ..." campaigns
 - (b) Implementation of outreach and communication Plan
17. Cooperation with other Conventions and Partners
 - (a) Integration of Migratory Species into NBSAP's and into On-going and Future Programmes of Work under the CBD
 - (b) Enhanced collaboration between CMS and FAO
 - (c) Biodiversity Liaison Group activities
 - (d) Cooperation with Non Governmental Organizations
 - (e) Cooperation with the Private Sector
18. Key Policy Issues:
 - (a) Climate Change and Migratory Species
 - (b) Highly Pathogenic Avian Influenza
 - (c) Migratory Marine Species
 - (d) Flyways
 - (e) Migratory Terrestrial Species

19. Proposals submitted by Parties to amend Appendices of the Convention
20. CMS Capacity Building Activities

III. Resources and “Future Shape” of the Convention

21. Secretariat Manpower and Organization
22. Strategic Plan - roll forward 2012-2017
23. Budget and administration
 - (a) Outcome of CMS Budget 2006-2008
 - (b) CMS budget 2009-2011 and Medium Term Plan
 - (c) Other administrative issues
 - (d) Fundraising
24. Institutional issues
 - (a) Elections to Scientific Council and Standing Committee
 - (b) Experimental Merger of CMS & ASCOBANS Secretariat functions
 - (c) Coordinating Unit for Agreements in Abu Dhabi, UAE

IV. Formal and Concluding Business

25. Interim and Final Reports of the Credentials Committee
26. Reports of sessional committees
27. Adoption of amendments to Appendices
28. Adoption of resolutions and recommendations
29. Date and venue of 10th COP (2011)
30. Any other business
31. Adoption of report of the meeting
32. Closure of the meeting



CONVENTION ON MIGRATORY SPECIES

Distr: General

 UNEP/CMS/COP9/REPORT
ANNEX III

Original: English

CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS
NINTH MEETING
Rome, Italy, 1-5 December 2008

Proceedings of the Ninth Meeting of the Conference of the Parties Part I

LIST OF DOCUMENTS

Symbol	Agenda Item(s)	Title of Document
Conference Papers		
UNEP/CMS/Conf.9.1/Rev.4	5	Agenda
UNEP/CMS/Conf.9.1/Addendum	5	Annotated Agenda
UNEP/CMS/Conf.9.2/Rev.4	5	Provisional Schedule for CMS COP9 and Associated Meetings
UNEP/CMS/Conf.9.3/Rev.1	5	List of Documents
UNEP/CMS/Conf.9.4/Rev.1	3	Provisional Rules of Procedure
UNEP/CMS/Conf.9.5	8	"CMS - a Convention that works" - Overview of CMS Secretariat Activities 2006-2008
UNEP/CMS/Conf.9.5/Addendum	8	"CMS - a Convention that works" - Implementation of the CMS Work Programme 2006-2008
UNEP/CMS/Conf.9.6	9	Report of Depository
UNEP/CMS/Conf.9.7	9	Standing Committee Chairs' Report
UNEP/CMS/Conf.9.8	9	Report of Chairman of Scientific Council <i>Presented orally</i>
UNEP/CMS/Conf.9.9	9	Progress in the Implementation of Article IV Agreements already Concluded and Development of new Agreements
UNEP/CMS/Conf.9.10	10	Analysis and Synthesis of National Reports
UNEP/CMS/Conf.9.11		Cancelled
UNEP/CMS/Conf.9.12	11	Liaison Group of Biodiversity-related Conventions
UNEP/CMS/Conf.9.13	11	Report of <i>Friends of CMS</i> - <i>Presented orally</i>
UNEP/CMS/Conf.9.14/Rev.1	12	Major Species Projects including Concerted Actions

Symbol	Agenda Item(s)	Title of Document
UNEP/CMS/Conf.9.15		Cancelled
UNEP/CMS/Conf.9.16	12-13	Operational Instruments of the Convention on Migratory Species
UNEP/CMS/Conf.9.17		Cancelled
UNEP/CMS/Conf.9.18/Rev.1	14	Progress Report on Implementation of the CMS Information Management Plan (IMP)
UNEP/CMS/Conf.9.19		Cancelled
UNEP/CMS/Conf.9.20/Rev.1	14	Format for Future Party Reports
UNEP/CMS/Conf.9.21	15	Report on Year of the Dolphin and Future Species Campaigns
UNEP/CMS/Conf.9.22/Rev.1	15	Report on Outreach and Communication Plan 2009-2011
UNEP/CMS/Conf.9.23	16	Report on CMS Activities with Partners
UNEP/CMS/Conf.9.24	17	Climate Change and Migratory Species
UNEP/CMS/Conf.9.25	17	The Scientific Task Force on Avian Influenza and Wild Birds
UNEP/CMS/Conf.9.26/Rev.2	17	Migratory Marine Species
UNEP/CMS/Conf.9.27	17	Future Flyways Policy
UNEP/CMS/Conf.9.28	17	Terrestrial Mammals and CMS
UNEP/CMS/Conf.9.29 (Cover note)	18	Proposals for Amendment of Appendices of the Convention
UNEP/CMS/Conf.9.29 (Proposals)	18	Proposals for Amendment of Appendices of the Convention
UNEP/CMS/Conf.9.29/Addendum	18	Comments from the Parties to the Proposals for Amendment of Appendices I and II of the Convention
UNEP/CMS/Conf.9.30/Rev.3	19	CMS Capacity Building Strategy
UNEP/CMS/Conf.9.31		Cancelled
UNEP/CMS/Conf.9.32		Cancelled
UNEP/CMS/Conf.9.33/Rev.2	21	CMS Budget and Manpower 2009-2011 & Execution of Budget 2006-2008
UNEP/CMS/Conf.9.34	21	Report on CMS Fundraising
UNEP/CMS/Conf.9.35/Rev.2	22	Composition and Operation of the CMS Standing Committee
Resolutions and Recommendations		
UNEP/CMS/Resolution 9.1/Rev.1	12, 26	Concerted and Cooperative Actions
UNEP/CMS/Resolution 9.2/Rev.4	13, 26	Priorities for CMS Agreements
UNEP/CMS/Resolution 9.3/Rev.1	14, 26	CMS Information Priorities
UNEP/CMS/Resolution 9.4/Rev.1	14, 26	The Future of National Reports

Symbol	Agenda Item(s)	Title of Document
UNEP/CMS/Resolution 9.5/Rev.1	15, 26	Outreach and Communication Issues
UNEP/CMS/Resolution 9.6/Rev.2	16, 26	Cooperation with other Bodies
UNEP/CMS/Resolution 9.7/Rev.2	17, 26	Climate Change Impacts on Migratory Species
UNEP/CMS/Resolution 9.8/Rev.3		Responding to the Challenge of emerging and re-emerging diseases in Migratory Species, including Highly Pathogenic Avian Influenza H5N1
UNEP/CMS/Resolution 9.9/Rev.1		Migratory Marine Species
UNEP/CMS/Resolution 9.10		Cancelled
UNEP/CMS/Resolution 9.11		Cancelled
UNEP/CMS/Resolution 9.12/Rev.1	17, 26	Capacity Building Strategy
UNEP/CMS/Resolution 9.13/Rev.2	17, 26	Intersessional Process Regarding the Future Shape of CMS
UNEP/CMS/Resolution 9.13/Add/ Rev.1		Terms of Reference for the Intersessional Working Group regarding the future shape of CMS, established according to Resolution UNEP/CMS/9.13
UNEP/CMS/Resolution 9.14/Rev.1	19, 26	Financial and Administrative Matters and Terms of Reference for the Administration of the Trust Fund for the Convention on the Conservation of Migratory Species of Wild Animals
UNEP/CMS/Resolution 9.15/Rev.1	20, 26	Composition and Organisation of the Standing Committee
UNEP/CMS/Resolution 9.16		Cancelled
UNEP/CMS/Resolution 9.17	21, 26	Arrangements for Hosting the Ninth and Tenth Meetings of the Conference of the Parties
UNEP/CMS/Resolution 9.18/Rev.2		By-Catch
UNEP/CMS/Resolution 9.19/Rev.3		Adverse Anthropogenic Marine/Ocean Noise Impacts on Cetaceans and other Biota
UNEP/CMS/Resolution 9.20		The Saker Falcon (<i>Falco cherrug</i>)
UNEP/CMS/Recommendation 9.1/ Rev.1		Central Eurasian Aridland Mammals
UNEP/CMS/Recommendation 9.2/ Rev.1		Sahelo-Saharan Megafauna
UNEP/CMS/Recommendation 9.3/ Rev.2		Tigers and other Asian Big Cats
UNEP/CMS/Recommendation 9.4/ Rev.1		Standardized Nomenclature for the CMS Appendices
UNEP/CMS/Recommendation 9.5		Cooperative Action for the Elephant (<i>Loxodonta africana</i>) in Central Africa
Information Documents		
UNEP/CMS/Inf.9.1		Text of the Convention
UNEP/CMS/Inf.9.2		Appendices I and II of the Convention
UNEP/CMS/Inf.9.3		List of Common Names of Species Included in the Appendices I and II

Symbol	Agenda Item(s)	Title of Document
UNEP/CMS/Inf.9.4/Rev.1		List of CMS Parties
UNEP/CMS/Inf.9.5		List of Range States of Migratory Species included in the CMS Appendices - <i>Removed</i>
UNEP/CMS/Inf.9.6/Rev.1		List of National Focal Points for CMS
UNEP/CMS/Inf.9.7/Rev.1		List of CMS Scientific Councillors
UNEP/CMS/Inf.9.8/Rev.1		Agreement Summary Sheet
UNEP/CMS/Inf.9.9/Rev.1		Report of the 15th Meeting of the Scientific Council (Rome, 27-28 November 2008)
UNEP/CMS/Inf.9.10		Report of MOP1 of the CMS Gorilla Agreement (Rome, 29 November 2008) - <i>Cancelled</i>
UNEP/CMS/Inf.9.11/Rev.1		Report of the 33rd Meeting of the Standing Committee (Rome, 30 November 2008)
UNEP/CMS/Inf.9.12.X		National Reports - as submitted by CMS Parties
UNEP/CMS/Inf.9.13		Opening Statements (<i>in original languages</i>)
UNEP/CMS/Inf.9.14 (<i>English only</i>)		Report on activities undertaken by the United Nations Environment Programme to the Ninth Meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals
UNEP/CMS/Inf.9.15.X		Review of Article IV Agreements already concluded
UNEP/CMS/Inf.9.15.1 (<i>English only</i>)		Review of Article IV Agreements already concluded: Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS)
UNEP/CMS/Inf.9.15.2 (<i>English only</i>)		Review of Article IV Agreements already concluded: Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS)
UNEP/CMS/Inf.9.15.3 (<i>English only</i>)		Review of Article IV Agreements already concluded: Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)
UNEP/CMS/Inf.9.15.4 (<i>English only</i>)		Review of Article IV Agreements already concluded: Agreement on the Conservation of Populations of European Bats (EUROBATS)
UNEP/CMS/Inf.9.16		CMS Resolutions and Recommendations: 1985-2005
UNEP/CMS/Inf.9.17 (<i>English only</i>)		Scientific Seminar on Avian Influenza, the Environment and Migratory Birds
UNEP/CMS/Inf.9.18		CMS Synopsis of IT Status Review
UNEP/CMS/Inf.9.19 (<i>English only</i>)		Sonar 2010 Project Proposal
UNEP/CMS/Inf.9.20/Rev.1 (<i>English only</i>)		Summary of Contributions received through Trust Funds
UNEP/CMS/Inf.9.21		Summary of direct Private Sector Contributions

Symbol	Agenda Item(s)	Title of Document
<i>(English only)</i>		(through "CMS Friends" non-profit platform under German law
UNEP/CMS/Inf.9.22 <i>(English only)</i>		Indicators of the Impact of Climate Change on Migratory Species – UK report
UNEP/CMS/Inf.9.23.x		Reports from Organisations
UNEP/CMS/Inf.9.23.1 <i>(English only)</i>		Reports from Organisations: International Whaling Commission
UNEP/CMS/Inf.9.23.2 <i>(English only)</i>		Reports from Organisations: Whale and Dolphin Conservation Society
UNEP/CMS/Inf.9.23.3 <i>(English only)</i>		Reports from Organisations: WWF
UNEP/CMS/Inf.9.24		Terms of reference (draft) for the Intersessional Working Group regarding the future shape of CMS, established according to Resolution UNEP/CMS/9.13
UNEP/CMS/Inf.9.25		Selected List of CMS Publications available on the CMS Website under: http://www.cms.int/publications/index.htm

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/COP9/REPORT
ANNEX IV

Original: English

CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS
NINTH MEETING
Rome, Italy, 1-5 December 2008

**Proceedings of the Ninth Meeting of the Conference of the Parties
Part I****REPORT OF THE 34TH MEETING
OF THE STANDING COMMITTEE OF THE CONVENTION ON THE
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS
*Rome, Italy, 30 November 2008*****I. INTRODUCTION**

1. The 34th Meeting of the CMS Standing Committee was held at the headquarters of the Food and Agriculture Organization of the United Nations in Rome, Italy, on 30 November 2008.
2. The meeting was attended by Parties to the Convention, observers from non-party States, United Nations bodies and non-governmental organizations. The full list of participants is attached as annex 2 to the present report.

Agenda item 1: Adoption of the Agenda and Rules of Procedure

3. The Chair invited comments on the provisional agenda contained in document UNEP/CMS/StC/34/2. The agenda was adopted without amendment (see annex 1).

II. OUTSTANDING BUSINESS 2006-2008**Agenda item 2: Adoption of the reports of the 32nd and 33rd Meetings of the Standing Committee**

4. The Chair drew attention to the reports of the 32nd and 33rd Meetings of the Standing Committee, contained in documents UNEP/CMS/StC34/Inf.1 and Inf.2 respectively, which incorporated some changes already proposed. The two reports were adopted without further amendment.

Agenda item 3: Developments since the 33rd Meeting of the Committee

5. Mr. Robert Hepworth, Executive Secretary of the CMS, said that the majority of the CMS Secretariat's energies since the 33rd Meeting of the Committee had been devoted to preparing for the Ninth meeting of the Conference of the Parties. In addition, a Memorandum of Understanding for the Conservation of Small Cetaceans and Manatees in Western Africa and a Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia had come into force. Discussions were continuing with the Abu Dhabi authorities (United Arab Emirates), on establishing a coordinating unit to cover the latter Memorandum, together with existing agreements on dugongs and sea turtles, and a proposal in that regard would be submitted to the forthcoming Conference of the Parties. The Second Meeting of Signatories to the MoU on the Great Bustard (*Otis tarda*) had taken place in Feodosia, Ukraine in November 2008 together with a Scientific Symposium.

6. The Committee took note of the various developments, welcoming in particular the entry into force of the two Memoranda of Understanding.

Agenda item 4: CMS budget, Manpower & Work Programme results 2006-2008

7. Mr. Lahcen El Kabiri, Deputy Executive Secretary of the CMS, drawing attention to documents UNEP/CMS/Conf.9.5 and UNEP/CMS/Conf.9.33/Rev.1, said that some elements of the budget for the 2009–2011 triennium were still under discussion and that the matter would be examined in detail by a working group during the Ninth Meeting of the Conference of the Parties.

8. Mr. Hepworth highlighted the surplus of €280,000 in the execution of the approved budget in 2006–2008, which could possibly be used to offset costs over the following triennium.

9. The Committee agreed to await the outcome of the budget negotiation process, leaving substantive discussions to the Conference of the Parties.

Agenda item 5: Cooperation between CMS and CITES

10. Ms. Véronique Herrenschmidt (Consultant CMS) and Mr. David Morgan (CITES Secretariat) outlined the main points of the common Action Plan for 2009–2011 contained in document UNEP/CMS/StC34/3, under which joint work by CMS and CITES in accordance with the Memorandum of Cooperation concluded between the Conventions in 2002 would continue, building on the results of the work programme for 2005–2007. The new common Action Plan had been endorsed by the CITES Standing Committee at its 57th Meeting in July 2008.

11. Mr. El Kabiri said that taxonomy and nomenclature, one of the key areas in the new common Action Plan, had been discussed the previous week by the CMS Scientific Council at its 15th Meeting. He drew attention to the fact that consideration was being given to holding a meeting within the system for Monitoring the Illegal Killing of Elephants (MIKE) back to back with the first Meeting of the Signatories to the West African Elephant Memorandum of Understanding early in 2009, representing a concrete example of cooperation between CMS and CITES, and acknowledged the support for that meeting offered by France. In response to a suggestion from Mr. Mahamat Hassane Idriss, Representative of Africa, he said that it was hoped

the Meeting could be extended to include Central as well as West African countries, with a view to extending elephant conservation activities.

12. The Committee agreed that the potential for expanding Western African elephant conservation initiatives to include Central Africa should be explored. It endorsed the common Action Plan for cooperation between CMS and CITES for 2009–2011.

Agenda item 6: Experimental merger of the CMS & ASCOBANS Secretariats

13. Mr. Martin Lok (Netherlands), Chair of a Working Group of Parties to ASCOBANS established to guide the independent evaluation of the experimental merger of the CMS and ASCOBANS Secretariats, drew attention to documents UNEP/CMS/StC34/4/Rev.1 and UNEP/CMS/StC34/4/Addendum, containing a letter from the Executive Director of UNEP regarding the independent evaluation and the executive summary of the independent evaluator's draft report.

14. Mr. Hepworth recalled that the Conference of the Parties would consider the matter for the first time at its Ninth meeting, the issue having arisen during the intersessional period after its Eighth Meeting and therefore having been dealt with by the Standing Committee.

15. Taking into account the view expressed by the Executive Director of UNEP in his letter, the Committee agreed to recommend to the Conference of the Parties that the Parties to ASCOBANS be given the first opportunity to consider the results of the independent evaluation during the next intersessional period and report their findings to the CMS Standing Committee. Mr. Trevor Salmon (United Kingdom) suggested that the outcome of such consultation should be considered by the Working Group on the future shape of CMS expected to be established by the Conference of the Parties.

Agenda item 7: Chairman's Report to COP9

16. The Chair, drawing attention to document UNEP/CMS/Conf.9.7, outlined the proposed contents of his report to the Ninth Conference of the Parties and invited suggestions from the Committee for further items for inclusion.

III. PREPARATIONS FOR THE NINTH MEETING OF THE CONFERENCE OF THE PARTIES

Agenda item 8: Summary of preparatory work

17. Mr. Hepworth outlined the state of preparations for the Ninth Meeting of the Conference of the Parties. In line with the Secretariat's objective of improving performance in preparing documents, almost all the relevant documents were already available, although some had still to be translated. He expressed appreciation to Italy, as the host country, and to the Food and Agriculture Organization of the United Nations (FAO) for their support, particularly in view of the global financial crisis.

Agenda item 9: Logistics and procedures

(a) Meeting structure: Committees, working groups and Chairs/Vice Chairs

18. Mr. Hepworth explained that the Conference of the Parties would meet either in plenary or as a Committee of the Whole, and it was likely that several working groups, in particular a working group on budget resources, would be established. A credentials committee would also be required. As the host country, Italy would chair the plenary. He invited the Committee to consider possible candidates for the various posts available, and for membership of the credentials committee, before the Conference of the Parties began the following day, taking into account the need for linguistic and regional balance.

(b) Conference timetable including side events and regional meetings

19. Mr. El Kabiri drew attention to documents UNEP/CMS/Conf.9.1/Rev.4 and UNEP/CMS/Conf.9.2/Rev.3, which contained the latest versions of the agenda and schedule for the Ninth Meeting of the Conference of the Parties.

20. At the request of the First Meeting of the Parties to the Agreement on the Conservation of Gorillas and their Habitats, transmitted by the Executive Secretary of the CMS, the Chair suggested that one hour during the first afternoon of the Conference's meeting be reserved for the conclusion of that Meeting. The Committee agreed to his request and approved the timetable for the Conference, as amended.

(c) COP9 Rules of Procedure

21. The Chair drew attention to the draft Rules of Procedure for the Ninth Meeting of the Conference of the Parties contained in document UNEP/CMS/Conf.9.4/Rev.1. The one suggested amendment was withdrawn, so it was agreed that the draft rules would be submitted to the Conference for adoption.

(d) Credentials and eligibility to vote

22. Mr. Kabiri drew attention to a table contained in document UNEP/CMS/Conf.9.4/Rev.1 that showed a 74 per cent reduction in arrears of contributions by Parties to the Convention in comparison with the previous triennium. The 18 countries more than 3 years in arrears – would not be permitted to vote at the Ninth Meeting of the Conference of the Parties, unless it could be demonstrated that payment had been unavoidably delayed through exceptional circumstances, in accordance with Rule 15.2 of the draft Rules of Procedure.

23. Mr. Hepworth welcomed the improved rate of recovery of contributions and encouraged those Parties still in arrears to rectify the situation. Regardless of whether the Conference of the Parties confirmed the loss of voting rights from some, all Parties would be welcome at the Conference's Ninth Meeting.

24. During the ensuing discussion, it was noted that many of those countries in arrears were in post-conflict situations, which, it was suggested, should be considered to constitute exceptional circumstances according to Rule 15.2 of the draft Rules of Procedure. Several members of the Committee expressed their Governments' intentions to fulfil their financial obligations to the CMS in the near future. With regard to the issuing of credentials, certain difficulties were highlighted, particularly with regard to the limited number of authorities

considered competent to issue credentials and the language in which credentials could be submitted. At the same time, the complexity of any attempt to simplify the system while ensuring due respect for international law was strongly emphasized.

25. The Committee agreed to recommend to the Conference of the Parties that the draft rules should be applied in relation to countries in arrears with payment of subscriptions, unless it could be demonstrated that payment had been unavoidably delayed through exceptional circumstances, in accordance with Rule 15.2 of the draft Rules of Procedure.

Agenda item 10: Key Draft Resolutions: Handling and Follow-up

(a) Resolution on inter-sessional process regarding the future Shape of CMS

26. The Chair said that substantive discussion on the future shape of the CMS was anticipated during the Ninth Meeting of the Conference of the Parties, including within a working group expected to be established.

27. Attention was drawn to a draft resolution submitted by France on behalf of the European Community and its Member States, contained in document UNEP/CMS/Res.9.13, which proposed, *inter alia*, that an ad-hoc working group be established to draft proposals on the future strategies and structure of the CMS and the CMS family. Draft rules of procedure for the proposed working group were being prepared and would be submitted to the Conference of the Parties as appropriate.

(b) Resolution on composition and organization of the Standing Committee

28. Mr. Hepworth drew attention to document UNEP/CMS/Conf.9.35/Rev.1 and a draft resolution contained in document UNEP/CMS/Res.9.15. The draft resolution reflected the proposed alterations to the composition of the Standing Committee in the light of the increase in the number of Parties to the Convention since the Sixth Meeting of the Conference of the Parties. In response to a question from the floor, he explained that the proposed seat for the Host Country of the next meeting of the Conference of the Parties would be left vacant until a host country had been identified, hence the use of the wording “where appropriate” in paragraph 2. (a) (iv) of the draft resolution. It was intended that no distinction should be made in the voting rights of Committee members. Apart from Australia, Ukraine and the United Kingdom, which had served two consecutive terms, all Parties were eligible for election to the Standing Committee.

(c) Standing Committee: guidance on new members and alternates eligible for election in the light of Resolution 9.15

29. The Committee agreed to defer issuing guidance on new members and alternates for election to the Standing Committee until after the draft resolution had been considered by the Conference of the Parties.

Agenda item 11: Matters relating to the Scientific Council – Report by the Scientific Council Chair on:

(a) *Key issues and outcomes of the ScC15 Meeting*

30. Mr. Colin Galbraith, Vice-Chair of the Scientific Council deputizing for Mr. John Mshelbwala, the Chair, outlined the key issues discussed by the Scientific Council at its 15th Meeting and the outcomes of its deliberations. The Council had particularly requested that the Small Grants Programme be revived and that more time be allowed for future Scientific Council meetings. He highlighted the contribution to the work of the Council made by Mr. Wim Wolff (Netherlands), who had stepped down after many years' service, and Mr. Marco Barbieri, Acting Scientific and Technical Officer, who had taken up a new post within the CMS Secretariat. A full written report would be submitted to the Conference of the Parties (see document UNEP/CMS/Inf. 9.9).

(b) *Outcome of the election of the Chair and Vice-Chair(s) of the Scientific Council*

31. Mr. Barbieri, Acting Scientific and Technical Officer, reported that the Scientific Council had unanimously re-elected the Chair, Mr. John Mshelbwala (Nigeria), and the Vice-Chairs, Mr. Colin Galbraith (United Kingdom) and Mr. Pierre Devillers (European Community), to serve a further term. The Eight Conference-of the Parties appointed councillors had all expressed their willingness to continue in their posts, if the Conference so decided.

Agenda item 12: Any other business

32. Ms. Briceño Sanchez (Peru), welcoming the new Parties from her region, encouraged other countries to become Party to the Convention, in the interests of strengthening conservation efforts worldwide. She outlined key activities undertaken in her country and region to implement the provisions of the Convention.

IV. CLOSURE OF THE MEETING

33. Following the customary exchange of courtesies, the Chair declared the meeting closed at 12.55 p.m. on Sunday, 30 November 2008.

ANNEX 1 to StC34 Report

AGENDA TO STC34 MEETING

Venue: Green Room

Time

08:45 onward Registration for Members, Parties and invited observers only

09:30 1. Adoption of the Agenda and Rules of Procedure (UNEP/CMS/StC34/1)

Outstanding Business 2006-8

09:35 2. Adoption of the Reports of the 32nd and 33rd Meeting of the Committees (UNEP/CMS/StC34/Inf.1 and UNEP/CMS/StC34/Inf.2)

10:05 3. Developments since the 33rd Meeting of the Standing Committee (short oral report by Secretariat and Members).

10:15 4. CMS Budget, Manpower & Work Programme Results 2006-8 (UNEP/CMS/Conf.9.5, UNEP/CMS/Conf.9.33/Rev.1 and presentation by the Secretariat)

10:30 5. Co-operation between CMS and CITES (UNEP/CMS/StC34/3)

10:45 6. Experimental Merger of CMS & ASCOBANS Secretariat

11:05 7. Chairman's Report to COP9 (UNEP/CMS/Conf.9.7)

Preparations for COP9

11:15 8. Summary of preparatory work (short oral report by Secretariat – see also Countdown to COP9)

11:20 9. Logistics and procedures

- (a) Meeting structure: Committees, working groups and Chairs/Vice Chairs
- (b) Conference timetable including side events & regional meetings (Documents: UNEP/CMS/Conf.9.1/Rev.4; UNEP/CMS/Conf.9.2/Rev.3)
- (c) COP9 Rules of Procedure (Document: UNEP/CMS/Conf.9.4/Rev.1)
- (d) Credentials & eligibility to vote

11:45 10. Key Draft Resolutions: Handling & Follow-up

- (a) Resolution on inter-sessional process regarding the Future Shape of CMS (UNEP/CMS/Res.9.13)
- (b) Resolution on composition and organization of the Standing Committee (UNEP/CMS/Conf.9.35/Rev.1 and UNEP/CMS/Res.9.15)
- (c) Standing Committee: guidance on new members and alternates eligible for election in the light of Res. 9.15

12:15 11. Matters relating to the Scientific Council – Report by the Scientific Council Chair on:

- (a) Key issues and outcomes of the ScC15 Meeting
- (b) Outcome of the election of Chair and Vice-Chair(s) of the Scientific Council

12:25 12. Any other business

12:30 Close

ANNEX 2 to StC34 Report

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**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/COP9/REPORT
ANNEX V

Original: English

CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS
NINTH MEETING
Rome, Italy, 1-5 December 2008

**Proceedings of the Ninth Meeting of the Conference of the Parties
Part I****REPORT OF THE 35TH MEETING
OF THE STANDING COMMITTEE OF THE CONVENTION ON THE
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS
*Rome, Italy, 5 December 2008*****Agenda Item 1: Introductory remarks**

1. Mr. Robert Hepworth took the chair and welcomed the members to the meeting. He introduced the provisional agenda and announced that the Terms of Reference of the Budget Working group empowered it to elect its own Chair, so it would not be necessary for the Standing Committee to do so.

Agenda Item 2: Adoption of the Rules of Procedure for the newly composed Standing Committee

2. Mr. Hepworth introduced the draft Rules of Procedure CMS/StC/35/4. These contained changes to reflect the new composition of the Standing Committee and to allow for the establishment of sub-committees.

3. The Philippines sought clarification of the meaning of “postal” in Rule 28. The Executive Secretary confirmed that this was understood to include e-mail but agreed that the wording might need to be clarified in the next review of the Rules of Procedure.

Agenda Item 3: Election of officials to fill the posts of Chair and Vice-Chair of the Standing Committee and officers of the Budget Sub-Committee during the triennium 2009-2011

4. Tunisia, seconded by Pakistan and Senegal nominated Saudi Arabia, which was duly elected to the Chair. The representative of Saudi Arabia, Mr. Mohamed Saud Sulayem, presided over the remainder of the meeting.

5. The new Chair invited nominations for the post of Vice-Chair. Chile, seconded by Germany, Monaco and Senegal, nominated Ghana which was duly elected

Agenda Item 4: Next Committee Meeting

6. It was usual for the Standing Committee to meet in Bonn at the Secretariat headquarters intersessionally. The budget had provision for two such meetings.

7. Taking into account the dates of Ramadan and the ASCOBANS MOP, the first week of October 2009 seemed the best time for the 36th Meeting. The Secretariat would consult on firm dates and confirm. The Budget Sub-Committee meeting would be arranged for the day before.

Agenda Item 5: Any Other Business

Rule of Alternate Members

8. Norway sought an explanation of the role of Alternate Members of the committee. Alternates were entitled to attend the meetings as observers, like any other Party, but could only vote (or receive travel support where eligible) if the full member for their region was absent.

Chair of the Intersessional Working Group on Future Shape

9. Germany pointed out that the COP had not appointed a Chair to the Intersessional Working Group on Future Shape, so it fell to the Standing Committee to do so. The options were to appoint the Chair at the present meeting or adopt a postal procedure. Switzerland was elected to Chair the Intersessional Working Group after being nominated by Germany and seconded by Monaco. Australia was elected Vice-Chair by the Philippines seconded by Monaco and Senegal.

Budget Sub-Committee

10. There was a discussion to determine whether Parties which were not members of the Standing Committee were eligible to serve on the Sub-Committee. The Rules of Procedure were not absolutely clear, but several members stated that it was the intention of the Working Group to draft the Terms of Reference of the Sub-Committee to allow as wide a membership as possible. It was agreed to accept nominations from each region irrespective of whether the nominee was a Standing Committee member or not. The Meeting also noted that there was only provision in the budget to pay travel costs to Members of the Standing Committee.

11. Regional nominations for membership of the Sub-Committee were: Tunisia (Africa), Chile (South and Central America and the Caribbean) and Iran (Asia). The nominations of Europe and Oceania would be notified to the Secretariat in due course.

Agenda Item 6: Closure of the Meeting

12. There being no other business, the Chairman closed the meeting after the customary expressions of thanks to the hosts, organisers and participants.

ANNEX 1 to StC35 Report

AGENDA TO StC35 MEETING

1. Introductory remarks
2. Adoption of the Rules of Procedure for the newly composed Standing Committee
3. Election of officials to fill the posts of Chair and Vice-Chair of the Standing Committee and officers of the Budget Sub-Committee during the triennium 2009-2011
4. Next Committee Meeting
5. Any other business
6. Closure of the meeting

ANNEX 2 to StC35 Report

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**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/COP9/REPORT
ANNEX VI

Original: English

CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS
NINTH MEETING
Rome, Italy, 1-5 December 2008

**Proceedings of the Ninth Meeting of the Conference of the Parties
Part I****REPORT OF THE FIFTEENTH MEETING OF THE SCIENTIFIC COUNCIL
OF THE CONVENTION ON THE CONSERVATION OF
MIGRATORY SPECIES OF WILD ANIMALS***Rome, Italy, 27 and 28 November 2008*

1. OPENING REMARKS

1. The Scientific Council of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) held its 15th meeting at the headquarters of the Food and Agriculture Organization of the United Nations (FAO), Rome, on 27 and 28 November 2008. Mr. John Mshelbwala, Chair of the Scientific Council, opened the meeting and welcomed all participants (the list of participants is contained in annex XII to the present report).

2. Mr. Lahcen El Kabiri, Deputy Executive Secretary of the CMS, in his introductory remarks, said that the contribution of the meeting of the Scientific Council to achieving the 2010 Global Biodiversity Target was important within the framework of the Convention and highlighted the importance of cooperative action. As part of the general policy to cut costs and improve efficiency, the meeting would only last for two days and councillors should bear the shortened timeframe in mind. He further drew the Council's attention to the many achievements in implementing the Convention's work plan, including negotiation and conclusion of several agreements and progress in the implementation of those already existing.

3. Mr. Mshelbwala said that the previous triennium had been very busy for the Secretariat and the Council, and the successes achieved bore testament to their work. The Council's agenda for the current meeting was challenging and would require the councillors' cooperation to cover all the items within the two days allocated. As part of the Convention's implementation process for achieving the 2010 target, the meeting was expected to produce recommendations for the ninth meeting of the Conference of the Parties.

4. He recalled that the 32nd meeting of the Standing Committee had approved the appointment of three additional councillors: Mr. Zeb Hogan (Fish), Mr. Alfred Oteng-Yeboah (African fauna) and Mr. Barry Baker (By-catch). The Committee had also endorsed the

recommendation that the Scientific Council continue to hold full meetings within a condensed timeframe with full participation of councillors, as opposed to meetings with regional representation.

2. ADOPTION OF THE AGENDA

5. The meeting adopted its agenda, which is attached as Annex I to the present report.

6. The meeting also approved the provisional schedule contained in document UNEP/CMS/ScC15/Doc.2.1, which provided that several agenda items should be dealt with by taxonomic and thematic working groups.

7. In the course of the meeting, the taxonomic working groups and the thematic working groups were convened and reported to the plenary at its last session. The deliberations of those groups are reported and/or referenced under the relevant agenda items whenever possible. Written reports from the groups are attached to the present report as Annexes IV-XI.

3. REVIEW OF STRATEGY IMPLEMENTATION PLAN FOR THE SCIENTIFIC COUNCIL 2006-2011

8. Introducing the item, Dr. Marco Barbieri, Acting Scientific and Technical Officer, recalled that the Strategy Implementation Plan (SIP) for the Scientific Council for 2006-2011 had been adopted at the 13th meeting of the Council, held in Nairobi from 16 to 18 November 2005, and was set forth in Annex II to the report of that meeting. The report on progress achieved since the first review of SIP implementation (CMS/ScC14/Doc.21) would be substantively discussed at the Council's next intersessional meeting and he would therefore focus only on the main developments having occurred since the conduct of that review in March 2007. In that regard, he highlighted Actions 1.1.1, 1.1.4, 1.1.5, 1.3.1, 1.3.3, 1.3.5, 1.3.6, 1.5.7 and 2.1.1.

9. Concerning Action 1.1.1, the draft review of Chondrichthyan fishes tabled at the 14th meeting had been finalized and published. A similar review of migratory freshwater fish was now to be coordinated by Mr. Zeb Hogan, appointed councillor for fish, who looked forward to receiving input for that purpose from interested parties, adding that the species concerned would benefit from inclusion in the Appendices to the Convention. Concerning Action 1.1.4, significant progress had been made in compiling the information on the availability of Action Plans for Appendix I species, which would be circulated in due course. As for Action 1.1.5, five new action plans, each relating to an Appendix I species, had been prepared with funding from various sources and were to be submitted for final endorsement at the current meeting.

10. With regard to Action 1.3.1, a paper reviewing the results of scientific work on climate change would be tabled for discussion. No such positive news could be reported with regard to Actions 1.3.3 and 1.3.5, however, as no suitable experts had been identified to review the effects of by-catch and unregulated fisheries on migratory species and of barriers to migration on migratory species, respectively. The Council might therefore wish to modify the strategy for the identification of such experts and also reshape the terms of reference with more of a view to available resources. By contrast, a review of the impact of invasive alien species on migratory species, covered under Action 1.3.6, had been commissioned, following the receipt of a grant from the Italian Government, and Mr. Barry Baker, appointed councillor for by-catch, had

agreed to review the resulting advanced draft. Volunteers to assist him in that task would be welcome. As for Action 1.5.7, indicators of the status of migratory species would be submitted to the current meeting. Lastly, a significant number of the draft proposals for listing of species prepared under Action 2.1.1 and endorsed by the 14th meeting of the Scientific Council had been submitted for consideration by the Conference of the Parties.

11. Emphasis was placed on the importance of considering SIP in the context of budget discussions and synergy with other conventions. Also stressed was the need for intersessional work to take on board the encouraging progress thus far achieved, with key focus on scientific outcomes and links with other agreements. Appendix I species should always remain the priority.

12. The Scientific Council took note of the review of its Strategy Implementation Plan for 2006-2011.

4. SMALL-SCALE PROJECTS FUNDED BY CMS

13. Introducing the item, Mr. Barbieri, Acting Scientific and Technical Officer, recalled that the practice of funding small-scale conservation and research projects under the Small Grants Programme had changed substantially since the eighth meeting of the Conference of the Parties to the CMS in November 2005. Until that time, such projects had been funded mainly by resources from the Trust Fund of the Convention originating from surpluses. The programme had supported some 50 conservation and research projects selected by the Scientific Council amounting to some US\$ 1.5 million. Since 2005, however, owing to exhaustion of the Trust Fund, that funding system had been replaced by one based on voluntary contributions. Of 18 proposed small-scale projects, six had been funded to the tune of about €125,000. In reassessing the situation, the Council might therefore wish to discuss such issues as project appeals to donors and other potential sources of project funding with a view to making recommendations to the Conference of the Parties.

14. In the ensuing discussion, it was emphasized that small-scale projects were a vital showcase for activities pioneered by the CMS. They were its very backbone, not least in view of their distinctive nature and positive impact in the field. The establishment of a sustainable and predictable funding mechanism with enough flexibility for rapid response was therefore deemed essential to the continuation of such projects, which suggested the need for a return to budget funding. Indeed, wide support was expressed for a strong recommendation to that effect. While not a prerequisite, the provision of seed money or local counterpart funding by countries submitting project proposals was also suggested as a means of encouraging top-up funding.

15. Among the arguments made in favour of budget funding was the fact that environment - let alone the conservation of individual species - was not a priority for developing countries owing to competing needs and they would be in no position to implement the Convention without firm funding for their small-scale conservation projects. Another advantage of such projects was that their worth exceeded the financial outlay because they often triggered other conservation-related activities. The Small Grants Programme was, therefore, an effective and relatively inexpensive way of launching such activities and initiating future agreements. A reallocation of budget resources to enhance the efficiency of that tool might therefore be extremely appropriate, particularly given that lack of funding was seen to hamper development in the case of other agreements. That view was confirmed by the representative of the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and

Contiguous Atlantic Area (ACCOBAMS), who informed the meeting that funding systems based on voluntary contributions involved so much uncertainty as to be essentially unworkable, whereas an alternative funding system could provide opportunities for synergy with the CMS family of agreements. Other points made included the need to evaluate projects on the basis of scientific quality and urgency, rather than on donor appeal, and to propose ways of dealing with failures along the way.

16. Given the overwhelming consensus in favour of reviving the Small Grants Programme through a sustainable source of funding, the Chair said that he would draft a strong recommendation to that effect for further discussion by the Council with a view to its submission to the Conference of the Parties. The Chair submitted the proposed recommendation he had prepared at the last session of the meeting and it was agreed that it should be transmitted to the Conference of the Parties. The text is attached as Annex II to the present report.

5. SCIENTIFIC COUNCIL TASKS ARISING, *INTER ALIA*, FROM RESOLUTIONS, RECOMMENDATIONS AND OTHER DECISIONS OF THE CONFERENCE OF THE PARTIES

5.1. Concerted actions for selected Appendix I species/groups (Resolutions 3.2, 4.2, 5.1, 6.1, 7.1 and 8.29 refer)

17. Reporting on progress in the implementation of concerted actions was discussed within the taxonomic working groups, as were recommendations on further implementation of concerted actions and possible identification of candidate species to be recommended for concerted actions. The reports of the taxonomic and thematic working groups are reproduced in Annexes IV to XI to the present report.

5.2 Cooperative actions for Appendix II species (Recommendations 5.2, 6.2, 7.1 and 8.28 refer)

18. Reporting on progress in the implementation of cooperative actions was discussed within the taxonomic working groups, as were recommendations on further implementation of cooperative actions and possible identification of candidate species to be recommended for cooperative actions. The reports of the taxonomic working groups are reproduced in annexes IV to VIII to the present report.

5.3 Other resolutions and recommendations (not already covered under previous agenda items)

a) Resolution 8.1: Sustainable Use

19. This item was addressed in the thematic working group on sustainable use. The chair of the group, Mr. Pierre Devillers, reported orally to the Council at its last session.

20. He said that the meeting of the thematic group had been attended by the councillors for the European Community (chair) and the Islamic Republic of Iran, by the Conference-appointed councillor for sea turtles and by an observer, the representative of CITES.

21. It had been agreed that a text on the possible usefulness of the Addis Ababa principles in the implementation of the CMS would be prepared in the next few weeks by the chair of the

group, in collaboration with the CMS officer for Agreements, and circulated to the members of the working group and to all Scientific Councillors. The document would include a short introduction recalling the objectives of the Convention and note its direct filiation from the principles enunciated in the 1982 United Nations Charter for Nature. It would then examine for each of the Addis Ababa principles whether they could be of practical application in cases where the Convention authorized wise use and regarded it as a conservation tool. It had been agreed that recognition of practical usefulness would not necessarily involve or consider adherence to any underlying philosophy. It was anticipated that for most of the principles there would be a positive recommendation regarding practical use, within the limits set above.

b) *Resolution 8.7: Assessing the contribution of CMS in achieving the 2010 Biodiversity Target*

22. Mr. Barbieri, Acting Scientific and Technical Officer, referring to the report contained in document UNEP/CMS/Sc15/Doc.14 and its annexes, recalled that in resolution 8.7 the eighth meeting of the Conference of the Parties had requested the CMS Secretariat and the Scientific Council to continue working towards the adoption of suitable indicators to measure the achievement of the 2010 Biodiversity Target. Two existing indices had been selected as a basis for further work towards developing specific indicators for migratory species.

23. Mr. John O'Sullivan (BirdLife International) gave a PowerPoint presentation on the red list index (RLI), based on the Red List of Threatened Species drawn up by the World Conservation Union (IUCN). He outlined its purpose, how it was calculated, and its potential applicability to migratory species. The RLI provided a measure of biodiversity loss in terms of extinction of species, illustrating trends in overall extinction risk. Although based on systematic status assessments of all species and widely used by many organizations, the relatively broad categories used in its calculation meant that the RLI was only moderately sensitive to status change. He provided specific data for various species and groups of species to illustrate some general trends and how the RLI could be utilized. He responded to several questions concerning general and technical matters, including the interpretation of data, coordination with the IUCN, and how to deal with species for which limited past data were available.

24. Mr. Ben Collen (Zoological Society of London) gave a PowerPoint presentation providing similar information for the living planet index (LPI), which measured changes in the abundance of selected species and was particularly useful for modelling long-term non-linear trends. Current LPI data indicated that migratory species were generally less under threat than non-migratory species. Nevertheless, care should be taken not to oversimplify the situation: disaggregating data was essential in identifying specific problems and areas where efforts should be targeted. The ensuing discussion and questions drew attention, in particular, to variations in the trends indicated by the RLI and the LPI and the reasons why that might be the case. It was stressed that how statistical data were presented to decision-makers could influence future actions and policies on conservation, and attention should be paid to how others might interpret such data.

25. At the suggestion of the Chair, a drafting group was established under the chairmanship of Mr. Colin Galbraith to prepare a submission to the Conference of the Parties on the usefulness of the two indices for the work of the Scientific Council and actions under the Convention. The text of the submission is attached as annex III to the present report.

c) Resolution 8.13: Climate change and migratory species

26. Mr. Colin Galbraith (United Kingdom), chair of the working group on climate change and migratory species established by the Scientific Council at its 14th meeting, gave a PowerPoint presentation on climate change as an additional challenge for migratory species. Stressing that climate change was a reality and that its effects were felt everywhere, he outlined some of the main trends observed and their effects on migratory species and the migration process. The complexity of the issue should not prevent it from being addressed at all levels. He described various developments over the previous three years in the areas of research and action and outlined a number of possible recommendations that could be made to the Parties to the Convention and the CMS Secretariat. Encouraging initiatives by Parties to focus attention on the issue, in particular the draft resolution that would be submitted to the forthcoming Conference of the Parties by Australia, he suggested that a specific meeting on climate change and migratory species be organized.

27. During the ensuing discussion, general support was expressed for the draft resolution to be presented by Australia, as the effects of climate change on migratory species, and the environment in general, could not be over-emphasized. Several examples of changes observed in migration patterns were mentioned and it was stressed that the issue of climate change should be taken into account at all levels of government and society. Smaller countries would benefit from resources and guidance in assessing which species to monitor as a priority. International cooperation, including with non-Parties, and cooperation with other organizations should also be encouraged. It was suggested that action be taken under the Convention to address the specific and serious situation of the Arctic region.

28. Mr. Lahcen El Kabiri, Deputy Executive Secretary of the CMS, informed the Council that he would represent the CMS at the high-level segment of the 14th Conference of the Parties to the United Nations Framework Convention on Climate Change, to be held in December 2008.

29. The issue was discussed further within the working group on climate change and migratory species. The report of the thematic working group is attached as Annex X to the present report.

d) Resolution 8.14: By-catch

30. Reporting on progress on resolution 8.14 on by-catch, recommendations on by-catch, including input to draft resolution 9.7, and the work plan for the working group on by-catch for the triennium were discussed within the thematic working groups. The report of the thematic working group on by-catch is attached as Annex IX to the present report.

e) Resolution 8.22: Adverse human induced impact on cetaceans

31. Ms. Heidrun Frisch, CMS Marine Mammal Officer, recalled that, pursuant to resolution 8.22 of the eighth meeting of the Conference of the Parties, a programme of work to address human-induced impact on cetaceans had to be developed by the Scientific Council and the Secretariat. For this purpose, an outline of a report and a work plan had been agreed by the 14th meeting of the Scientific Council. Although considerable progress had been made since the 14th meeting, some work remained to be done. As an analysis of the gaps was intended to serve as the basis for the programme and it had not yet been completed, the timetable for adoption of the programme had been revised. The Scientific Council was being asked to review the proposed changes to the programme of work outlined in document UNEP/CMS/Conf.9.26/Rev.1.

32. The issue was discussed in the working group on aquatic mammals, which welcomed the progress made and approved the revised work plan.

f) Other resolutions and recommendations under development

33. Mr. Barbieri, Acting Scientific and Technical Officer, introduced draft resolution 9.19/Rev.1 on anthropogenic marine/ocean noise impacts on cetaceans and other biota, explaining that substantive discussion would take place in the taxonomic working group on aquatic mammals, whose report on that discussion is reproduced in Annex V to the present report.

34. The representative of France, speaking on behalf of the European Community, explained the rationale behind the resolution and highlighted some changes introduced into the revised version that had been made available to the Council.

35. Although one representative considered that before the CMS could add to the issue there was a need for scientific input, others were in favour of a resolution on the impact of noise. Work was already being done under other agreements, for example, ACCOBAMS had a working group on noise, which was finalizing guidelines to be adopted by the Parties to the Agreement.

36. Draft resolution 9.19/Rev.1 was considered in detail by the working group on aquatic mammals, which made several suggestions for amendment as shown in the report of the working group attached as annex V to the present report.

6. REVIEW OF PROPOSALS FOR AMENDMENTS TO APPENDICES I AND II TO THE CONVENTION

(a) Discussion and evaluation of proposals

37. Mr. Barbieri, Acting Scientific and Technical Officer, informed the Council that the Secretariat had received 24 proposals for listing of new taxa in the Appendices, 13 for Appendix I and 11 for Appendix II. They included aquatic mammals, terrestrial mammals, birds and fishes. The relevant taxonomic and thematic working groups would hold substantive discussions on the proposals with a view to making recommendations to the Council. The reports of the taxonomic and thematic working groups on those discussions are reproduced in annexes IV to XI to the present report.

(b) Conclusions and recommendations to the Conference of the Parties

38. Summarizing the relevant elements of the reports of the Working Groups, Mr. Barbieri, Acting Scientific and Technical Officer, indicated that two proposals for inclusion in Appendix II had been withdrawn (*Oxyura maccoa* and *Rynchops flavirostris*), while the other proposals had been fully supported by the working groups with the exception of two on shark species (*Squalus acanthias* and *Lamna nasus*), one on bird species (*Falco cherrug*) and one on mammal species (*Ammotragus lervia*). The Council would therefore have to decide what recommendations should be made to the meeting of the Conference of the Parties on those species.

39. The appointed councillor for fish summarized the outcome of the discussions in the taxonomic working group concerning *Squalus acanthis* and *Lamna nasus* in terms of meeting the criteria for inclusion in Appendix II. There had been unanimous support for listing the two species of sharks as far as the population in the northern hemisphere was concerned, but concern had been expressed that data on the southern hemisphere population did not meet the criteria.

40. The Scientific Council acknowledged that there was a clear difference in status between the northern and southern populations of the two shark species, noting, however, that for a species to qualify for listing it sufficed for a significant portion of the population to meet the criteria. Consequently, the species would qualify for listing.

41. The appointed councillor for birds reported that the taxonomic working group had agreed that the Saker falcon was migratory in CMS terms and that it was endangered throughout a significant part of its range. Doubts had been expressed, however, regarding the figures for one country within its range, namely, Mongolia. The majority of councillors had felt that the precautionary principle should be followed and the falcon should be listed. Two councillors, on the other hand, wanted a further scientific assessment to be made before listing the Saker falcon.

42. After a lengthy discussion, the Scientific Council agreed that the species met the criteria for inclusion in Appendix I, but in view of the divergent opinions in the working group two options should be put to the meeting of the Conference of the Parties for a final decision: (a) the precautionary approach should be followed and the Saker falcon should be listed forthwith; or (b) a further review should be undertaken before a decision was adopted.

43. The Council confirmed the recommendation of the working group on terrestrial mammals that, while all possible measures should be taken to conserve the Barbary sheep, however, at the present stage it could not support its listing in Appendix I.

7. PROGRESS ON OTHER MATTERS REQUIRING SCIENTIFIC COUNCIL ADVICE

7.1 Potential new Agreements (including Memoranda of Understanding and Action Plans)

44. Mr. Barbieri, Acting Scientific and Technical Officer, introduced draft resolution 9.2 on priorities for CMS Agreements, requesting the taxonomic working groups to address the issues relevant to the taxon within their competence and to provide advice to the Council.

45. The discussion of those issues is articulated in the reports of the taxonomic working groups, which are reproduced in Annexes IV to VIII to the present report.

7.2 Taxonomy Issues

7.2.1 Taxonomy reference for mammalian species

46. The proposed new nomenclatural reference for mammalian species was discussed by the taxonomic working groups on terrestrial and aquatic mammals, the reports of which are reproduced in annexes IV and V to the present report. See also item 7.2.3 below.

7.2.2 Taxonomy of *Orcaella*

47. The proposed nomenclature for *Orcaella* was discussed in the taxonomic working group on aquatic mammals, the report of which is reproduced in annex V to the present report.

7.2.3 Harmonization of the taxonomy between CMS and CITES Appendices

48. Mr. Barbieri, Acting Scientific and Technical Officer, drew attention to document UNEP/CMS/ScC15/Doc.8 on taxonomy and nomenclature of fauna listed in the Appendices to the CMS and CITES. He pointed out that several issues were involved and that they were partly inter-linked. Two Conventions such as CITES and the CMS had to have a common understanding of the species listed in the Appendices to both Conventions and for several years the Secretariats of the two Conventions had been collaborating on identifying the correspondence between taxa in their respective Appendices. Recent developments, particularly those stemming from the Conference of the Parties to CITES, suggested that there was a need for more harmonization on taxonomy and nomenclature among biodiversity-related environmental agreements. The CMS and CITES obviously had a leading role to play in that respect. The Council would have to reflect on the extent to which the CMS references should be aligned on those of CITES and indeed whether that was advisable. It should draw up a definite recommendation for the ninth meeting of the Conference of the Parties as far as references for mammals were also concerned (see also item 7.2.1 above) and, from a longer-term perspective, consider modifying the references currently used for birds in the CMS, which were overdue for review.

49. The representative of CITES underlined the need to achieve a balance between use of the most accurate scientific terms and the terms it was most practical to use.

50. During the ensuing discussion, the question of harmonization of the terms used in agreements under the CMS was raised. It was emphasized that nomenclature was a tool, whereas taxonomy was a science, although they were tightly intertwined and, as a scientific body, the Council's recommendations should be based on science.

51. Many countries did not have domestic legislation on specific species but, by adopting international conventions, benefited from an international framework thereon. For the purposes of communication and the development of legislation, nomenclature must remain stable. It was also pointed out that not only were there discrepancies in taxonomy but also in the ranges of distribution used in various Conventions. Although it might appear to be an administrative matter, it had political ramifications.

52. The work on harmonization of the taxonomy in the CMS and CITES appendices could be applied to other conventions, including regional agreements. It was suggested that a pragmatic approach would be for all the relevant conventions to take joint nomenclature decisions. BirdLife International and IUCN, for example, had a system for rapidly updating their red lists.

53. In response, the representative of IUCN said that, because of the numbers of species and subspecies involved, taxonomy was a considerable problem, but that IUCN tracked synonyms on the red list as far as possible.

54. The Chair recalled that a meeting of Chairs of the scientific advisory bodies of biodiversity-related conventions had decided that all Chairs should be invited to the meetings of each body, and communication between the bodies should thus improve in future.

55. With regard to the effect on national legislation, it was suggested that it might be opportune to use synonyms and revise the nomenclature approximately every 10 years. The important issue was implementation of the conventions and some sort of harmonization at the international level would help countries, in particular developing countries, to streamline their legislation.

56. The Chair referred the agenda item to the taxonomic working groups for further discussion. The relevant recommendations of the working groups are included in their reports.

7.3 Migratory Species and Diseases

57. Ms. Rebecca Lee (WWT) gave a PowerPoint presentation on the task force's work. She outlined the history of the H5N1 virus and recent developments. The direct impacts of the virus were mortality among the bird population, including threatened species and curtailment of research into bird species, while indirect impacts were measures taken against wild birds and affected public perception. The task force had been established to provide information, liaise with relevant bodies, improve response effectiveness, issue advice and promote early warning systems. She also introduced the salient points of draft resolution 9.8 on responding to the challenge of highly pathogenic avian influenza H5N1 and provided information on the future areas for the work of the task force, which would concentrate on: preventing destruction of bird species and their habitats; preparedness plans; guidance; surveillance programmes; species identification and outbreak reporting; practical guidance documents; and wider work on wildlife disease, *inter alia*.

58. Ms. Ruth Cromie (WWT) gave a PowerPoint presentation on responding to the challenges of wildlife diseases. She highlighted the broader context of the development of wildlife disease, its consequences, the rapid rise of diseases and the factors compounding the problem. The connectivity between wildlife health and human health meant that zoonotic diseases were a serious concern. She suggested that the CMS could contribute to implementation of broader conservation instruments, encourage and support national health strategies, broaden draft resolution 9.8 and use the lessons learned from HPAI H5N1 to tackle other wildlife health issues. There should be broader wildlife disease research, a co-convened FAO/ CMS scientific task force on emerging diseases of wildlife, into which the current CMS working group on migratory species as vectors of disease would be incorporated, and a workshop thereon. The approaches suggested in the presentations found support among the councillors. In connection to tracking diseases, the Councillor from Italy drew the Council's attention to the mapping tool set up on the European Union for Bird Ringing (EURING) website.

59. Reporting on migratory species and diseases, recommendations and endorsement of the proposals contained in document UNEP/CMS/ScC15/Doc.13 and input to draft resolution 9.8 were discussed within the thematic working groups. Following discussion, the relevant working group endorsed the proposal to establish a scientific task force on emerging diseases of wildlife and welcomed the opportunity to bring its experience to a new body. The report of the group is attached as annex XI to the present report.

7.4 Range State List

60. Mr. Barbieri, Acting Scientific and Technical Officer, invited suggestions to rectify the List of Range States of Migratory Species included in the CMS Appendices, the latest version of

which was contained in document UNEP/CMS/Inf.9.5. Two councillors pointed to the need for some changes to the information concerning their respective countries.

61. One councillor indicated that classification as a Range State for a particular species sometimes rested on a single sighting many years previously, which might add nothing to conservation efforts but could involve significant expenditure of administrative and financial resources by the country concerned. It was therefore agreed that the criteria for classification as a range State would be discussed by the Scientific Council at its next meeting.

7.5 Artificial Barriers to Migration and other Threats to Migratory Species and their habitats

62. It was agreed that Mr. Barbieri, Acting Scientific and Technical Officer, would liaise with the Scientific Councillor for the Netherlands in reviewing the terms of reference for the proposed review of the effects of barriers to migration on migratory species. Specific threats to marine turtles were discussed within the taxonomic group on marine turtles, the report of which is reproduced in annex VII to the present report.

8. REPORT TO COP ON SCIENTIFIC COUNCIL ACTIVITIES DURING 2006-2008

63. The Chair outlined the proposed contents of his report to the ninth meeting of the Conference of the Parties and invited suggestions from the Council for further items for inclusion. In the absence of comments, he said that he would finalize the report.

9. ELECTION OF THE CHAIRPERSON AND VICE-CHAIRPERSON OF THE SCIENTIFIC COUNCIL FOR THE PERIOD 2009-2011

64. The representative of the Secretariat said that the following nominations had been received for the positions of Chair and Vice-Chair of the Scientific Council for the period 2009-2011: Chair, Mr. John Hyelakuma Mshelbwala; Vice-Chairs, Mr. Colin Galbraith and Mr. Pierre Devillers. There being no other nominations, the proposal was accepted unanimously.

10. DATE AND VENUE OF THE 16TH MEETING OF THE SCIENTIFIC COUNCIL

65. Pending approval by the meeting of the Conference of the Parties, it was agreed that the Council would hold two meetings in the next triennium, the 16th intersessionally in 2010 and the 17th shortly before the tenth Conference of the Parties. Suggestions of possible venues for the two meetings were invited.

11. ANY OTHER BUSINESS

66. In response to a question from the floor on agenda item 7.2.3, the Chair confirmed that the working group on birds would continue to discuss document UNEP/CMS/ScC15/Doc.8 intersessionally and report to the 16th meeting of the Council.

67. Mr. Wim Wolff (Netherlands), a founder member of the Council, expressed gratitude to his colleagues as he stepped down from his position. The Council paid tribute to his work over the previous 20 years and extended warm wishes to him for the future.

68. It was requested that studies be conducted into the status of lions in Central Africa, as the species seemed to be disappearing from certain countries. Attention was drawn to the extension of elephant conservation measures from Western Africa to Central Africa.

69. Concern was expressed that the duration of the meeting had not provided enough time to discuss all scientific issues in appropriate depth and a request was made to reconsider the duration of meetings in the future.

12. CLOSURE OF THE MEETING

70. Mr. Robert Hepworth, Executive Secretary of the CMS, congratulated councillors on their work within the Council and in their home countries, sometimes in difficult circumstances. Emphasizing that science was the foundation of the Council's work, he acknowledged that sufficient time should be provided for discussions during meetings. He took note of the issues that would be raised before the meeting of the Conference of the Parties, in particular the desire to revive the Small Grants Programme, and the possible solutions suggested by the Council to resolve differing views on 2 of the proposals for shark listings, and on the saker falcon.

71. The Council expressed appreciation to Mr. Barbieri, Acting Scientific and Technical Officer, who had taken up a new post within the CMS Secretariat and wished him well in the future.

72. Following the customary exchange of courtesies, the Chair declared the meeting closed at 6.40 p.m. on Friday, 28 November 2008.

Annex I to ScC15 Report

AGENDA OF THE MEETING

1. Opening remarks
2. Adoption of the agenda
3. Review of Strategy Implementation Plan for the Scientific Council 2006-2011
4. Small scale projects funded by CMS
5. Scientific Council tasks arising *inter alia* from resolutions, recommendations and other decisions of the Conference of the Parties
 - 5.1. Concerted actions for selected Appendix I species/groups (Res. 3.2, 4.2, 5.1, 6.1, 7.1 and 8.29 refer)
 - 5.2. Co-operative actions for Appendix II species (Recommendations 5.2, 6.2, 7.1 and 8.28 refer)
 - 5.3. Other resolutions and recommendations (not already covered under previous agenda items)
 - a) Resolution 8.1: Sustainable Use
 - b) Resolution 8.7: Assessing the contribution of CMS in achieving the 2010 Biodiversity Target
 - c) Resolution 8.13: Climate change and migratory species
 - d) Resolution 8.14: By-catch
 - e) Resolution 8.22: Adverse human induced impact on cetaceans
 - f) Other Resolutions and Recommendations under development
6. Review of proposals for amendments to Appendices I and II of the Convention:
 - (a) Discussion and evaluation of proposals
 - (b) Conclusions and recommendations to the Conference of the Parties
7. Progress on other matters requiring Scientific Council advice
 - 7.1. Potential new Agreements (including Memoranda of Understanding and Action Plans)
 - 7.2. Taxonomy issues
 - 7.2.1 Taxonomy reference for mammalian species
 - 7.2.2 Taxonomy of Orcaella

- 7.2.3 Harmonisation of the taxonomy between CMS and CITES Appendices
- 7.3 Migratory Species and diseases
- 7.4 Range State List
- 7.5 Artificial barriers to migration and other threats to migratory species and their habitats
- 8. Report to COP on ScC activities during 2006-2008
- 9. Election of the chairperson and vice-chairperson of the Scientific Council for the period 2009-2011
- 10. Date and venue of the 16th meeting of the Scientific Council
- 11. Any other business
- 12. Closure of the Meeting

Annex II to ScC15 Report

Statement of the Chair of the CMS Scientific Council on the Small Grants Programme

The Scientific Council regards the Small Grants Programme as an essential, and possibly the most essential, tool for the implementation of the Convention. Created at the fourth meeting of the Conference of the Parties in 1994, from 1994 to 2005 the Small Grants Programme was the main instrument through which the Convention was able to bring seed money to significant conservation projects. It changed the nature of the Convention from a somewhat formal administrative instrument to a dynamic and respected conservation tool. It was used to prepare the Action Plans that have been the basis of many of the agreements concluded under the Convention and to support activities in the field of conservation. It had an impact that went well beyond the funds mobilized by the Convention as it was a powerful catalyst to generate much larger funds coming from the Range States themselves or from international donors. Without it, many projects that made a substantial contribution to raising the profile of the CMS and resolving essential conservation issues would never have been possible, particularly in developing countries where funds would not otherwise have been available to initiate projects. Without this dependable, predictable resource that is allocated according to conservation needs, the nature of the Convention would be profoundly changed and its appeal as an effective conservation tool gravely damaged.

This essential mechanism functioned extremely well until 2005. During the past triennium, a change of policy left the funding to the vagaries of donor interest. Predictably, this approach has failed, as the most needed actions are, almost by definition, often the least susceptible to attracting the interest of donors. Indeed, this interest is strongly guided by media potential and will privilege fields that already enjoy widespread attention, rather than those in which the Convention is the best or only tool, and thus can truly make a difference.

The Scientific Council urges the Conference of the Parties to take all necessary measures to revive and sustain the Small Grants Programme in the form it had between 1994 and 2005, namely, that of a predictable, regulated source of funds for real world conservation, driven only by conservation needs and scientific quality, not by attractiveness to potential donors.

This very strong plea was expressed in interventions at plenary sessions of the Scientific Council by the Councillors for the European Community, the Netherlands, Côte d'Ivoire, France, Belgium, Germany, Kenya, Burkina Faso, Morocco, Australia, the former Yugoslav Republic of Macedonia, by six Conference-appointed Councillors and by the Executive Secretary of ACCOBAMS, and was unanimously supported by the Council.

The chair also drew attention to the statement on financing of research and conservation projects recommended by the Scientific Council, which had been endorsed by its 14th meeting and is included in the report of that meeting. The statement is reproduced below.

“Having reviewed, in part through the analysis conducted by its taxonomic working groups, the achievements of the first half of the 2005-2008 triennium, the Scientific Council reiterates its opinion that the concrete conservation actions that it has identified selected, prioritized and recommended for funding have been and are one of the principal assets, and a unique trademark of the Convention, as well as the main pathway through which the convention will contribute to the 2010 target. The Council thus expresses its

deep concern at the difficulties of funding that have impeded during the first half of the triennium both the continuation of ongoing actions and the initiation of new ones, in sharp contrast with the situation of past periods. The Scientific Council regards the guarantee of secure funding for the actions it reviews and recommends a vital requirement if the quality of the implementation of the Convention and its relevance to effective conservation are to be maintained and if the credibility and the usefulness of the work of the Scientific Council are to be preserved. Such a secure and predictable level of funding existed in the past as a fixed budget allocated by each COP, taken from Convention reserves.

Two possible ways to recreate this situation appear to exist:

- Either the COP undertakes to again allocate a fixed budget, taken from its resources, and this without reducing the support given to other necessary Convention activities;*
- Or the secretariat expands its present fund-raising programme to generate sufficient resources allowing a fixed sum to be reserved for projects selected by the Council procedure.”*

Annex III to ScC15 Report

Submission to the 9th Conference of the Parties on Migratory Species Indicators

The Scientific Council reviewed work undertaken intersessionally to produce draft migratory species indicators. Two draft indicators, the Red List Index, and the Living Planet Index, each with variations to show changes in the subset(s) of species which can be considered migratory, were presented to SC15.

The Scientific Council welcomed the work undertaken, noting the value of having more than one indicator to measure the outcomes in species populations achieved by the Convention and by the actions of others. During discussion a number of questions about the detail behind the indicators were raised. Overall it was considered that they represented a good first step, noting that there were issues about how representative the draft indicators are, how well they can be applied to groups of species for which limited population information exists, and whether these analyses take into account known data biases. The Council noted the possibility of a time-lag effect in some long-lived species where changes occurring today may only be detected in later years. The Council also noted that the collective effort applied from CMS and other Conventions to some species groups is especially important; for example, work in relation to the great whales has benefited from the co-ordination of the IWC in particular.

The Scientific Council expressed the importance of explaining and interpreting the trends observed. At a gross level, CMS listed migratory species appear to be doing better than other migratory species. However, when more detailed analyses are undertaken, more subtle and complex messages emerge. At the same time, it was acknowledged that some of the detailed data necessary to carefully evaluate population trends may not be available, especially for rare species. Importantly, the Scientific Council noted that whilst this overview may imply that no additional funding is necessary to support activities of CMS listed species as these species are recovering from very low population levels, an alternative perspective is that conservation actions are beginning to succeed in some cases.

The Scientific Council recommends that:

- Further work is undertaken to develop these and perhaps other indicators, for example of the impacts of climate change;
- Further analyses should be based on the following variables and combinations of variables: a) IUCN red listed species, b) CMS species, c) CMS Appendix I species, d) AEWAL listed, e) ACAP listed, f) migratory species, g) non-migratory species, h) terrestrial mammals, i) aquatic mammals (including both great whales and small cetaceans), j) reptiles, and k) fish;
- Population estimates are collected in similar ways to ensure that comparisons are compatible;
- Contracting Parties make information available to both the Red List Consortium and the Living Planet Consortium to ensure the indicators are based upon as much information, and of as high a quality, as is possible;
- SC16 further discuss these issues and make a clear recommendation to CoP10 on the adoption of an indicator suite to help measure the effectiveness of the convention; and
- The Scientific Council working group is maintained, to help draft specific and carefully stated recommendations for the COP, and to offer other advice as necessary.

Annex IV to ScC15 Report

REPORT OF TAXONOMIC WORKING GROUP ON BIRDS

The Working Group met twice, in the afternoon/evening of 27th November, and in the afternoon of 28th, for a total of somewhat less than four hours in all. It proved extremely difficult to cover a demanding agenda in this time. Some 28 Scientific Councillors and observers attended all or part of these meetings. The following matters were discussed.

Concerted Action issues

The Group received oral and written reports on the following fourteen Concerted Action species, listed in the order in which they appear on Appendix I of the Convention. The names of the focal point Councillors presenting the reports are given in brackets. An * next to the name indicates that the Councillor concerned has recently agreed to be the focal point for reporting on these species, and the Secretariat is asked to ensure that these names appear against appropriate references to the species in future. The written reports, and a summary of oral reports, will be passed to the Secretariat.

Humboldt Penguin (Roberto Schlatter*), Balearic Shearwater (Borja Heredia*), Andean Flamingos (Roberto Schlatter), Lesser White-fronted Goose (John O'Sullivan), Ruddy-headed Goose (Daniel Blanco), Ferruginous Duck (Jelena Kralj*), White-headed Duck (Borja Heredia*), Lesser Kestrel (Pierre Devillers via John O'Sullivan), Siberian Crane (Taej Mundkur*), Houbara Bustard (Mohammad Sulayem*), Great Bustard (Attila Bankovics), Red Knot *rufa* (Daniel Blanco*), Slender-billed Curlew (Pierre Devillers via John O'Sullivan), and Aquatic Warbler (Jiri Flousek*).

During related discussions, the following matters arose. Concerning the Lesser White-fronted Goose, it was noted with satisfaction that a dedicated officer had been appointed, thanks to funding from the government of Norway; the post is based at the AEWa Secretariat. The newly agreed Action Plan on the species gives some grounds for optimism. On the Houbara Bustard, the Scientific Councillor from Saudi Arabia said that he expected that the proposed Agreement on the species, which has been several years in preparation, would be finalised by the end of next year. The draft action plan attached to the proposed agreement needs to be reviewed and agreed. An Agreement is the preferred option of Saudi Arabia over a Memorandum of Understanding. Concerning the Great Bustard, there was some debate about the value of adding the eastern population *dybowski* (occurring in part of the Russian Federation, in Mongolia and China), to Appendix I, and the possibility of extending the existing MoU on the Middle European population to cover this subspecies. It was agreed to discuss these matters by correspondence, and to look at the matter again at the next meeting of the Scientific Council, with a view to taking any appropriate action at COP 10. As concerns the White-headed Duck, it was noted that the threat from the introduced Ruddy Duck continues to be a real and worrying one. Although good progress has been made on eliminating the species in the United Kingdom, with only a few hundred individuals remaining to be removed, the situation in the Netherlands and France is somewhat less clear. It is hoped that a recent Resolution from AEWa MOP4 will stimulate sustained efforts in these countries: speedy and determined action is likely to be more effective, and far less costly overall. On the Lesser Kestrel, it was noted that the species would be covered by the newly agreed Memorandum of Understanding on African-Eurasian Birds of Prey. It will of course continue to be subject to Concerted Action reporting, but within a new framework. Concerning the Slender-billed Curlew, it was noted that the Working Group set up under the CMS MoU on the species, has recently been reorganised, and is planning a major push to

publicise the fate of this critically endangered bird, and to encourage ornithologists and birdwatchers to make a final effort to locate any remaining individuals. More information would be given about this at the forthcoming Conference of the Parties, and the associated side-event. As concerns the Aquatic Warbler, considerable activity is being undertaken by the Aquatic Warbler Conservation Team; the International Single Species Action Plan (first published in 1995) is under revision in late 2008. (CMS may wish to endorse this Plan in due course.) On a general point relating to focal point reports on Concerted Action species, the view was expressed that we should concentrate on concrete facts, such as population estimates and conservation status, in each part of the whole range of a given Concerted Action species. This approach is of course more difficult for some species than others, but should be followed wherever possible. At this meeting, no reports were received on two other Concerted Action Species for whom focal point councillors have been designated, White-winged Flufftail and Blue Swallow. The Appointed Councillor for Birds agreed to contact the appropriate Scientific Councillors, who were not present at this meeting of the Council, and seek updates. It is notable, however, that an Action Plan has been produced for the flufftail (see next item). Focal point Councillors are still needed for Black-faced Spoonbill and Spoon-billed Sandpiper, and Chinese Crested Tern, and this matter will be explored intersessionally.

The Working Group considered and endorsed the proposed Action Plans for the following species: White-winged Flufftail, Madagascar Pond Heron, Chinese Crested Tern, Black-faced Spoonbill, and Spoon-billed Sandpiper. Minor typographical changes will be notified to the Secretariat. Still on the subject of action planning, the meeting supported the suggestion that a new Action Plan for the Ruddy-headed Goose should be produced. After some discussion, it was decided to propose the following Appendix I species for Concerted Action, and the production of Action Plans as appropriate: Dalmatian Pelican, Swan Goose, and Marbled Duck.

As regards Cooperative Action, reports were received on Corncrake (Colin Galbraith) and Quail (Pierre Devillers via John O'Sullivan), and a more detailed report on Black-necked Swan (Roberto Schlatter). Councillors were conscious that debate on Cooperative Action for birds had become rather limited at recent meetings, and would value some guidance from the Council, the Secretariat and others, on how to re-energise this element of our work. The Working Group decided not to identify new species for Cooperative Action at this meeting.

The Working Group endorsed the finalised international Action Plan for the Lesser Flamingo. During the discussions on this item, Kenya was complimented on the production of a related National Action Plan for the species. The meeting noted that Tanzania was also preparing such a plan and, in view of the extraordinary, and indeed unique, importance of the Tanzanian breeding colony at Lake Natron, urged the government of Tanzania to consult as widely as possible on this vital new Plan, and wished it success in its production. It was noted that the connection between Asian and African Lesser Flamingo populations remains uncertain and should be researched through satellite telemetry and genetic and isotope studies across its range. The Asian breeding population of Lesser Flamingo, which is confined to just one location, in India, remains at risk during and outside the breeding season in India and Pakistan. There is a need to implement priorities under the Action Plan in these countries, particularly those relating to research, and the management and conservation of the species and its habitats.

On proposals for amendments to the Appendices of the Convention, the Working Group supported the addition of the following species to Appendix I. Baer's Pochard, Egyptian Vulture, Peruvian Tern, Yellow-breasted Bunting, Cerulean Warbler and Streaked Reed-warbler. The proposal to list Saker Falcon proved an issue for considerable debate. The

majority of Councillors who spoke felt that listing on Appendix I was justified on scientific grounds and should go ahead. Councillors from two countries felt it should not.

The Working Group noted that the proposals to add Maccoa Duck and African Skimmer to Appendix II had been made as a result of a misunderstanding. It was agreed to review, in the coming triennium, the status of the Maccoa Duck for possible addition to Appendix I.

There was only time for a short discussion on Agenda item 7.1 relating to draft Resolution 9.2. It was proposed that a useful attachment to the Resolution would be the Statement of the Range States that was produced at a meeting in New Delhi in 2005.

Given the lack of time, there was no opportunity to discuss the question of the harmonisation of taxonomy between the Appendices of CMS and CITES (Agenda item 7.2.3). (It was subsequently proposed to discuss this matter by correspondence intersessionally.)

The Working Group briefly considered the matter of projects that would benefit from “small grant” funding should such become available, and proposed that the following would be of high conservation value, at a likely cost of €20,000 - €30,000 in each case:

1. A workshop on Spoon-billed Sandpiper, associated with a field-survey of non-breeding birds, perhaps in Bangladesh early in 2010. The translation of the new Action Plan into Asian languages would greatly assist.
2. For the Swan Goose, the organisation of an expert meeting in 2009, at a location within the range of the species, in order to finalise an existing draft Action Plan, to translate it and publish it. (A more detailed proposal was submitted to the Working Group and is available separately.)
3. A workshop to finalise, produce and translate an Action Plan on the Dalmatian Pelican, including by means of an expert meeting in one of the Range States. (A more detailed proposal was submitted to the Working Group and is available separately.)
4. Support for efforts to find any remaining individuals of Slender-billed Curlew by means of survey of passage, and particularly wintering, sites; if birds are located, the capture and satellite marking of individuals to enable the unknown breeding grounds to be located, and associated work.
5. A project on Saker Falcon, if deemed appropriate in the light of continuing discussions.

Annex V to ScC15 Report

REPORT OF THE TAXONOMIC WORKING GROUP ON AQUATIC MAMMALS

Agenda Item 5.1 Concerted Actions for Appendix I species

Heredia (Spain) reported on the status of the Mediterranean monk seal in Atlantic waters. A meeting of the international working group took place in Madeira (Portugal) in June 2007. Subsequently an MoU was signed among Mauritania, Morocco, Portugal, Spain and the CMS Secretariat in Tenerife (Spain) in October 2007.

There are now 170-180 seals at the Cabo Blanco colony. In the last 2 years up to 14 individuals have been observed using open beaches in the vicinity of the breeding caves, including individuals of all age classes.

In 2006 and 2007 there were 48 and 46 pups born respectively, which is close to the average productivity before the 1997 die off (52 pups). Seventy-four percent of the pups born have survived to the first moult.

During 2008 a monk seal has been observed repeatedly around the Island of Mallorca.

All these facts justify some optimism about the recovery of the population, but close monitoring and conservation action must continue.

Schlatter (Chile) reported that there is no recent information on the franciscana reported from Brazil, Uruguay or Argentina.

He also reported on the southern marine otter and the southern river otter. The southern marine otter continues to be investigated by experts of the University Andres Bello in Central Chile (leadership Gonzalo Medina) and some NGOs. The species continues to be under threat, but several law-enforcements actions on capture and fur trade, plus the creation of recent new Marine National Parks along the Chilean coast, should ensure protection of marine coastal range fragments, especially in northern Chile. The species is assumed to be stabilized in numbers

The southern river otter also continues to be investigated by experts from the Universidad Austral de Chile (Valdivia, southern Chile) and from the Andres Bello University (central Chile) and several Wildlife NGOs. The species continues to be under threat by worsening habitat conditions (outside National Parks) in the currently reduced geographical distribution. There is no recent information from Argentina. A binational meeting was held jointly by Chile and Argentina during 2006 to update knowledge and status for the species.

The Group agreed that it would be appropriate to designate the Gangetic dolphin (*Platanista gangetica gangetica*) for Concerted Action. It was added to Appendix I at COP7. If it is so designated, an ScC focal point will need to be identified.

The Black Sea bottlenose dolphin (*Tursiops truncatus ponticus*) has been proposed for inclusion in Appendix I. In the event that the proposal is accepted by COP9, Gurielidze (Georgia) agreed to act as the ScC focal point for the subspecies.

It was noted that an ScC focal point has not been identified for the six species of great whales designated for Concerted Action at COP8: the fin, sei, sperm, southern right, blue and humpback whales. Alvarez (Australia) agreed to assume that role. He and Ewers reported on recent actions by Australia relating to five of the species.

All cetaceans (whales, dolphins and porpoises) are protected in Australian waters. Under State legislation, all cetaceans are protected in waters to three nautical miles. As part of Australia meeting its obligations under the Convention for Biological Diversity, amendments to the EPBC Act were introduced to appropriately manage the sustainable access and equitable distribution of benefits derived from genetic and biochemical resources.

Whale watching in Australia is focused predominantly on inshore dolphins, and humpback and southern right whales, which migrate relatively close to the Australian coastline. In 2005, all States and Territories and the Australian Government adopted the revised *Australian National Guidelines for Whale and Dolphin Watching*. These Guidelines establish a national framework for all jurisdictions for the regulation of interactions between people and cetaceans. Australia supports the work of the whale watching Sub-committee and in March-April 2008 hosted the IWC Intersessional Workshop for the Strategic Planning of Large-scale Whale/Dolphin Watching Research.

Whale strandings, entanglements and impacts of oil and gas exploration are major areas of focus for Australia's cetacean conservation initiatives. The most recent development is a buoyant satellite tag that can be attached to entangling material to allow the animal to be tracked until conditions are suitable. Best practice training for Government staff involved in disentanglement operations on humpback and right whales are conducted annually around the country, with updates on equipment and drawing upon case histories provided by an extended network involved in disentanglement events, including from the Northern Hemisphere.

Management tools such as the development of recovery plans and guidelines are developed at the national level to provide management measures to address key threatening processes that impact on cetacean conservation. Recovery plans for five threatened great whale species – the humpback, southern right, blue, fin and sei whales – have been adopted. The increase in world oil prices has led to an increase in proposals to identify and develop offshore oil and gas fields.

The CMS *Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region* was signed by the Australian Government in September 2006. Capacity-building workshops held in Auckland in September/October 2006 were supported financially and by participation of the Australian Government. The workshops introduced participants from South Pacific Island countries to the latest rescue techniques for whale strandings and entanglements. In November 2007, Australia provided funding for the First Melanesian Capacity Building Training Workshop on Cetaceans in Papua New Guinea. Australia also provided funding support and attended the Pacific Islands Working Group on Whale and Dolphin Watching hosted by the Secretariat for the Pacific Regional Environment Programme (SPREP) in Auckland in April 2008.

Funding for projects has increased from AUD \$300,000 in 2004-05 to over AUD \$1 million in 2008-09. Earlier this month, the Australian Government announced that it will invest more than AUD \$6 million in 2008-09 to promote non-lethal whale research.

The Group noted that the Observer's report on the 2008 meeting of the IWC Scientific Committee (SCd15/Doc.7) suggested that the application of the highly precautionary Revised Management Procedure to contemplated management of the great whales to achieve sustainable exploitation could be construed as international Concerted Action for those species listed in CMS Appendix I; many IWC parties are also parties to CMS.

Agenda Item 5.2 Cooperative Action for Appendix II species

Schlatter reported that several NGO'S are pursuing research along the coast of Chile on the six species of South American dolphins designated by COP8 for Cooperative Actions.

Custodio (Philippines) reported that there is little new information on recent Coordinated Actions on the Southeast Asian populations of seven small cetacean species designated by COP8 for Cooperative Actions. He briefly summarized conservation status of the species, as follows:

Populations -- A situation common to all the populations within the region is the inadequate information on their population trends. There are indications of population decline in some of the species (*Neophocaena phocaenoides*, *Orcaella brevirostris*, *Sousa chinensis*) but there are also cases where the trend in population/s is unknown (*Lagenodelphis hosei*, *Stenella attenuata*, *Stenella longirostris*, *Tursiops aduncus*).

Threats: The threats to the group of dolphins can be broadly categorized as fisheries effects and habitat loss and modification including pollution and tourism development.

THREAT	SPECIES IMPACTED
Fisheries	
Tuna fisheries	<i>Lagenodelphis hosei</i> ; <i>Stenella attenuata</i> ; <i>Stenella longirostris</i>
Gill net	<i>Lagenodelphis hosei</i> ; <i>Neophocaena phocaenoides</i> ; <i>Orcaella brevirostris</i> ; <i>Sousa chinensis</i> ; <i>Stenella longirostris</i> ; <i>Tursiops aduncus</i>
Drive fisheries	<i>Lagenodelphis hosei</i> ; <i>Stenella attenuata</i> ; <i>Tursiops aduncus</i> ;
Directed take	<i>Lagenodelphis hosei</i> ; <i>Neophocaena phocaenoides</i> (in Pakistan); <i>Stenella attenuata</i> (by Japan)
Habitat loss and modification including pollution	
General	<i>Neophocaena phocaenoides</i> , <i>Orcaella brevirostris</i> , <i>Sousa chinensis</i> ; <i>Tursiops aduncus</i>
Dams	<i>Neophocaena phocaenoides</i> , <i>Orcaella brevirostris</i>
Pollution	<i>Orcaella brevirostris</i> ; <i>Neophocaena phocaenoides</i> ; <i>Sousa chilensis</i>
Tourism development	
Dolphin watching	<i>Stenella longirostris</i>
Anti-shark net	<i>Sousa chinensis</i> ; <i>Tursiops aduncus</i>
Oceanarium display	<i>Tursiops aduncus</i> (especially in the Solomon Islands)
Boat traffic	<i>Neophocaena phocaenoides</i> , <i>Orcaella brevirostris</i> ; <i>Sousa chilensis</i>

Agenda Item 5.3c Draft Resolution 9.7 Climate Change Impacts on Migratory Species

The Group discussed the potential impact of climate change on the narwhal *Monodon monoceros* and suggested that the Council recommend that a motion be concluded by the COP for the species given the rapid climate-change-related changes in its environment. This motion should seek to reduce anthropogenic pressures, including removals, of this species. It was suggested that a narwhal recommendation could be nested within the existing discussions of future priorities developed within Conf. 9.26: Migratory Marine Species, noting that this paper will develop into a resolution during the COP.

Quoting the IUCN Red List assessment, “Narwhals are well adapted to a life in the pack ice as indicated by the fact that there is very little open water in their winter habitat. They spend much of their time in heavy ice and are vulnerable to ice entrapments where hundreds can become trapped in a small opening in the sea ice (savssat) and die. This occurs when sudden changes in weather conditions (such as shifts in wind or quick drops in temperature) freeze shut leads and cracks they were using. When entrapped whales are discovered by hunters, they normally are killed. A recent assessment of the sensitivity of all Arctic marine mammals to climate change ranked the narwhal as one of the three most sensitive species, primarily due to its narrow geographic distribution, specialized feeding and habitat choice, and high site fidelity.” The frequency of frozen-over savssats may be increasing with arctic warming, a counter-intuitive result due to complex pack-ice dynamics.

The Group agreed that insertion of the following sentence into item 5 of the resolution after “technical advice” would be useful: “, including identification of species for priority action,”

Agenda Item 5.3e Resolution 8.22 Adverse human influenced impact on cetaceans.

The Group noted appreciatively the progress made in the implementation of Resolution 8.22 and endorsed the revised Secretariat program for implementation. The draft review will be circulated in early January to selected members of the Council for comments and to other expert bodies for additional input. Based on the comments received by March, the Secretariat will work with the Appointed Councillor for Aquatic Mammals to identify priority impacts and regions requiring urgent attention and develop the draft Programme of Work for Cetaceans by July. Parties will be given opportunity for comments before a revised draft will be submitted to the Standing Committee for approval.

Agenda Item 5.3f Other Resolutions and Recommendations under development

The Group welcomed Draft Resolution 9.19 and agreed with its major thrust and intent. However, it had suggestions for a few changes:

1. The summary of the ICES report was felt to not fully reflect the sense of the report; an alternate form of words is suggested: “Taking note of ICES report CM 2005/ACE:01 (Report of the Ad-hoc group on the Impact of Sonars on Cetaceans and Fish (AGSIC)) which recommends that further research should be conducted on this issue, including efforts to identify critical habitat, the development of techniques to detect beaked whales, further acoustic studies; and further research into the apparently non-auditory responses of deep-diving marine mammals to low- and mid-frequency sonars. “
2. It would be more effective if the sense of the various resolutions mentioned in the preamble were spelled out.

3. In the preamble, the 4th paragraph should read: “..and requests the CMS Secretariat and Scientific Council to review.....”
4. On page 2 in the preamble, it was suggested that an item be added: “Taking note of the draft research strategy developed by the European Science Foundation on the effects of anthropogenic sound on marine mammals;”
5. On page 4 in item 5, a bullet point could usefully be added: “Consider the draft research strategy developed by the European Science Foundation on The effects of anthropogenic sound on marine mammals, which is based on a risk assessment framework.
6. On page 4, in item 7, after “Committee”, the Group suggested adding “with the assistance of the Scientific Council.”
7. In the same sentence, after “this Resolution,” it is recommended that the following be added, “,including prioritization of research items,”
8. Paragraph 9 in the operational part should read “other relevant intergovernmental organizations and initiatives, such as...” Further, in the same paragraph, the reference to WATCH needs to be replaced by the following: “Small Cetaceans and Manatees of Western Africa MoU”

Agenda Item 6a&b *Discussion and evaluation of proposals for amendments to Appendices I and II and recommendations concerning their adoption by COP9.*

It was noted that the proposals for *Sousa teuszii*, *Phocoena phocoena* and *Stenella clymene* were discussed and endorsed by the Council at its 14th meeting; these were not further discussed, other than to note that since the current proposal for *Sousa teuszii* was submitted the species has been classified in the 2008 IUCN Red List as Vulnerable (at significant risk of extinction).

The Group discussed the remaining four proposals and recommended that they all be endorsed by the Council. It was noted that in the 2008 Red List, *Orcaella brevirostris* has changed from Data Deficient to Vulnerable, *Tursiops truncatus ponticus* (previously not classified) has been listed as Endangered, *Grampus griseus* is listed globally as Least Concern, and the West African manatee remains listed as Vulnerable. The purpose of the proposed listing of the Mediterranean population of *Grampus griseus* is to bring the CMS Appendices into harmony with those of ACCOBAMS.

The proposed emendation of the Appendix II listing of the western Mediterranean population of *Tursiops truncatus* is also for the purpose of harmonization with ACCOBAMS, and the Group recommended that this proposal be endorsed as well.

The Group noted that several of the listing proposals were developed in first draft by members of the Cetacean Liaison Group and suggested that the CLG should be encouraged to continue to provide such contributions in future.

Agenda Item 7.1 *Potential new agreements*

The Group agreed that efforts to pursue an agreement on cetaceans of Southeast Asia should continue, with consideration of possible inclusion of the great whales. It was also agreed that consideration of the agreement area should extend to the Indian Ocean, although questions of faunistic aspects of various potential boundaries should be reviewed.

Agenda Item 7.2.1 & 7.2.3 Taxonomic reference for aquatic mammals & harmonization with CITES

The Group discussed these two items together. Perrin provided a summary of the history of the issue in the ScC with regard to aquatic mammals. When the issue was first addressed a number of years ago, the then available edition of Wilson and Reeder was badly out of date for the aquatic mammals, and it was recommended that the more current Rice (1998) be used. The ScC took note of further taxonomic advances in following years and adopted appropriate changes in nomenclatural usage, for example for the right whales when they were divided up into three species (one of which is currently Critically Endangered and another in the Red List as Least Concern). A similar situation exists, as discussed at this meeting, for the genus *Orcaella*. There is now a new edition of Wilson and Reeder available (2005), but it was several years in production and is again out of date for the aquatic mammals. For example, it does not include some currently recognized species, such as *Orcaella heinsohni* and *Sotalia guianensis*, and does not include some recognized subspecies, such as *Stenella longirostris roseiventris* (described before the new edition went to press).

Rice (1998) is now of course also badly out of date; a large number of taxonomic advances have occurred in the last 10 years. The most current classification is that in the second edition of the *Encyclopedia of Marine Mammals*, edited by Perrin, Wursig and Thewissen and published by Academic Press. It will be released in the next two weeks. That classification incorporates all of the changes adopted by the ScC for aquatic mammals and is in harmony with usage by the International Whaling Commission and the IUCN Red List. It was agreed that it would be appropriate to now use this volume as a standard for taxonomic usage for the aquatic mammals, continuing the practice of keeping current with the taxonomy of the group, and the Working Group recommended that this be done.

While wishing to maintain current practice, the Group recognized the practical value of harmonization of the CITES and CMS lists and suggested some alternative means to achieve this. In the case of synonyms for species or subspecies (questions only of nomenclature), each convention could qualify its listing accordingly. E.g., CITES could list the sperm whale as “*Physeter catodon* (= *P. macrocephalus*)”, and CMS could list it as “*Physeter macrocephalus* (= *P. catodon*)”. Such is already the practice in some lists (e.g. the Red List). For new species and for species splits and lumpings, which deal more with taxonomy(science) than merely with nomenclature, either the listings could be similarly qualified (albeit with much more phraseology), or, as suggested by an intervention in plenary, an inter-convention panel of taxonomic experts could be convened periodically to review the lists and the relevant technical literature to decide on the best science to represent in the (harmonized) lists. The Group favored the latter alternative.

Agenda Item 7.2.2 Taxonomy of *Orcaella*

The recent split of *Orcaella brevirostris* into *O. brevirostris* and *O. heinsohni* was noted and the Group recommended that CMS adopt the nomenclature concordant with the split. Recognition of the existence of the two species is especially important in that one, *O. brevirostris*, is classified as Vulnerable in the IUCN Red List, with several populations listed as Critically Endangered. *O. heinsohni* is classified as Near Threatened; a strong recommendation is made in the Red List assessment that the data needed to clarify its status be collected.

Annex VI to ScC15 Report**REPORT OF THE WORKING GROUP ON TERRESTRIAL MAMMALS
to the 15th meeting of the CMS Scientific Council****Agenda item 5.1****Concerted Actions for selected Appendix I species/groups**

The group noted with great satisfaction the substantial progress made by Concerted Actions on Sahelo-Saharan Ungulates, Gorillas, South Andean deer, and Central Eurasian mammals. It recommended pursuing these actions and reinforcing them through two Recommendations (annex I and annex II). The possible extension of the range of the Sahelo-Saharan and Central Asian Concerted Actions was discussed and encouragement for it, conditioned by interest from the Parties concerned, is reflected in the wording of the two recommendations. The group also endorsed the proposal for new initiatives included in COP document UNEP/CMS/Conf.9.28 (Terrestrial Mammals and CMS). Attention was drawn to the need for further surveys on local populations of particularly threatened species within the scope of the Central Eurasian Concerted Action.

- **Sahelo-Saharan Concerted Action**

In the 2005-2008 triennium, many activities have taken place as part of the Sahelo-Saharan Ungulates Concerted Action, with the main focus on two poles of action, one in northern Sahara, (Tunisia and Morocco), the other in southern Sahara, (Niger), and with the highly appreciated support of France and the European Union.

In Tunisia, the main focus was on the constitution and the management of a metapopulation of all semi-captive populations of *Oryx dammah*, *Addax nasomaculatus* and *Gazella leptoceros* in the southern protected areas of Tunisia; on the in situ conservation of *Gazella leptoceros*; and on the preparation of the reintroduction of the Addax on the Oriental Great Erg. Activities included surveys, with the support of ZSL, translocation of *Oryx dammah* and *Addax nasomaculatus* to the southern protected areas (PA), capacity building for 12 professionals of the region (Tunisia, Morocco, Algeria, Senegal) management of these PAs, scientific monitoring of reintroduced populations, and a feasibility study on the reintroduction of *Addax nasomaculatus* in nature in the Oriental Great Erg.

In Morocco, two new reserves were established in southern Morocco, Safia and Mcissi reserves, where translocation of *Addax nasomaculatus*, *Oryx dammah* and *Gazella dama* and *G.dorcas* were undertaken, in partnership with NABU. A new NP "Khniouss NP" of 185.000 ha was established north of the city of Laayoune, in southern Morocco, for the restoration of the Sahelo-Saharan fauna. A national strategy for the conservation and restoration of Sahelo-Saharan ungulates was also undertaken in 2008, as part of the national implementation of the CMS SSA Action Plan.

In Niger, the main focus was put on a partnership approach with the Niger ME/LCD and NGO (Sahara Conservation Fund) in the development of the proposed Termit-TinToumma protected area, the last world viable population of Addax, and generally a hotspot for Saharan biodiversity. Main activities included ecological surveys, development of a technical pre-classification dossier, the establishment and equipment of surveillance and protection

community-brigades for the area, and identification of small local community development projects.

- **Central Eurasian Mammals Concerted Action**

A written report was submitted and is available as part of COP document (document 9.14).

In particular at this meeting, the Councillor for Syria stressed the fact that four protected areas (Talila, Al Thawra, Jabal Abdel Aziz, and Odemah) are in place in Syria and of particular importance for the reintroduction or conservation of the Arabian Oryx *Oryx leucoryx* and *Gazella subgutturosa*.

- **The Huemul or Southern Andean Deer Concerted Action**

In Chile, the species is still investigated with projects funded by International organisations. There are at least today 3 populations, one in central south (small <20 ind), one in south recently reintroduced and less than 5 individuals, and austral Chile, the main population. We still need to assess the population along the archipelagos. The species continues to be threatened officially (CONAMA) and CONAF has published booklets to reorient research action for the country. A bilateral meeting was held in the last years in Argentina for updating info and research in the species distributional range. No news has been recently given by Argentina on this species.

- **Gorillas**

The Secretariat and the Scientific Council helped the Range States negotiate and conclude an Agreement for the four Gorilla taxa in 2007. The Agreement came into force in June 2008, and 6 of the 10 Range States are already Parties to the Agreement. The first MoP will take place in Rome on the 29/11/2008.

The group on Terrestrial Mammals recommends that the Scientific Council advises the COP to empower the Secretariat and the Scientific Council to take all necessary measures to ensure the continued implementation of the Gorilla Concerted Action including servicing of the Agreement concluded to support it.

Agenda item 5.2

Cooperative Actions for Appendix II species

The group noted the evaluation of Cooperative actions included in COP document UNEP/CMS/Conf.16 (Operational instruments of the Convention on Migratory Species) and, until a decision is reached on possible changes of policy regarding them, proposes to continue existing efforts with the support of a recommendation (annex III), and to incorporate relevant species within the Concerted Action for Sahelo-Saharan Megafauna and Central Eurasian Mammals, on the model of recommendation 8.29.

The group also reviewed the progress in existing actions (annex IV)

- **West African Elephant Cooperative Action**

The WG noted the good progress made on the African Elephant Cooperative Action. Cooperative work is progressing among the 12 Parties of the MoU signed in Nairobi at last COP. Wildlife migration corridors have been established between Togo, Burkina Faso and Ghana. Further corridors are being developed between Ghana and Côte d'Ivoire. Liberia and Guinea are currently working to finalize their National Conservation Strategy. Two meetings were held in Mali and Kenya in 2007 and 2008 to discuss the way forward for the African Elephant Coalition. A meeting is scheduled for Accra (Ghana) 2009.

The Councillor for Chad requested information on progress of Concerted Action planning for the central African populations of the Elephant and insisted on an extension of the West African instrument.

Agenda item 6a and 6b

Proposals to amend Appendices

The group fully supported the recommendation of inclusion of *Acinonyx jubatus* in Appendix I, and *Lycaon pictus* and *Saiga tatarica s.l.* in Appendix II. It also recommends that *Acinonyx jubatus* be included in both the Concerted Action on Eurasian Mammals (Asiatic populations) and on Sahelo-Saharan megafauna (North African populations). It therefore proposed the placing of *Acinonyx jubatus* on the list of Concerted Action species. It further noted that *Saiga tatarica sensu lato* will be part of the Eurasian Mammals Concerted Action.

The group could not support the proposal to list *Ammotragus lervia* in Appendix I, as this would preclude conservation-favourable national actions that include wise use of the species. The group notes that the wording of the recommendation on Sahelo-Saharan megafauna, conceived to involve the entire megafauna of the Sahelo-Saharan region, will in any case insure that the measures that might be deemed necessary for the conservation of the species are taken, without excluding those that might entail wise use.

Agenda item 7.1

Potential new agreements

The group reviewed the proposed resolution 9.2, in the context of Terrestrial Mammals, and evaluated that it was satisfactory, with the following amendments:

1. Add the recommendation to develop a legally binding or non-binding instrument to support the Concerted Action on Central Eurasian Mammals (cfr recommendation in Annex II) and note that actions in favour of the Mongolian Gazelle will be included both in that instrument and in the Action Plan for the Concerted Action.
2. Insist on the importance of the current development of the proposed Protected Area for the Termit-TinToumma, in complete partnership between the Niger Government (MELCD), CMS and its major partners (France through the FFEM, the European Union) and one NGO, the Sahara Conservation Fund.

3. Sub-Saharan African bats:

Note the need to in particular conduct preparatory studies in key Range States.

Agenda item 7.2.1 and 7.2.3

Taxonomic reference

The working group considers there is no reason to modify the Scientific Council recommendation to use Wilson and Reeder 2005 as a reference for Terrestrial Mammals. The group noted that nomenclature is only a communication tool, and felt that, for international conventions with legal implications at national level, stability and reference to a universally accessible standard were essential. It insisted on the fact that adherence to a fixed reference for regulatory purposes did in no way preclude the use of the best available and most recent taxonomic information in selection of populations to emphasize in conservation efforts, list on appendices or make the object of concerted actions and other initiatives.

Other items:

- A proposed recommendation on the conservation of Asian big Cats, some of which already on CMS Appendices, that NGOs have asked the Scientific Council to introduce to the COP, has been discussed, and its introduction is supported by the WG (and is listed as Annex IV to this report).
- The Group also discussed proposed small grant projects, and established a list of priorities that will be appended to the report and that includes in particular Gorillas (implementation of the Action Plan), the African Elephant, the preparation of new initiatives and the strengthening of the Central Eurasian mammals Concerted Action.

Annex 1**Draft Recommendation 9****CENTRAL EURASIAN ARIDLAND MAMMALS**

(Submitted by the Scientific Council)

Recognising that the large mammal fauna of the arid lands of Eurasia and North Africa have many species with threatened populations that are in a profoundly unsatisfactory state of conservation;

Conscious that the arid lands, with their exceptional natural and cultural heritage and their unique migration phenomena, are a crucial area for the action of the Convention;

Grateful to the Republic of Mongolia for drawing attention to the particular plight of the fauna of the temperate arid lands of Eurasia;

Welcoming the support of the other Parties situated within the temperate desert, semi desert, steppe and associated mountains of Eurasia;

Recalling that several species found in that biome are on Appendix I of the Convention;

Recalling also that several more species are on Appendix II of the Convention;

Noting that recommendation 8.23 adopted by the Conference of the parties at its Eighth Meeting (Nairobi, 20-25 November 2005) requested that the Scientific Council, in cooperation with the Secretariat, the Republic of Mongolia and other concerned Parties initiate a CENTRAL EURASIAN ARIDLAND CONCERTED ACTION and associated Cooperative Action, that would in due course cover all threatened migratory large mammals of the temperate and cold deserts, semi-deserts, steppes and associated mountains of Eurasia.

Noting with satisfaction the progress made by this Central Eurasian Aridland Concerted Action;

Further noting with satisfaction the progress made by single-species Convention instruments operating in the region; and

Acknowledging the recommendation of the 14th and 15th meetings of the Scientific Council that CENTRAL EURASIAN ARIDLAND CONCERTED ACTION and associated Cooperative Action be continued and further reinforced;

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals

1. *Requests* the Scientific Council, in cooperation with the Secretariat, the Republic of Mongolia and other concerned Parties to pursue the CENTRAL EURASIAN ARIDLAND CONCERTED ACTION and associated Cooperative Action, that will in due course cover all threatened migratory large mammals of the temperate and cold deserts, semi-deserts, steppes and associated mountains of Central Asia, the Northern Indian sub-continent, Western Asia, the Caucasus and Eastern Europe. The Action will include an Action Plan and status reports for all species concerned, and will initially be centred on *Camelus bactrianus*, *Bos grunniens*, *Uncia uncia*,

Cervus elaphus bactrianus and subject to its inclusion on Appendix I, *Acinonyx jubatus*, for the CONCERTED ACTION; and on *Equus hemionus* s.l., *Gazella subgutturosa*, *Procapra gutturosa*, and, subject to its inclusion on Appendix II, *Saiga tatarica* s.l. for the Cooperative Action. The action will also take into account, and link to, other existing Convention instruments as well as actions already taken by Range States and Convention partners;

2. *Encourages* Range States and other interested Parties to prepare, in cooperation with the Scientific Council and the Secretariat, the necessary proposals to include in Appendix I or Appendix II threatened species that would benefit from the Action;

3. *Encourages* the Secretariat to pursue efforts to bring into the Convention Range States of the Central Eurasian fauna that are not yet Parties, and to liaise with other concerned Conventions to enhance synergies;

4. *Urges* non-Party Range States to support the Action, in recognition of its global significance;

5. *Appeals* to Range States and other interested Parties to support the development of a Memorandum of Understanding or other binding or non binding instruments to comfort the CENTRAL EURASIAN ARIDLAND CONCERTED ACTION and its Action Plan;

6. *Encourages* the Scientific Council and the Secretariat to envisage, in consultation with the Parties concerned, an extension of the action area to the South-western Eurasian hot deserts and associated biomes;

7. *Requests* the Scientific Council and the Secretariat to report on the progress of the action to the next Conference of the Parties.

Annex 2**Draft Recommendation****SAHELO-SAHARAN MEGAFUNA**

Adopted by the Conference of the Parties at its Ninth Meeting (Rome, 1-5 December 2009)

Recognising that the large mammal fauna of the arid lands of North Africa and Eurasia have many species with threatened populations that are in a profoundly unsatisfactory, and often critical, state of conservation;

Conscious that the arid lands, with their exceptional natural and cultural heritage and their unique migration phenomena, are a crucial area for the action of the Convention;

Recalling that several species found in that biome are on Appendix I of the Convention;

Noting that recommendation 4.5 adopted by the Conference of the parties at its Fourth meeting (Nairobi, 7-11 June 1994) requested that the Scientific Council, in cooperation with the Secretariat, establish a Concerted Action for Sahelo-Saharan Ungulates.

Noting with satisfaction the progress made by this Sahelo-Saharan Ungulates Concerted Action;

Acknowledging the recommendation of the 14th and 15th meetings of the Scientific Council that SAHELO-SAHARAN UNGULATES CONCERTED ACTION be continued and extended to other species of large mammals occurring within the area of the concerted action;

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals

1. *Requests* the Scientific Council, in cooperation with the Secretariat, and concerned Parties to pursue a SAHELO-SAHARAN MEGAFUNA CONCERTED ACTION that will in due course cover all threatened migratory large mammals of the temperate and cold deserts, semi-deserts, steppes and associated mountains of the Sahelo-Saharan region. The Action will include an Action Plan and status reports for all species concerned, and will be centred on *Oryx dammah*, *Addax nasomaculatus*, *Gazella dama*, *Gazella leptoceros*, *Gazella cuvieri* and *Gazella dorcas*, and subject to its inclusion on Appendix I, *Acinonyx jubatus*.

2. *Encourages* Range States and other interested Parties to prepare, in cooperation with the Scientific Council and the Secretariat, the necessary proposals to include in Appendix I or Appendix II threatened species that would benefit from the Action;

3. *Encourages* the Secretariat to pursue efforts to bring into the Convention Range States of the Sahelo-Saharan fauna that are not yet Parties, and to liaise with other concerned Conventions to enhance synergies;

4. *Urges* non-Party Range States to support the Action, in recognition of its global significance;

5. *Appeals* to Range States and other interested Parties to support the development of a Memorandum of Understanding or other binding or non binding instruments to comfort the SAHELO-SAHARAN CONCERTED ACTION and its Action Plan;

6. *Encourages* the Scientific Council and the Secretariat to envisage, in consultation with the Range States concerned, an extension of the action area to the deserts of the Horn of Africa and associated biomes;

7. *Requests* the Scientific Council and the Secretariat to report on the progress of the action to the next Conference of the Parties.

Annex 3**DRAFT RECOMMENDATION TO THE
9TH MEETING OF THE CONFERENCE OF PARTIES TO CMS****TIGERS and OTHER ASIAN BIG CATS**

AWARE that wild populations of tigers and other Asian big cat species (snow leopard, *Uncia uncia*, clouded leopard, *Neofelis nebulosa*, all subspecies of leopard *Panthera pardus* within its Asian range, Asiatic cheetah *Acinonyx jubatus venaticus* and Asiatic lion, *Panthera leo persica*) are threatened by the combined effects of poaching and habitat loss (fragmentation and destruction) caused by anthropogenic disturbances;

CONSCIOUS that three subspecies of *Panthera tigris* have become extinct within the last 50 years;

CONCERNED that, despite actions taken by Range States, which have stemmed the decline of some sub-populations, overall, the populations of all sub-species of tiger, *Panthera tigris*, continue to decline in the wild;

FURTHER CONCERNED that tiger habitats throughout India, Indochina, and Southeast Asia are now 40 percent less than was estimated in 1995, and 90% less than was estimated at the beginning of the 20th century;

ACKNOWLEDGING that, where wild tigers still exist, their habitat often encompasses national borders, such as the Sundabans between India and Bangladesh, between the far east of Russia, north Korea and northeast China, between southern China and Laos, between Cambodia, Vietnam and Laos, between Myanmar and Thailand, between India and Bhutan and between India and Myanmar, but that little is known about their movements across such borders. However, the movement of wild tigers between Nepal and India is well documented in several locations;

ACKNOWLEDGING that tigers and other Asian big cat species depend on contiguous habitat with ample prey species to survive and that at the same time tigers and other Asian big cat species support the integrity of these ecosystems;

FURTHER ACKNOWLEDGING that tigers, other Asian big cat species, and the conservation of their habitat are adversely affected by differences between the policies, laws and regulations in adjacent countries;

RECOGNIZING that strengthened cooperation between Range States, together with financial support, is expected to contribute to more effective conservation of tigers and other Asian big cat species;

NOTING that one Asian big cat species, the snow leopard *Uncia uncia* is listed in Appendix I of CMS.

FURTHER NOTING that the Central Eurasian Aridland Concerted Action established by the Conference of the Parties at its Eighth Meeting (Nairobi, 20-25 November 2005) through RECOMMENDATION 8.23 includes five Asian big cat species, three, the snow leopard *Uncia uncia* the Asiatic lion *Panthera leo persica* and the Asiatic cheetah *Acinonyx jubatus venaticus*

over their entire range, and two, the tiger *Panthera tigris* and the leopard *Panthera pardus* over substantial parts of their range.

ALSO NOTING that all sub-species of *Panthera tigris* and other Asian big cat species have been listed in Appendix I of the Convention on International Trade in Endangered Species (CITES) since 1975 (with the exception of the Asiatic lion and the Amur tiger, *Panthera tigris altaica*, which were included in 1977 and 1987, respectively) prohibiting commercial international trade in the species and their parts and derivatives;

RECALLING Resolution Conf. 12.5, adopted by the Conference of the Parties to CITES at its 12th meeting, relating to conservation of and trade in tigers and other Asian big cat species listed in Appendix I of CITES;

FURTHER RECALLING that CITES Resolution Conf. 12.5 states that long-term solutions to the protection, conservation and management of tigers and other Asian big cat species and their habitats require the adoption of bold and innovative actions based on a sound base of information;

ACKNOWLEDGING the work of the Global Tiger Forum and the actions and reports of members of the Forum in reviewing the threats to the long-term survival of tigers in the wild and the recommended measures to address those threats;

COMMENDING the positive actions taken by some Range States to address tiger conservation issues and to facilitate cooperation with other Parties, but aware that much more far reaching measures are required;

CONVINCED that listing tigers and, as appropriate, other Asian big cat species in the CMS Appendices will elevate the profile of the species and promote international and regional collaboration for their protection;

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals

1. URGES Parties and Range States to enhance mutual transboundary cooperation for the conservation and management of tigers and other Asian big cat species throughout the species' range and increase financial outlay for conservation of Asian big cat species;
2. CALLS UPON the Scientific Council to review conservation and management of tigers and other Asian big cat species and to propose any appropriate urgent actions required to the Conference of the Parties at its Tenth Meeting, such as listing in the CMS Appendices and preparation of instrument(s) to enhance cooperation among Range States and, where necessary, action plan(s);
3. ASKS the Secretariat to explore the development of memoranda of understanding or other cooperation instruments with organizations active in tiger and other large felid conservation to further protection and conservation of wild tigers and Asian big wild cats in the wild

Annex VII to ScC15 Report**REPORT OF TAXONOMIC WORKING GROUP ON MARINE TURTLES
Rome, 27-28 November 2008**

The Marine Turtle Working Group met during 27-28 November 2008. Councillors from Australia, Croatia, Kenya, Philippines, Senegal, Syria and the Appointed Councillor made the following observations and recommendations in relation to agenda items under discussion at the 15th Meeting of the Scientific Council:

Agenda item 4: Small scale projects

Small scale marine turtle projects previously funded by CMS, in addition to producing significant results at the time, have catalysed on going work beyond the initial projects.

It is strongly recommended that the CMS small scale project grants be continued.

Agenda item 5.1: Concerted actions for Appendix 1 species**Marine turtle agreements**

- **Atlantic Coast of Africa:** This Agreement has been re-invigorated with a secretariat (URTOMA) established in Senegal:
 - 23 signatory states from entire Atlantic Coast of Africa from Morocco to South Africa.
 - 2nd Meeting of Signatory States in Dakar, 5-8 March 2008
 - Amendments of text of Agreement were proposed to allow joining of the Agreement by European countries and others involved in turtle conservation projects in the region.
 - Additions were made to the Terms of Reference to allow the appointment of Scientific Councillors.
 - Recommendation were made to CMS to support the continuing function of URTOMA.

- **Indian Ocean South East Asia:** This Agreement continues to be extremely active, now with 28 signatory states (Yemen being the most recent to sign) and active turtle conservation projects in many signatory states and growing engagement in collaborative projects across international boundaries.
 - 5th Meeting of Signatory States IOSEA Marine Turtle MoU was hosted in Bali, 20-23 August 2008 by the Indonesian Ministry of Marine Affairs and Fisheries and the Ministry of Forestry with support from WWF-Indonesia and the IOSEA Secretariat.
 - Strategic Planning meeting is being organised for 13-14 February 2009 in Brisbane, Australia in conjunction with the 29th International Sea Turtle Symposium.
 - UAE has offered to fund a co-ordination unit that will encompass the Western area of IOSEA as part of coordination of the MoU on Dugong and African Eurasian Raptors.

The Sulu-Sulawesi Marine Eco-region of Malaysia, Indonesia and Philippines supports the marine turtle breeding populations which are regarded as flagships for conservation in these countries.

- The broader Coral Triangle Initiative covering Malaysia, Indonesia, Philippines, Timor Leste, Papua New Guinea and Solomon Islands will further benefit marine turtle conservation in the region.

Agenda item 5.3: Other resolutions and recommendations

Sustainable use (Resolution 8.1), Climate change (Resolution 8.13) and Fisheries bycatch (Resolution 8.14) are being addressed currently by CMS within COP9.

Sustainable use

However, while the discussion continues on the issue of sustainable use,

- Commercial harvesting and utilisation of marine turtles in some Southeast Asian countries is re-emerging as a significant threat for their conservation. There has been:
 - Numerous examples of large foreign vessels specifically equipped for fishing for turtles to produce turtle products for the souvenir trade have been documented recently. Illegal foreign vessels fishing for turtles have been ceased in Philippines, Malaysia and Indonesia in recent years.
 - TRAFFIC in recent years has documented a resurgence of substantive trade in turtle products in some Asian countries.

This issue warrants serious consideration by CMS signatory states in the region with respect to conservation of regional turtle population.

- Unsustainable directed harvest, often in the context of traditional use is wide spread particular across the continents of Africa, Asia, and Australia and across the island nations of the Indian Ocean and Pacific Oceans. The issue of sustainable take of turtles within the context of traditional use warrants immediate attention.
 - Technical advice derived from past management experience in many countries and population modelling of sustainable utilisation of marine turtles needs to be translated to “plain language” that can be understood by non-technically-skilled hunters.
 - Alternate activities for deriving a livelihood need to be considered when there is unsustainable take of turtles for local trading.

Fisheries bycatch

For foreign fishing vessels operating in developing countries, the view was expressed that they should be required to:

- implement effective bycatch reduction practices,
- provide financial and/or technical support to the conservation of marine turtles and mammals being negatively impacted by their fishing activities.

Agenda item 5.3f: other resolutions

CMS/Resolution 9.19. With respect to “other biota”, the Marine Turtle Working Group notes that this resolution has relevance to underwater noise negatively impacting on marine turtles.

Back ground information in support of this conclusion: Based on extrapolations from a small sample of caged *C. caretta* and *C. mydas* exposed to air-gun signals, it has been estimated that a seismic vessel operating 3D air-gun arrays in 100–120m water depth should impact marine turtles by producing behavioural changes at about 2km range and avoidance at around 1km range (McCauley *et al.* 2000). Limpus (2008) concluded that seismic surveys are not likely to cause direct mortality with marine turtles. However, the above study

provides a basis for recommending that a buffer zone of at least 2km radius should be maintained between seismic surveys and significant aggregations of marine turtles such as inter-nesting, courtship or dense foraging aggregations. The highest priority would be to avoid causing disruptive behaviour for the turtles during the time-limited reproductive period.

- McCauley, R. D., Fewtrell, J., Duncan, A. J., Jenner, C., Jenner; M-N., Penrose, J. D., Prince, R. I. T., Adhitya, A., Murdoch, J. and McCabe, K. (2000). Marine seismic surveys: Analysis and propagation of air-gun signals; and effect of air-gun exposure on humpback whales, sea turtles, fishes and squid. In 'Environmental implications of offshore oil and gas development in Australia: further research.' (APPEA Secretariat.) pp. 364–521. (Australian Petroleum production and exploration Association Limited: Canberra.)
- Limpus, C. (2008). A biological review of Australian marine turtles. 2. Green turtle, *Chelonia mydas* (Linnaeus). (Queensland Government Environmental Protection Agency: Brisbane.)

Agenda item 6.

IUCN red listing: The IUCN conservation status (Red list) of marine turtle species is being reviewed by the IUCN SSC Marine Turtle Specialist Group. It is expected that these reviews will be completed before CMS SC16.

Recently completed Red List status reviews:

- *Eretmochelys imbricata*: Critically endangered (no change)
- *Lepidochelys olivacea*: Vulnerable (down listed from endangered)

Currently being reviewed:

- *Natator depressus*
- *Lepidochelys kempii*

It is recommended that the consequences for CMS listings for marine turtles resulting from any changes in IUCN Red List status be considered at SC16.

Agenda item 7.1:

There is a need for CMS to engage in Marine Turtle conservation actions across all ocean basins.

- With respect to the Pacific Ocean basin (CMS/conf.9.26/Rev 1), an opportunity will occur for CMS secretariat and CMS party representatives to meet with representatives from SPREP countries who will gather for a 2-day SPREP Regional Meeting, 15-16 February 2008 in conjunction with the 29th International Sea Turtle Symposium, Brisbane during 17-19 February 2009.
- Marine turtle conservation in the Mediterranean would benefit from a formal link between CMS and the numerous other conservation initiatives within that Sea. This could improve the framework within which CMS member countries are implementing their turtle conservation initiatives.
 - For example, Croatia declared a special marine reserve in 2006 in Cres-Losinj Archipelago in Northern Adriatic. This reserve will function for 3 years and is supported by in-water turtle studies.

One marine turtle species, *Lepidochelys kempii*, is not addressed by any existing concerted action. This species primarily inhabits the Gulf of Mexico. Until recently, no range states for this species have been CMS members. No recommendation is made at this time for development of a concerted action for *L. kempii*, given that the species is in a favourable recovery mode in response to current management regimes in the region.

Agenda item 7.2.3: Harmonising the taxonomy between CMS and CITES Appendices

It is not considered necessary to make any nomenclature changes with respect to marine turtle.

Agenda item 7.5: other threats to migratory species and their habitats.

Marine debris

Marine debris is a significant issue with respect to marine turtle mortality and should be included in the list of “Impacts and threats to migratory species in the marine environment” (Section IV in CMS/Conf.9.26/Rev 1)

Turtle mortality resulting from interaction with marine debris increasingly is being recognised to pose multiple threats to turtle conservation that require international solutions. The international issues result from:

- international migratory behaviour of the turtles and
- dispersal by ocean currents of marine debris across national boundaries.

There are two broad categories of marine debris from different origins that act through different pathways to cause turtle mortality:

- entanglement in “ghost nets” (lost/discarded net from fisheries) and
- ingestion of synthetic debris.

Both of these mortality factors are difficult to quantify where mortality occurs in open seas in the absence of human presence. Each of these mortality factors has the potential to cause unsustainable mortality for multiple species/sub-population of marine turtles.

Marine debris warrants inclusion among the significant threatening process impacting the world’s marine turtles. Action is needed to reduce the impacts to sustainable levels. It is recommended that a resolution for action to reduce the impact of marine debris on marine turtles be developed for consideration at SC16.

Annex VIII to ScC15 Report**REPORT OF TAXONOMIC WORKING GROUP ON FISH
NOVEMBER 28, 2008**

The CMS Scientific Council Taxonomic Working Group on Fishes held its second formal meeting on November 27, 2008. The agenda for the Taxonomic Working Group on Fishes included agenda item 5.2 (Cooperative Actions for Appendix II species), and agenda item 6a (Discussion and evaluation of proposals for amendments to Appendices I and II of the Convention), agenda item 6b (Conclusions and Recommendations to the Conference of Parties), agenda item 7.1 (Potential new Agreements), and agenda item 7.2.3 (Harmonization of taxonomy between CMS and CITES).

Agenda item 5.2: Cooperative Actions for Appendix II species

The Taxonomic Working Group on Fish did not have any formal oral/written reports from species focal points. The Councilor for Norway, Oystein Storkersen, made a recommendation that CMS work more closely with CITES on the protection of sturgeon. He noted that CITES devotes substantial resources to sturgeon management and that the CMS Appendices include many species of sturgeon. Other councilors suggested that CMS begin a dialogue with CITES about possible options for collaboration regarding protection of sturgeon.

Agenda item 6a: Discussion and evaluation of proposals for amendments to Appendices I and II of the Convention.Appendix II. *Isurus spp.*, *Lamna nasus*, and *Squalus acanthias*

The Taxonomic Working Group on Fish considered three proposals for 4 species of migratory sharks: the shortfin and longfin mako (combined into one proposal), the porbeagle (*Lamna nasus*) and the spiny dogfish (*Squalus acanthias*). These four migratory shark species are all categorized as Vulnerable by IUCN.

Croatia submitted the proposal for the shortfin and longfin mako proposal; the European Community submitted the proposals for the porbeagle and spiny dogfish. It should be noted that the proponent for the porbeagle and spiny dogfish proposals was not present in the Taxonomic Working Group on Fish. As a consequence, no one present at the ScC15 Taxonomic Working Group on Fish had worked directly on the development of the porbeagle or spiny dogfish proposals.

The shortfin and longfin mako (*Isurus spp.*)

The shortfin and longfin mako (*Isurus spp.*) are highly migratory shark species that occur throughout tropical and temperate seas worldwide. The species have been listed as Vulnerable by IUCN due to major declines in the abundance. Intensive and largely unregulated fisheries have led to high rates of mortality throughout the sharks range.

The Taxonomic Working Group on Fish agreed that shortfin and longfin mako are migratory species of unfavorable conservation status that would benefit from international cooperation on their protection and recommended that the species be considered for inclusion on Appendix II of the Convention.

The porbeagle (*Lamna nasus*)

The porbeagle (*Lamna nasus*) is a large, highly migratory species that occurs in the temperate North Atlantic and Southern ocean waters. It is slow growing, long-lived, and has a generation period of 20-50 years. Abundance data is only available for the Northwest Atlantic population where the population size is estimated to be 21-24% of virgin numbers. The IUCN Red List Assessment for the Northeast Atlantic stock is Critically Endangered. The IUCN Red List assessment for Northwest Atlantic is Endangered; the IUCN Red List assessment for the southern hemisphere stock is Near Threatened.

The Taxonomic Working Group on Fish could not reach consensus regarding the conservation status of the porbeagle. Members of the Group were unanimous in their support of listing of the North Atlantic populations due to the unfavorable conservation status of these populations. Some councillors felt that there was not enough information on the conservation status of southern hemisphere populations to warrant the listing of southern stocks.

The spiny dogfish (*Squalus acanthias*)

The spiny dogfish (*Squalus acanthias*) is a small, migratory shark of the shelf seas of the northern and southern hemispheres. The distribution of the spiny dogfish is fragmented into distinct populations separated by deep ocean tropical waters. Although naturally one of the most abundant sharks in the world, it is also one of the most vulnerable due to heavy exploitation and the one of the lowest population growth rates for any sharks species. The IUCN Red List Assessment for the Northeast Atlantic stock is Critically Endangered due to reductions in population size of exceeding 80%. The IUCN Red List assessment for Northwest Atlantic is Endangered due to reductions in population size of exceeding 50%. The IUCN Red List assessment for the Northeast Atlantic is Vulnerable and the IUCN Red List assessment for Australasian and South African stocks is Least Concern.

The Taxonomic Working Group on Fish could not reach consensus regarding the conservation status of the spiny dogfish. Councilors were unanimous in their support of listing of the Northeast Atlantic population (as distinct and endangered) but some councilors felt that there was not enough information on the abundance and conservation status of spiny dogfish to warrant the listing of southern hemisphere stocks.

Following the discussions of the Taxonomic Working Group on Fish scientific councilors from Argentina, Chile, Costa Rica, Panama, Paraguay, and Uruguay submitted the following written comment on the proposed inclusion of spiny dogfish (*Squalus acanthias*) and porbeagle (*Lamna nasus*):

“There are no studies that support the inclusion of the Central and South American populations of these two shark species as indicated in the document UNEP/CMS/Conf.9.29. However we support and understand the arguments for the inclusion of the northern hemisphere populations of both species. We ask the CMS secretariat to promote future studies for southern hemisphere populations of both species”.

Agenda Item 7.1: Potential new Agreements (incl. MoU's and Actions Plans)

Re: Recommendation to COP9 concerning the further elaboration of draft Resolution 9.2 “Draft Resolution on Priorities for CMS Agreements”.

The Scientific Councilor for Australia requested changes to Resolution 9.2 “FISH”, specifically section (c) “Sharks” paragraph (iv) should be removed and paragraph (v) should be edited to read “Urges range states to work toward assuring the 2nd meeting on this key initiative achieves a strong framework upon which to finalize the instrument in the short term”.

Agenda Item 7.2.3: Harmonization of the taxonomy between CMS and CITES Appendices

Taxonomic Working Group on Fish members felt that harmonization of the taxonomy between CMS and CITES may not be practical.

Migratory Freshwater Fish Review for the Convention on Migratory Species

The CMS has requested a report on the conservation status of migratory freshwater fish to assess which species/populations are 1) threatened, 2) migratory, and 3) likely to benefit by listing under the Convention for Migratory Species. This report will cover all species of migratory freshwater fish, excluding sturgeon and salmon, which are already well covered under other management instruments. Assessments will concern entire species and/or their individual populations, as it might be appropriate. Assessments will be based on available knowledge from previous studies as well as consultation with members of the IUCN / WI Freshwater Fish Specialist Group.

The aims and objectives of the report/review include:

1. Carry out a review of freshwater fish to assess migratory status (with respect to CMS definition of migratory species), conservation status and distribution.
2. Determine which species/populations are most likely to benefit from listing under the Convention for Migratory Species.
3. Prepare a report that identifies which freshwater fish species/populations are, or are likely to be migratory according to the CMS definition of migratory species, and those among them, which are likely to benefit from inclusion in the appendices of the Convention.

I would like to express my appreciation to all those that participated in the Working Group. Barry Baker chaired the working group. Dr. Zeb Hogan, CMS Appointed Councillor for Fish, prepared this report.

Participants:

Zeb Hogan (Appointed Councillor – Fish)
Barry Baker (Appointed Councillor - Bycatch)
Oystein Storkersen (Norway)
James Williams (United Kingdom)
Jose Yanez (Chile)
Daniel Blanco (Argentina)
Jelena Kralj (Croatia)
Franco Alvarez (Australia)
Andreas Kruess (Germany)
Richard Bagine (Kenya)

Appendix I: Comments of the population status of southern populations of porbeagle (*Lamna nasus*) and spiny dogfish (*Squalus acanthias*)

Porbeagle (*Lamna nasus*)

Southern Ocean porbeagles are genetically distinct from those in the north Atlantic. The southern animals are much slower growing, longer lived (and smaller) than their northern cousins. Their slower growth and greater longevity makes them biologically even less resilient to overfishing than the northern stocks. We know how very vulnerable the northern stocks are and how seriously depleted they have been.

Longline tuna and swordfish fleets in the southern hemisphere take a significant partially utilised bycatch. Only limited trend data are available, including over 90% declines in landings by the Uruguayan longline fleet in the southwest Atlantic.

Porbeagle are an important bycatch of Japanese longliners and probably of the pelagic fishing fleets of other countries fishing in the southern Indian Ocean and elsewhere in the Southern Hemisphere, where information on catches is poor and may be little-utilized except for fins. The fishery is being exploited above the optimal yield/ effort which is believed to be sustainable in the long term, with no potential room for further expansion and a higher risk of stock depletion/collapse; Catches are well below historical optimal yields, irrespective of the amount of fishing effort exerted.

There is no management for shared migratory stocks of porbeagle in the southern oceans, and no obvious prospect of management being introduced. They are taken in various fisheries, primarily as a bycatch but also targeted. Their high value means that the bycatch is utilised.

Spiny Dogfish (*Squalus acanthias*)

Unregulated and expanding target and bycatch fisheries take spiny dogfish in South America, where population declines are reported. New Zealand manages the species, which is taken in target and bycatch fisheries, through its Quota Management System. There is only limited fishing pressure in Australia and South Africa, with most catches discarded.

South America *Squalus acanthias* is, together with the similar shortspine spurdog *S. mitsukurii* and shortnose spurdog *S. megalops*, one of the more important coastal commercial species in Brazil, where landings of the genus have declined considerably. It is also taken as bycatch in mixed demersal fisheries and the target fishery for *Lophius gastrophysus*. Unregulated and expanding target and bycatch fisheries take spiny dogfish in Uruguay and Argentina, where declines of ~50% have been reported (Massa et al. 2002). Patagonian trawlers fishing for hake and shrimp take a bycatch of spiny dogfish. Rising effort in these fisheries and a lack of bycatch control is considered to be a threat to this and other elasmobranch populations in the region (Van Der Molen et al. 1998). As in so many other regions, pregnant females are commonly targeted. The South American stocks are assessed as Vulnerable, but may prove to be Endangered when a more detailed regional review can be undertaken.

Recent information makes it clear that the small sharks that have made up a large proportion of Argentinean shark catches (originally *Galeorhinus galeus* and an endemic south American shark *Mustelus schmitti*) are now so seriously depleted that fishermen are now targeting and landing *Squalus acanthias*. However, these landings are often not recorded accurately by species, so it is extremely difficult to monitor trends.

Annex IX to ScC15 Report

BY-CATCH WORKING GROUP REPORT – ScC15

The Bycatch Working Group met to discuss progress on bycatch issues since ScC14, to agree possible recommendations to COP9 in relation to draft Resolution 9.18 on bycatch, and to discuss and agree further work on bycatch matters.

Progress on Bycatch Councillor Work Program

The Bycatch Councillor provided a report on progress in implementing the Bycatch Councillor's Work Program since ScC14, which is provided below:

As noted in the report of the BWG to ScC14 there is a high workload associated with addressing the bycatch issue, and the complexities associated with this threat. It noted at that time that the task was beyond the capacity of one person, and that the Appointed Councillor would need strong support from others if significant progress was to be made. Due to high workload by both the Scientific Officer and the Appointed Councillor since ScC14, progress has not been as rapid as hoped but, nonetheless, some significant advances have been made with respect to Work Program Items 3, 4, 5 and 6, in particular through working with CMS's daughter Agreement ACAP. As a result, most of my work has focussed on seabird bycatch issues.

Conduct a study to assess bycatch in global fisheries (Work Program Item 2)

At ScC14 it was agreed that CMS should conduct a study to assess bycatch in global fisheries. This study was to assess the available information on bycatch of seabirds, marine turtles, sharks and marine mammals, focusing particularly on CMS-listed species and the importance of bycatch as a threat to migratory species; it was also to provide an overview of priority fisheries, regions and species which will benefit from international action through CMS. Draft specifications for the review were submitted to the meeting for consideration as document CMS/ScC14/Doc.19. The United Kingdom kindly provided UK15,000 as a contribution toward this project.

Subsequent to ScC14, the Scientific Officer and I developed Terms of Reference for this study, and a suitable consultant was sought to carry out the study. Unfortunately, no suitable proposals received, and the study has not commenced. In discussions with the Scientific Officer, we now believe that it will be necessary to re-shape the Terms of Reference so that they reflect the resources available. Advice from members of the Bycatch Thematic Group of potential suitable candidates for this project would be appreciated.

Work with FAO and relevant RFMOs (Work Program Items 3, 10)

FAO and RFMOs have direct management responsibility for most of the global high seas fisheries. The Scientific Council agreed at ScC14 that attendance at key meetings of these bodies is essential to influence adoption of mitigation strategies and implementation of independent observer programs, which are considered necessary for improving knowledge of bycatch issues.

The FAO recently held an Expert Consultation (Bergen, Norway, 2-5 September 2008) to develop Best Practice Guidelines (BPG) for the International/National Plan of Action-Seabirds (IPOA/NPOA-Seabirds). I was invited as a technical expert to participate in the meeting, with other attendees including representatives from Australia, Brazil, Chile, China, EC, Japan, Norway, South Africa, USA, ACAP, CCAMLR and BirdLife International. The group of experts developed a strong set of guidelines that when implemented will greatly improve the delivery of IPOA-Seabirds through a suite of NPOA-Seabirds that should contain a mix of mandatory and voluntary measures. Importantly, the draft BPG are not confined to the longline fishing method, but include guidelines that will permit NPOAs to cover other relevant fishing gears such as trawls and gillnets. Due to FAO protocols I am unable to circulate the document at this stage as it is now an

official FAO draft. FAO are finalising the draft, which will then be tabled at the Commission on Fisheries (COFI) in March 2009 for approval.

Representing ACAP I attended meetings of the Indian Ocean Tuna Commission (IOTC) in July 2007 (Working Party on Ecosystems and Bycatch) and June 2008 (12th Meeting of the IOTC Commission), and the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) in October 2007 and 2008 (Incidental Mortality Arising from Fishing Working Group).

CCAMLR has achieved stunning results in the virtual elimination of seabird bycatch in most of its fisheries since 2000, principally through seasonal closures at periods of high seabird activity, and adoption of strictly enforced conservation measures that require use of a combination of night-setting of longline gear, use of streamer lines, and line-weighting mitigation measures. Bycatch of marine mammals is also closely monitored and is not a significant problem at this stage, although seals are occasionally killed in trawl and longline fisheries. The focus of work by the IMAF Working Group over the last few years has been focussed on seabird bycatch in demersal longline fisheries within the French EEZ fisheries around the Kerguelen and Crozet Archipelagos. Around 1,400 seabirds were killed in these fisheries in 2008, with bycatch comprised almost entirely of CMS Appendix II species (southern and northern giant petrels, white-chinned petrel, grey petrel). The French government has been working closely with members of the IMAF Working Group to reduce the impact of their fisheries on seabirds. While bycatch has dropped by an order of magnitude, much work still remains to be done to ensure bycatch is reduced to levels achieved in other CCAMLR fisheries.

Considerable success was achieved at the IOTC meetings when *Resolution 08/03 On Reducing The Incidental Bycatch Of Seabirds in Longline Fisheries* was adopted by the Commission in June 2008. This resolution applies to the pelagic longline gear and replaced an earlier resolution that included measures considered to be ineffective. To encourage the IOTC to take this action, I worked closely with BirdLife International to provide best practice pelagic mitigation advice developed by ACAP's Seabird Bycatch Working Group (see below) to the IOTC WPEB. Resulting from our input, the WPEB provided advice to the Commission that interactions with pelagic fisheries constituted the largest conservation threat to seabirds in the southern oceans and, although several seabird avoidance measures have been trialled to varying degrees, proven and accepted seabird avoidance measures, including some of those included in IOTC's 2006 Resolution 06/04, required substantial improvement. The resolution now adopted requires fishers to select two measures, to be used in combination, from a set of best practice seabird mitigation measures and standards. The considerable support from Australia and the European Commission in promoting adoption of the resolution was greatly appreciated.

Work closely with CMS daughter agreements (Work Program Item 4)

I work with the ACAP Secretariat on a part time basis which has ensured frequent contact with a range of people actively working on seabird bycatch mitigation measures. I currently convene ACAP's Seabird Bycatch Working Group (SBWG), which has made significant progress since its formation in building relationships with relevant RFMOs and developing best scientific advice on technical mitigation for seabird bycatch. The ACAP Secretariat has been keen to work closely with CMS, particularly with a view to sharing the costs of representing both ACAP and CMS at relevant meetings of RFMOs and other organisations.

Review information on mitigation measures (Work Program Item 5)

Over the last decade a range of mitigation measures for reducing the incidental catch of seabirds in longline fisheries have been developed that can be employed according to circumstance. They include night setting; line weighting; seasonal and/or area closures; bird scaring lines; controlling offal discharge; and bait thawing. These measures focus on reducing bycatch during the critical period of setting. Each has different attributes, costs and potential to successfully reduce seabird catch. Some measures such as night-setting have been consistently successful in a number of longline fisheries, while the effectiveness of others has varied between vessels and seabird species.

While considerable progress has been made in mitigating bycatch in demersal longline fisheries, principally through the development of effective bird scaring lines, integrated weight line in autoline

systems, night setting of gear and seasonal closures, proven and accepted seabird avoidance measures in pelagic fisheries require substantial improvement. In 2007, ACAP's SBWG reviewed available research on seabird bycatch mitigation measures for pelagic longline fishing. The review found that development is currently underway on a number of mitigation measures for this gear type, with bird scaring lines, an underwater bait setting capsule and side setting assessed as being the highest priority for research. Other measures that were considered priorities for research include weighted branchlines, bait protections systems such as 'bait pods' and 'smart hooks', circle hooks and blue dyed squid. Night setting is currently the only mitigation measure proven to be widely effective with pelagic longline gear, but its widespread adoption is constrained because it is considered to reduce operational efficiency when targeting some pelagic fish species.

In 2008 the SBWG subsequently reviewed mitigation for the demersal longline and trawl gear types. Resulting from the 2007 and 2008 reviews, the SBWG has developing advice on current best scientific approaches to mitigating bycatch in these gear types to assist RFMOs and ACAP parties in managing bycatch in their fisheries. The advice, including descriptions of measures, current knowledge, implementation guidance and research needs, has been collated in a series of summary tables that are suitable for dissemination to relevant fisheries managers. This advice has already been provided to relevant meetings of the IOTC and CCAMLR. It will be progressively provided to other RFMOs and national fisheries managers, who will be encouraged to use the materials to guide the development of policy and practice within fisheries under their jurisdiction.

Database of relevant scientific literature on bycatch (Work Program Item 6)

A bibliographic database on published references to bycatch and mitigation research has been developed to assist the work of the Bycatch Working Group and the Scientific Council. The database uses the software EndNote, which is widely used and easily obtained at a reasonable cost. This product is continually updated and now includes over 2000 references relevant to bycatch of marine mammals, turtles, sharks and seabirds, together with references on the biology of some of these taxonomic groups. Most of the references contained in the database relate to seabirds and seals, reflecting my current work areas, and I would appreciate electronic transmission of relevant research papers on bycatch for other taxonomic groups to ensure the coverage is more comprehensive. As most Scientific Counsellors will be aware, keeping up with the currently literature on any particular topic can be very time-consuming. I would be delighted if members of the Scientific Council with a particular interest in bycatch of small cetaceans, turtles and sharks were prepared to cover the literature on these groups and contribute to building the database.

EndNote includes the facility to embed pdf files with the citation. For this reason, publication on the CMS website may be problematic because of reasons of copyright. However, the EndNote file will be lodged with the CMS Secretariat and regularly updated. It is also available for distribution to Scientific Counsellors on request.

Review of Work Program for Bycatch Councillor

The Work Program was reviewed and updated by the Bycatch Thematic Group. A draft Work Program for 2009 and 2010 is attached for endorsement by the Scientific Council. It should be noted that the program is extremely ambitious and it is unlikely that all work items will be completed before the next meeting of the Scientific Council. Nonetheless, the work program is presented with this caveat, and in the hope that if additional resources become available intersessionally they can be directed toward some of the items identified.

A few issues were raised during the review of the work program.

Engagement with RFMOs

The Group supported the importance of engagement with Regional Fisheries Management Organisations, but noted that to do so imposed a significant workload, that could not be effectively carried out without full time staffing resources made available for this purpose. There are currently at least 17 RFMOs that manage high seas fisheries of the world, and each of these meets on average three times a year. Work

carried out by the Bycatch Councillor to date had been supported by ACAP either by CMS or its daughter agreements.

Initiatives on bycatch in ACCOBAMS area

ACCOBAMS has a number of initiatives underway, and a report on these was provided by ACCOBAMS Executive Secretary:

- A project on “Assessment and mitigation of cetacean bycatch in the Black Sea, Mediterranean Sea and Atlantic contiguous waters.” (BYCBAMS project) is ongoing. This project is being developed in collaboration with the relevant international organisations and programmes and in particular with the General Fisheries Commission for the Mediterranean and Black Sea (GFCM).
- In the same spirit, a “Protocol for data collection on bycatch and depredation in the ACCOBAMS region” was finalized in collaboration with the GFCM as an example of guidelines for collecting data on by-catch. This will be presented to the ACCOBAMS Parties in 2010, with the intention of extending the protocol to other species and incorporating it into the GFCM database, so that Members can input data on bycatch in a standardised way.
- Pilot projects on the use of pingers are ongoing in Tunisia and Morocco. The results of these studies will be of relevance to other fisheries.
- Guidelines for technical measures to minimise cetacean-fishery conflicts in the Mediterranean and Black Seas are available, and two other documents are currently being prepared — “*The utility of acoustic devices in cetacean–fishery interactions*” and “*Technical specifications and conditions for the use of acoustic deterrent devices in the Agreement area*”

Improved Communication

It was clear from discussions that there was a significant body of work on bycatch matters being undertaken by some of the daughter agreements, but that general awareness of some of this work was unknown amongst the CMS family of agreements. It was agreed by the Group that better integration would be helpful between the bycatch-related activities of the daughter agreements and the work of the Bycatch Councillor. In particular, it was felt that someone who could facilitate information flow on marine mammal related aspects would be helpful.

It was noted that skill-sharing between those experts in bycatch should be facilitated globally. Mechanisms to do this could include the informal correspondence group to be set up by the Bycatch Councillor (Work Program item 1), the Cetacean Liaison Group, and other linkages yet to be developed between the daughter agreements.

Draft Resolution 9.18 on Bycatch

The Scientific Councillor from Australia introduced draft Resolution 9.18 on Bycatch. The draft Resolution has been submitted because Australia remains concerned about the continued threats associated with by-catch of migratory marine species listed on the appendices of the Convention, and because they believed that these threats will not be ameliorated without concerted action by international bodies such as the CMS.

The main thrust of the draft resolution is to, inter alia, focus the efforts of CMS Parties on priority activities such as trialling new mitigation measures, making progress on existing techniques known to effectively mitigate bycatch impacts, and for Parties to consider the feasibility of producing an assessment of the impact of bycatch on migratory and other species that may benefit from activities within the CMS mandate.

The Group reviewed the draft and suggested a few ways to strengthen the Resolution:

- (a) Two new paragraphs should be inserted as the first two paragraphs of the preamble:

Noting the work already completed or underway by CMS daughter agreements;

Noting the work to be undertaken through the implementation of Resolution 8.22 to identify gaps and overlaps between CMS and other relevant bodies with respect to their work on bycatch;

- (b) Two new paragraphs should be inserted as operand paragraphs 7 and 8:

7. Requests improve cooperation and communication between CMS daughter agreements on by-catch-related issues;

8. Requests the CMS Secretariat open lines of communication with, and consider the results of, other ongoing efforts to document by-catch in fisheries, for example Project GLOBAL, which attempts to document by-catch of birds, marine turtles, marine mammals or migratory sharks in artisanal fisheries;

The group agreed that these suggested changes be considered for insertion into the draft Resolution.

UNEP/CMS Thesis Award

The winner of the UNEP/CMS Thesis Award on Migratory Species Conservation sponsored by the National Geographic Deutschland and Deutsche Lufthansa is Dr. Samantha Petersen, a Biologist from South Africa. With her thesis on '*Understanding and Mitigating Vulnerable Bycatch in southern African Trawl and Longline Fisheries*', Dr. Samantha Petersen has made a significant contribution to improving the affected species' conservation status under the Convention. The relevance to the vision and goals of UNEP/CMS to protect and improve the conservation status of migratory animals made this thesis rank at the top. The Bycatch Group expressed their congratulations to Dr Petersen on her work and the award.

Over the past decade there has been global concern about the bycatch of seabirds, turtles and sharks in fishing operations, in particular longline and trawl fisheries, which have been widely held responsible for their declining populations and threatened conservation status. The FAO estimated that 75% of the global stocks are unsustainably exploited, approximately 25% of marine resources landed are dumped, ecosystems have been modified and catastrophic declines of vulnerable marine life reported, including the loss of up to 90% of the large predatory fish. Dr. Petersen's thesis addresses the issue of bycatch in a holistic manner, taking into account that species, be they target or non-target for fisheries, do not exist in isolation from each other and their environment.

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Glen Ewers (Australia)

Marie-Christine Grillo-Compulsione

Zeb Hogan (Appointed Councillor - Fish),

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Oystein Storkersen (Norway)

Heidrun Frisch (Secretariat)

DRAFT WORK PROGRAM 2009-2010 FOR BYCATCH COUNCILLOR AND BYCATCH THEMATIC GROUP

	Topic/Task	Timeframe	Detail
1	Establish a small informal correspondence group of interested parties and technical experts to assist the Scientific Councillor	January 2009	<p>A small working group will be established to ensure thorough coverage of faunal groups and access to technical expertise on mitigation techniques and application.</p> <p>Membership of the correspondence group will be expertise based and may comprise members not directly involved with the CMS Scientific Council. The working group will assist the Scientific Councillor on Bycatch in implementing the Work Program.</p> <p>CMS daughter agreements will be asked to nominate a contact person for inclusion in the small informal correspondence group.</p>
2	Conduct a study to assess bycatch in global fisheries	<p>Revise Terms of Reference for study February 2009</p> <p>Commission study June 2009</p> <p>Complete study March 2010</p>	<p>Commission a consultant to carry out a comprehensive review of all global commercial and artisanal fisheries. Study will assess the available information on bycatch of seabirds, marine turtles, sharks and marine mammals, focusing particularly on CMS listed species. It will assess the importance of bycatch as a threat to migratory species and provides an overview of priority fisheries, regions and species which will benefit from international action through the CMS.</p> <p>The scope (spatial or taxonomic coverage) of the study will be modified, if necessary, to suit available funding.</p>
3	Work closely with other international competent bodies such as FAO and relevant RFMOs	<p>Ongoing</p> <p>Secretariat to request observer status at meetings of key RFMOs and FAO COFI — March 2009</p>	<p>Implementation dependent upon funding to attend meetings, and availability/willingness of Bycatch Thematic Group members or CMS daughter agreements to coordinate action for relevant RFMOs</p> <p>FAO and RFMOs have direct management responsibility for most of the global high seas fisheries. Attendance at key meetings of these bodies is essential to influence adoption of mitigation strategies and implementation of independent observer programs, necessary for improving knowledge of bycatch issues.</p> <p>Note that RFMO engagement imposes a significant workload, that cannot be effectively carried out without full time staffing resources made available for this purpose. Support of this work through collaborative arrangements with CMS daughter agreements is highly desirable.</p>

	Topic/Task	Timeframe	Detail
			<p>Priority RFMOs initially are CCAMLR, IOTC, WCPFC. Selection of these based on known seabird, turtle and shark bycatch issues, and the potential to influence change in fishing practices. <u>Travel & per diem costs \$5,000 per meeting</u></p> <p>Other RFMOs to be considered, dependent upon success in other fora, emerging issues, and availability of travelling funds, are: CCSBT, ICCAT, IATTC, General Fisheries Commission for the Mediterranean and Black Sea (GFCM).</p> <p>Adoption of mitigation strategies by RFMOs may lead to flow-on effects to EEZ fisheries of RFMO members.</p>
4	Work closely with CMS daughter agreements and other relevant conservation bodies	Ongoing Write to daughter agreements — March 2009	ACAP, ACCOBAMS, ASCOBANS, Waddensea Seals, Marine Turtles Africa, Marine Turtles IOSEA, Pacific Islands Cetaceans, IWC Bycatch Group
4	Risk assessments. Continuously review and utilise available information on the at-sea distribution of migratory species to assess overlap with fishing operations and hence the risk of bycatch in fishing regions	Ongoing	<p>Fishing regions include RFMO areas of competence, and national EEZs.</p> <p>Risk assessments carried out annually by the Commission for the Conservation of Antarctic Marine Living Resources provide an excellent model.</p>
5	Review information on mitigation measures for fishing methods known to impact migratory species	Ongoing. Highly desirable to work with CMS daughter agreements to achieve efficiencies.	<p>Concise reviews of current knowledge on mitigation measures to reduce seabird bycatch in longline and trawl fishing have been produced by ACAP, but do not exist for other faunal groups or fishing methods.</p> <p>Work with fishery managers and RFMOs is required to comprehensively assess fishing techniques and gear used in EEZ and high seas fisheries, to identify those elements that have been shown to reduce or eliminate by-catch mortality of migratory species.</p> <p>Products of review are described in Item 9 (below)</p> <p>Initial work should focus on pelagic longline methods for seabirds and turtles. Ensure mitigation methods developed for one taxonomic group do not lead to bycatch of other taxa.</p>
6	Maintain a database of relevant scientific literature on bycatch	Ongoing	Maintain the bibliographic database on published references to bycatch and mitigation research to assist the work of the Bycatch Working Group and the Scientific Council

	Topic/Task	Timeframe	Detail
7	Develop a bycatch webpage	By end 2009	<p>Develop a page for the CMS website providing information on CMS activities to ameliorate the impacts of bycatch on migratory species. <u>Implementation by the Secretariat required.</u></p> <p>The website could also provide a ‘toolbox’ of best practice species-specific techniques to reduce bycatch in fishing operations, such as FAO publications <i>Expert consultation on interactions between sea turtles and fisheries within an ecosystem context</i>, and <i>The Incidental catch of seabirds by longline fisheries: Worldwide review and technical guidelines for mitigation on the interactions between sea turtles and fisheries</i>.</p>
8	In consultation with CMS daughter agreements, develop products to assist RFMOs and other relevant international and national bodies in reducing bycatch.	Ongoing	These could include: observer programme designs including protocols for the collection of bycatch data, analytical methods for assessing bycatch, best-practice mitigation measures
9	Develop materials and guidelines to assist CMS representatives attending RFMO and other relevant meetings to maximise effective participation and consideration of issues relevant to the minimisation of bycatch	Ongoing	<p>These could include technical information to be delivered through:</p> <ul style="list-style-type: none"> — concise reports that are based on sound, scientifically supported peer-reviewed papers — presentations and submission of relevant papers to meetings to support the information being conveyed, together with active participation at meetings; — workshops with industry to progress uptake of mitigation in particular — building relations with fishers, national fisheries managers, RFMO Secretariats and UN FAO officials
10	Assist in the preparation, adoption and implementation of FAO NPOA-Seabirds and FAO NPOA-Sharks	Ongoing	<p>This may include:</p> <ul style="list-style-type: none"> — encourage adoption of best practice guidelines for IPOA-Seabirds by FAO COFI in March 2009 — providing assistance to Parties and Range States in the development of NPOA-Seabirds and FAO NPOA-Sharks.
11	Provide report to Scientific Council on Bycatch Councillor activities	SC 16	Provide a report to 16th meeting of the Scientific Council on the activities of the Bycatch Councillor during the inter-sessional period

Annex X to ScC15 Report**REPORT FROM CLIMATE CHANGE AND MIGRATORY SPECIES WORKING GROUP**

(28.11.2008, Pakistan room, ~11am – 12.30am)

Participants noted that the impact of climate change on migratory populations is being increasingly observed throughout continents and oceans. Draft resolution 9.7 submitted by Australia was highlighted as a vital step to address this global policy priority and to provide CMS Parties and the Secretariat with a focused mandate to tackle this issue. The draft climate change paper Conf. 9.24 was discussed and reviewed amongst participants. Recommendations in section VI of the paper were examined in detail. It was unanimously agreed by Australia and participants to include the recommendations of Conf. 9.24 in draft resolution 9.7.

The chair of the working group, Prof. Colin Galbraith, suggested that participants would form an inter-sessional working group. He recommended that a workshop should be convened during the forthcoming triennium (2009 - 2011) to bring together the scientists that are currently contributing towards the CMS mandate (e.g. ZSL, IUCN), policy makers and the inter-sessional working group.

Amongst other matters, participants discussed their climate change relevant activities and research, noted that capacity building of implementing bodies is vital to achieving the aims set out in Resolution 9.7, noted that wider habitat changes should also be considered, and highlighted the need to promote research that builds on the analysis of existing data.

As a result of the instructions of the working group a revised version of Resolution 9.7 was produced by the Secretariat and posted on 30th November 2008.

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Annex XI to ScC15 Report

Report of the Working Group on Wildlife Disease 15th Meeting of the CMS Scientific Council, 28th November 2008 FAO, Rome

Working Group chaired by Scott Newman (FAO) and Roberto Schlatter (CMS Councillor) and attended by 22 contracting parties, international organisations and NGO's (see Annex 1).

Presentations were given by Rebecca Lee (Co-ordinator of the CMS-FAO co-convened Scientific Task Force on Avian Influenza and Wild Birds) and Ruth Cromie (Wildfowl & Wetlands Trust) on the work of the Task Force and the issue of wildlife diseases respectively. The former presentation outlined the remit and functioning of the CMS-FAO Task Force and outlined progress made to date. The latter presentation outlined the importance of the broader issue of wildlife disease as an issue for conservation and called on the Scientific Council to expand the proposed draft resolution on avian influenza (Res 9.8) to one including the whole issue of wildlife diseases and moreover to create a new CMS-FAO co-convened Scientific Task Force on Wildlife Disease, which would have the CMS Working Group on Migratory Species as Vectors of Diseases as a member. A working group on wildlife diseases was convened and this report represents comments made following the presentations and the outcomes of that meeting.

Points arising following the presentations:

An important collaborative project between Wetlands International and Euring using extensive bird ringing datasets has produced a mapping tool which is of great value in terms of avian influenza research as it helps understand the connectivity of wild bird movements and migrations. This tool is available on-line.

The Scientific Council Chair congratulated Task Force on their excellent work. The importance of the link between CMS and FAO was highlighted and acceptance that establishment of the proposed Scientific Task Force on Wildlife Disease would be extremely valuable.

Points arising from the Working Group

One country, having dealt with many wildlife health projects, in particular important zoonoses such as Ebola virus, highlighted that such a new Task Force was proposed two years ago and its remit must be broad i.e. to focus on all wildlife taxa. How such a broad task force might be subdivided is open to debate but it sensibly could be subdivided by taxa and by geographical region.

The importance of integrating veterinary and environmental disciplines was required for tackling all aspects of human, and domestic and wild animal health. There was a call for these disciplines working together and for funding to facilitate this approach.

Emphasis was placed on the need to further encourage Ministries of Environment, Agriculture and Public Health to coordinate and collaborate on cross-cutting disease issues as some progress has been made with HPAI but to truly address infectious diseases will require further collaborations among disciplines.

Examples of good practice of veterinary services working with environmental services were provided with a clear understanding of the value and benefits of this approach.

As well as surveillance there was a call for further research in an attempt to fully understand the epidemiology of wildlife diseases.

There was a call for prioritisation of the diseases of greatest concern to conservation, and livestock and human health.

Procedural issues

Roberto Schlatter, coordinator of the CMS Working Group on Migratory Species as Vectors of Diseases, encouraged this working group to become part of a larger Task Force.

A short discussion took place regarding the members of the proposed Scientific Task Force on Wildlife Disease although this was seen as one of the first tasks of the Task Force to address.

It was also noted that translation of technical documents often leads to problems and misinterpretations and therefore, it would be necessary to have translations into French and Spanish, but to then ask a native speaker with technical expertise, to review and translated documents.

Conclusions

1. Draft resolution 9.8 should be broadened to incorporate the whole issue of wildlife disease – a mandate was given to proceed with this, to incorporate the terminology associated with the Scientific Council working paper UNEP/CMS/ScC15/Doc.13 Responding to the challenge of emerging and re-emergent diseases in migratory species: the development of enhanced processes of international co-ordination .
2. The link between FAO and CMS should be encouraged, maintained and strengthened as each organisation brings slightly different perspectives and expertise which are complimentary in addressing animal health and wildlife conservation.
3. The establishment of a new CMS-FAO co-convened Scientific Task Force on Wildlife Disease should proceed.

Prepared by
Ruth Cromie
Rebecca Lee
Scott Newman

1st December 2008

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Costa Rica
Cote D'Ivoire
Democratic Republic of Congo
Denmark
Madagascar
Netherlands
Panama
Peru
Philippines
Saudi Arabia
Senegal
Spain
Togo
United Kingdom

AEWA
CMS Secretariat
FAO
Wetlands International
Wildfowl & Wetlands Trust

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**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/COP9/REPORT
ANNEX VII

Original: English

CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS
NINTH MEETING
Rome, Italy, 1-5 December 2008

**Proceedings of the Ninth Meeting of the Conference of the Parties
Part I****RECOMMENDATIONS****ADOPTED BY THE CONFERENCE OF THE PARTIES AT ITS NINTH MEETING**

LIST OF RECOMMENDATIONS ADOPTED BY COP9

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**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/Recommendation 9.1

Original: English

CENTRAL EURASIAN ARIDLAND MAMMALS

Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Recognising that the large mammal fauna of the arid lands of Eurasia and North Africa have many species with threatened populations that are in a profoundly unsatisfactory state of conservation;

Conscious that the arid lands, with their exceptional natural and cultural heritage and their unique migration phenomena, are a crucial area for the action of the Convention;

Grateful to the Republic of Mongolia for drawing attention to the particular plight of the fauna of the temperate arid lands of Eurasia;

Welcoming the support of the other Parties situated within the temperate desert, semi desert, steppe and associated mountains of Eurasia;

Recalling that several species found in that biome are on Appendix I of the Convention;

Recalling also that several more species are on Appendix II of the Convention;

Noting that Recommendation 8.23 adopted by the Conference of the Parties at its Eighth Meeting (Nairobi, 20-25 November 2005) requested that the Scientific Council, in cooperation with the Secretariat, the Republic of Mongolia and other concerned Parties initiate a CENTRAL EURASIAN ARIDLAND CONCERTED ACTION and associated Cooperative Action, that would in due course cover all threatened migratory large mammals of the temperate and cold deserts, semi-deserts, steppes and associated mountains of Eurasia;

Noting with satisfaction the progress made by this CENTRAL EURASIAN ARIDLAND CONCERTED ACTION;

Further noting with satisfaction the progress made by single-species Convention instruments operating in the region;

Taking into account the intersessional process on the future shape of CMS, and *conscious* that the development of new instruments is to be linked to this process; and

Acknowledging the recommendation of the 14th and 15th meetings of the Scientific Council that the CENTRAL EURASIAN ARIDLAND CONCERTED ACTION and associated Cooperative Action be continued and further reinforced;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Requests* the Scientific Council, in cooperation with the Secretariat, the Republic of Mongolia and other concerned Parties to pursue the CENTRAL EURASIAN ARIDLAND CONCERTED ACTION and associated Cooperative Action, that will in due course cover all threatened migratory large mammals of the temperate and cold deserts, semi-deserts, steppes and associated mountains of Central Asia, the Northern Indian sub-continent, Western Asia, the Caucasus and Eastern Europe. The Action will include an Action Plan and status reports for all species concerned, and will initially be centred on *Camelus bactrianus*, *Bos grunniens*, *Uncia uncia*, *Cervus elaphus bactrianus* and, subject to its inclusion on Appendix I, *Acinonyx jubatus*, for the Concerted Action; and on *Equus hemionus* s.l., *Gazella subgutturosa*, *Procapra gutturosa* and, subject to its inclusion on Appendix II, *Saiga tatarica* s.l. for the Cooperative Action. The action will also take into account, and link to, other existing Convention instruments as well as actions already taken by Range States and Convention partners;
2. *Encourages* Range States and other interested Parties to prepare, in cooperation with the Scientific Council and the Secretariat, the necessary proposals to include in Appendix I or Appendix II threatened species that would benefit from the Action;
3. *Encourages* the Secretariat to pursue efforts to bring into the Convention Range States of the Central Eurasian fauna that are not yet Parties, and to liaise with other concerned Conventions to enhance synergies;
4. *Urges* non-Party Range States to support the Action, in recognition of its global significance;
5. *Appeals* to Range States and other interested Parties to support the development of a Memorandum of Understanding or other binding or non binding instruments to complement the CENTRAL EURASIAN ARIDLAND CONCERTED ACTION and its Action Plan;
6. *Encourages* the Scientific Council and the Secretariat to envisage, in consultation with the Parties concerned, an extension of the action area to the South-western Eurasian hot deserts and associated biomes; and
7. *Requests* the Scientific Council and the Secretariat to report on the progress of the action to the next meeting of the Conference of the Parties.

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/Recommendation 9.2

Original: English

SAHELO-SAHARAN MEGAFUNA

Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Recognising that the large mammal fauna of the arid lands of North Africa and Eurasia have many species with threatened populations that are in a profoundly unsatisfactory, and often critical, state of conservation;

Conscious that the arid lands, with their exceptional natural and cultural heritage and their unique migration phenomena, are a crucial area for the action of the Convention;

Recalling that several species found in that biome are on Appendix I of the Convention;

Noting that recommendation 4.5 adopted by the Conference of the Parties at its Fourth Meeting (Nairobi, 7-11 June 1994) requested that the Scientific Council, in cooperation with the Secretariat, establish a Concerted Action for Sahelo-Saharan Ungulates;

Noting with satisfaction the progress made by this Sahelo-Saharan Ungulates Concerted Action;

Taking into account the intersessional process on the future shape of CMS, and *conscious* that the development of new instruments is to be linked to this process; and

Acknowledging the recommendation of the 14th and 15th meetings of the Scientific Council that the SAHELO-SAHARAN UNGULATES CONCERTED ACTION be continued and extended to other species of large mammals occurring within the area of the Concerted Action;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Requests* the Scientific Council, in cooperation with the Secretariat, and concerned Parties to pursue a SAHELO-SAHARAN MEGAFUNA CONCERTED ACTION that will in due course cover all threatened migratory large mammals of the temperate and cold deserts, semi-deserts, steppes and associated mountains of the Sahelo-Saharan region. The Action will include an Action Plan and status reports for all species concerned, and will be centred on *Oryx dammah*, *Addax*

nasomaculatus, Gazella dama, Gazella leptoceros, Gazella cuvieri, Gazella dorcas and Acinonyx jubatus;

2. *Encourages* Range States and other interested Parties to prepare, in cooperation with the Scientific Council and the Secretariat, the necessary proposals to include in Appendix I or Appendix II threatened species that would benefit from the Action;
3. *Encourages* the Secretariat to pursue efforts to bring into the Convention, Range States of the Sahelo-Saharan fauna that are not yet Parties, and to liaise with other concerned Conventions to enhance synergies;
4. *Urges* non-Party Range States to support the Action, in recognition of its global significance;
5. *Appeals* to Range States and other interested Parties to support the development of a Memorandum of Understanding or other binding or non binding instruments to complement the SAHELO-SAHARAN CONCERTED ACTION and its Action Plan;
6. *Encourages* the Scientific Council and the Secretariat to envisage, in consultation with the Range States concerned, an extension of the action area to the deserts of the Horn of Africa and associated biomes; and
7. *Requests* the Scientific Council and the Secretariat to report on the progress of the action to the next Conference of the Parties.

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/Recommendation 9.3

Original: English

TIGERS AND OTHER ASIAN BIG CATS

Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Aware that wild populations of tigers and other Asian big cat species (snow leopard, *Uncia uncia*, clouded leopard, *Neofelis nebulosa*, all subspecies of leopard *Panthera pardus* within its Asian range, Asiatic cheetah *Acinonyx jubatus venaticus* and Asiatic lion, *Panthera leo persica*) are threatened by the combined effects of poaching and habitat loss (fragmentation and destruction) caused by anthropogenic disturbances;

Conscious that three subspecies of *Panthera tigris* have become extinct within the last 50 years;

Concerned that, despite actions taken by Range States, which have stemmed the decline of some sub-populations, overall, the population of most sub-species of tiger, *Panthera tigris*, continue to decline in the wild;

Further concerned that tiger habitats throughout India, Indochina, and Southeast Asia are now 40 percent less than was estimated in 1995, and 90% less than was estimated at the beginning of the 20th century;

Acknowledging that, where wild tigers still exist, their habitat often encompasses national borders, such as the Sundabans between India and Bangladesh, between the far east of Russia, north Korea and northeast China, between southern China and Laos, between Cambodia, Vietnam and Laos, between Myanmar and Thailand, between India and Bhutan and between India and Myanmar, but that little is known about their movements across such borders. However, the movement of wild tigers between Nepal and India is well documented in several locations;

Acknowledging that tigers and other Asian big cat species depend on contiguous habitat with ample prey species to survive and that at the same time tigers and other Asian big cat species support the integrity of these ecosystems;

Further acknowledging that tigers, other Asian big cat species, and the conservation of their habitat are adversely affected by differences between the policies, laws and regulations in adjacent countries;

Recognizing that strengthened cooperation between Range States, together with financial support, is expected to contribute to more effective conservation of tigers and other Asian big cat species;

Noting that one Asian big cat species, the snow leopard *Uncia uncia* is listed in Appendix I of CMS;

Further noting that the Central Eurasian Aridland Concerted Action established by the Conference of the Parties at its Ninth Meeting (Rome, 1-5 December 2008) through Recommendation 9.1 includes five Asian big cat species, three, the snow leopard *Uncia uncia*, the Asiatic lion *Panthera leo persica* and the Asiatic cheetah *Acinonyx jubatus venaticus* over their entire range, and two, the tiger *Panthera tigris* and the leopard *Panthera pardus* over substantial parts of their range;

Also noting that all sub-species of *Panthera tigris* and other Asian big cat species have been listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) since 1975 (with the exception of the Asiatic lion and the Amur tiger, *Panthera tigris altaica*, which were included in 1977 and 1987, respectively) prohibiting commercial international trade in the species and their parts and derivatives;

Recalling Resolution Conf. 12.5, adopted by the Conference of the Parties to CITES at its 12th meeting, relating to conservation of and trade in tigers and other Asian big cat species listed in Appendix I of CITES;

Further recalling that CITES Resolution Conf. 12.5 states that long-term solutions to the protection, conservation and management of tigers and other Asian big cat species and their habitats require the adoption of bold and innovative actions based on a sound base of information;

Acknowledging the work of the Global Tiger Forum and the actions and reports of members of the Forum in reviewing the threats to the long-term survival of tigers in the wild and the recommended measures to address those threats; and

Commending the positive actions taken by some Range States to address tiger conservation issues and to facilitate cooperation with other Parties, but aware that much more far reaching measures are required;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. Urges Parties and Range States to enhance mutual transboundary cooperation for the conservation and management of tigers and other Asian big cat species throughout the species' range and potential donor countries to provide or increase financial support for conservation of Asian big cat species;
2. Calls upon the Scientific Council to review, in consultation with international conservation bodies, including the IUCN Cat Specialist Group, the conservation and management of tigers and other Asian big cat species and to propose any appropriate actions required to the Conference of the Parties at its Tenth Meeting;
3. Requests the Scientific Council and the Secretariat to ensure that all means that can effectively contribute to an improvement of the conservation status of Asian big cats and to awareness raising on the threats that they face are taken within the framework of the Central Eurasian Aridland Mammals Concerted Action in keeping with the terms of Recommendation 9.1; and
4. Encourages the Secretariat to explore areas for complementing the ongoing efforts of existing international organisations and Conventions for the conservation of tigers and other Asian big cats, and to report to the Scientific Council and COP10.

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/Recommendation 9.4

Original: English

STANDARDIZED NOMENCLATURE FOR THE CMS APPENDICES

Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Recalling that with Recommendation 6.1 (Cape Town, 1999) the Conference of the Parties to CMS adopted standard references to be recognized and used as the bases on which the CMS Appendices and amendments thereto, should be prepared;

Noting that biological nomenclature is dynamic;

Acknowledging that the 14th Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (The Hague, June 2007) noted that in order to strengthen the global effort to meet the World Summit on Sustainable Development target of significantly reducing the rate of biodiversity loss by 2010, it would be sensible to try to ensure greater harmonization between biodiversity-related multilateral environmental agreements in the field of taxonomy and nomenclature, considering that biodiversity-related multilateral environmental agreements operate on the basis of some stability in the use of names, notably because implementing legislation which uses these names is often not easily changed;

Further noting that the case for such harmonization is made more compelling by the fact that of the 110 CMS Parties, only 4 are not also members of CITES;

Noting also that this objective was endorsed at the 2nd meeting of Chairs of the Scientific Advisory Bodies of Biodiversity-related Conventions (CSAB, Bonn, May 2008) and noted by the 6th meeting of the Liaison Group of the Biodiversity-related Conventions (Bonn, May 2008), and was thereby included in the CITES/CMS List of Joint Activities adopted by the 34th meeting of the CMS Standing Committee;

Taking note of the recommendations of the 15th meeting of the CMS Scientific Council (Rome, 27-28 November 2008) concerning revision of the reference nomenclature for terrestrial and aquatic mammalian species listed in CMS Appendices; and

Noting that Schedule 1 of the Agreement on the Conservation of Albatrosses and Petrels (ACAP) takes account of the most recent taxonomic information on species of albatrosses and large petrels;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Adopts* Perrin W.F., Wursig B. and Thewissen J.G.M. (Editors), (2009), Encyclopaedia of Marine Mammals, Second edition. Academic Press as the standard nomenclatural reference for Marine Mammals as recommended by the 15th meeting of the Scientific Council;
2. *Adopts* Wilson, D. E. & Reeder, D. M. (ed.) (2005): Mammal Species of the World. A Taxonomic and Geographic Reference. Third edition, John Hopkins University Press as the standard nomenclatural reference for terrestrial mammals, as recommended by the 14th meeting of the Scientific Council;
3. *Requests* the Scientific Council to consider the implications of adopting Dickinson, E.C. (ed.)(2003): The Howard and Moore Complete Checklist of the Birds of the World. Revised and enlarged 3rd Edition. London (Christopher Helm) together with the author's Corrigenda 4 (02.06.2005) to Howard & Moore Edition 3 (2003), as the Convention's standard nomenclatural reference for birds at its 16th meeting and report to the 10th meeting of the Conference of the Parties;
4. *Further requests* the Scientific Council to consider the implications of adopting the taxonomic list approved for inclusion on Annex I of ACAP as the Convention's standard nomenclatural reference for albatrosses and large petrels, and consider other relevant CMS Agreements in the process of harmonization of taxonomic and nomenclatural references;
5. *Requests also* the Secretariat to raise, at the next meeting of the Chairs of the scientific advisory bodies of biodiversity-related conventions (CSAB), the feasibility of establishing a nomenclature and taxonomy panel that could be convened periodically to review the relevant technical literature in order to work towards the harmonization of species nomenclature used by the biodiversity-related convention; and
6. *Instructs* the Secretariat to transmit this Resolution to the CITES Secretariat in order for it to be considered by the scientific bodies of that Convention.

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/Recommendation 9.5

English
Original: French**COOPERATIVE ACTION FOR THE ELEPHANT
(*Loxodonta africana*) IN CENTRAL AFRICA**

Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Recalling that Central African populations of *Loxodonta africana* are among the largest in Africa;

Convinced of the threat posed to these populations by poaching and accelerated habitat loss;

Convinced also that, owing to the predominantly transboundary character of their seasonal movement, these populations would greatly benefit from concerted management, in support of measures outlined by the Central African States through the COMIFAC sub-regional convergence plan; and

Taking into account the proposal of the Scientific Council in support of *Loxodonta africana* through Cooperative Action;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Requests* the Secretariat to include in its programme of work the development of an appropriate instrument on the conservation of elephants in Central Africa, and to engage in relevant consultations with range states (COMIFAC);
2. *Invites* the Secretariat to establish a working group composed of representatives of Range States and CMS partner organizations on this issue. The Scientific Council will be an additional member of the working group;
3. *Further requests* the Secretariat to review the state of progress of work, both in the Scientific Council and the CMS Standing Committee during the intersessional period; and
4. *Encourages* the stakeholders to ensure a sound coordination amongst the CMS initiatives for this species in this region.



**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/COP9/REPORT
ANNEX VIII

Original: English

CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS
NINTH MEETING
Rome, Italy, 1-5 December 2008

**Proceedings of the Ninth Meeting of the Conference of the Parties
Part I**

RESOLUTIONS*

ADOPTED BY THE CONFERENCE OF THE PARTIES AT ITS NINTH MEETING

* Please note that Resolutions 9.10, 9.11 and 9.16 were cancelled.

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**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/Resolution 9.1

Original: English

CONCERTED AND COOPERATIVE ACTIONS

Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Recalling Resolution 3.2 regarding Appendix I species adopted by the Conference of the Parties at its third meeting (Geneva, 1991);

Recognizing that Resolution 3.2 decided *inter alia* that at each meeting of the Conference of the Parties a formal review process would be established for a selected number of species listed in Appendix I;

Noting that there are species or populations of species listed in Appendix II that have an unfavourable conservation status and which require cooperation at the international level for their conservation and management;

Aware that not all species listed in Appendix II are currently the subject of an Agreement nor can they reasonably be expected, in the short term, to become the subject of an Agreement to assist with their conservation;

Recalling further that Resolution 3.2, as updated by Resolution 4.2 (Nairobi, 1994), Resolution 5.1 (Geneva, 1997), Resolution 6.1 (Cape Town, 1999), Resolution 7.1 (Bonn, 2002), Resolution 8.29 (Nairobi, 2005), and that Recommendation 6.2 (Cape Town 1999) as updated by Recommendation 7.1 (Bonn, 2002) and Recommendation 8.28 (Nairobi, 2005) instructs and recommends, respectively, the Secretariat and the Scientific Council to encourage and assist Parties to take concerted and cooperative actions to implement the provisions of the Convention and improve the conservation status of migratory species;

Acknowledging that the Scientific Council at its 14th and 15th meetings held in Bonn (March, 2007) and Rome (November, 2008) reviewed the implementation of concerted and cooperative actions for Appendix I and Appendix II species respectively;

Noting the conclusions and recommendations of the Scientific Council at its 14th and 15th meetings, particularly the identification of the following species to be the subject of concerted actions: *Platanista gangetica gangetica*, *Pelecanus crispus*, *Anser cygnoides* and *Marmaronetta angustirostris*; and

Noting further the recommendations of the 14th and 15th meetings of the Scientific Council that subject to their inclusion in Appendix I and Appendix II, respectively, *Tursiops truncatus ponticus*, *Acinonyx jubatus*, on the one hand, and *Lycaon pictus* on the other hand, also be subject to concerted and cooperative actions, as appropriate;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Resolves* that concerted and cooperative actions be carried out for the species listed within this Resolution to improve their conservation status, as appropriate, during the 2009-2011 triennium, and that the Conference of the Parties review the results at its next meeting;
2. *Instructs* the Scientific Council to prepare for each meeting of the Conference of the Parties a list of such Appendix II species or populations of such species for which the conclusion of an Agreement is not anticipated during the forthcoming triennium, but which nonetheless require attention within the reporting period;
3. *Directs* the Secretariat to assist the Scientific Council in establishing this review process, ensuring that a regular update of status is provided by the relevant focal point Councillor;
4. *Ratifies* the recommendation of the Scientific Council at its 15th meeting that concerted actions for species covered by Resolution 8.29 be continued for a further three years (2009-2011), and that concerted actions be commenced specifically for those species mentioned in the preamble. The complete list of species for which concerted actions should either be continued or commenced, as appropriate, is as appears in the first table attached to this Resolution; and
5. *Endorses* the list of species object of cooperative actions for the following 2009-2011 triennium, as it appears in the second table attached to this Resolution.

SPECIES DESIGNATED FOR CONCERTED ACTIONS DURING 2009-2011

Year of adoption	Resolution	Scientific name	Common name
1991	3.2	<i>Addax nasomaculatus</i>	Addax
	3.2	<i>Gazella dorcas</i>	Dorcas gazelle
	3.2	<i>Gazella leptoceros</i>	Slender-horned gazelle
	3.2	<i>Chlamydotis undulata</i>	Houbara bustard
	3.2	<i>Numenius tenuirostris</i>	Slender-billed curlew
	3.2	-----	Marine Turtles
1994	4.2	<i>Chloephaga rubidiceps</i>	Ruddy-headed goose
	4.2	<i>Oxyura leucocephala</i>	White-headed duck
	4.2	<i>Grus leucogeranus</i>	Siberian crane
	4.2	<i>Otis tarda</i>	Great bustard
	4.2	<i>Gazella dama</i>	Dama gazelle
	4.2	<i>Oryx dammah</i>	Scimitar-horned oryx
	4.2	<i>Monachus monachus</i>	Mediterranean monk seal
1997	5.1	<i>Falco naumanni</i>	Lesser kestrel
	5.1	<i>Phoenicopterus andinus</i>	Andean flamingo
	5.1	<i>Phoenicopterus jamesi</i>	Puna flamingo
	5.1	<i>Anser erythropus</i>	Lesser white-fronted goose
	5.1	<i>Pontoporia blainvillei</i>	La Plata dolphin, Franciscana
	5.1	<i>Hippocamelus bisulcus</i>	South Andean deer
1999	6.1	<i>Sarothrura ayresi</i>	Whitewinged flufftail
	6.1	<i>Hirundo atrocaerulea</i>	Blue swallow
	6.1	<i>Acrocephalus paludicola</i>	Aquatic warbler
	6.1	<i>Lontra felina</i>	Southern marine otter
	6.1	<i>Lontra provocax</i>	Southern river otter
	6.1	<i>Spheniscus humboldti</i>	Humboldt penguin
	6.1	<i>Aythya nyroca</i>	Ferruginous duck
2002	7.1	<i>Uncia uncia</i>	Snow leopard
	7.1	<i>Balaenoptera physalus</i>	Fin whale
	7.1	<i>Balaenoptera borealis</i>	Sei whale
	7.1	<i>Physeter macrocephalus</i>	Sperm whale
	7.1	<i>Eubalaena australis</i>	Southern right whale
	7.1	<i>Balaenoptera musculus</i>	Blue whale
	7.1	<i>Megaptera novaeangliae</i>	Humpback whale
	7.1	<i>Platalea minor</i>	Black-faced spoonbill
	7.1	<i>Eurynorhynchus pygmeus</i>	Spoon-billed sandpiper
	7.1	<i>Sterna bernsteini</i>	Chinese crested tern
2005	8.29	<i>Camelus bactrianus</i>	Bactrian camel
	8.29	<i>Bos grunniens</i>	Wild yak
	8.29	<i>Cervus elaphus bactrianus</i>	Bukhara deer
	8.29	<i>Gorilla gorilla</i>	Gorilla
	8.29	<i>Puffinus mauretanicus</i>	Balearic shearwater
	8.29	<i>Calidris canutus rufa</i>	Red knot
2008	9.1	<i>Acinonyx jubatus</i>	Cheetah
	9.1	<i>Platinista gangetica gangetica</i>	Ganges river dolphin
	9.1	<i>Tursiops truncatus ponticus</i>	Bottlenose dolphin (Black Sea sub-species)
	9.1	<i>Pelecanus crispus</i>	Dalmatian pelican
	9.1	<i>Anser cygnoides</i>	Swan goose
	9.1	<i>Marmaronetta angustirostris</i>	Marbled duck

SPECIES DESIGNATED FOR COOPERATIVE ACTIONS DURING 2009-2011

Scientific name
<i>Miniopterus schreibersii</i>
<i>Otomops martiensseni</i>
<i>Eidolon helvum</i>
<i>Lagenorhynchus australis</i>
<i>Lagenorhynchus obscurus</i>
<i>Phocoena spinipinnis</i>
<i>Phocoena dioptrica</i>
<i>Cephalorhynchus commersonii</i>
<i>Cephalorhynchus eutropia</i>
<i>Neophocaena phocaenoides</i>
<i>Sousa chinensis</i>
<i>Tursiops aduncus</i>
<i>Stenella attenuata</i>
<i>Stenella longirostris</i>
<i>Lagenodelphis hosei</i>
<i>Orcaella brevirostris</i>
<i>Loxodonta africana</i> (Central African populations)
<i>Equus hemionus</i> (s.l.)
<i>Gazella subgutturosa</i>
<i>Procapra gutturosa</i>
<i>Crex crex</i>
<i>Coturnix coturnix coturnix</i>
<i>Cygnus melanocorypha</i>
<i>Acipenser baerii baicalensis</i>
<i>Acipenser gueldenstaedtii</i>
<i>Acipenser medirostris</i>
<i>Acipenser mikadoi</i>
<i>Acipenser naccarii</i>
<i>Acipenser nudiventris</i>
<i>Acipenser persicus</i>
<i>Acipenser ruthenus</i>
<i>Acipenser schrenckii</i>
<i>Acipenser sinensis</i>
<i>Acipenser stellatus</i>
<i>Acipenser sturio</i>
<i>Huso dauricus</i>
<i>Huso huso</i>
<i>Pseudoscaphirhynchus fedtschenkoi</i>
<i>Pseudoscaphirhynchus hermanni</i>
<i>Pseudoscaphirhynchus kaufmanni</i>
<i>Psephurus gladius</i>
<i>Lycaon pictus</i>

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: GENERAL

UNEP/CMS/Resolution 9.2

Original: English

PRIORITIES FOR CMS AGREEMENTS

Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Recognising that migratory species can best be conserved through joint international cooperative efforts, linking species- and ecosystem-based approaches at national level, coordinated across a migratory range;

Recalling that Articles IV and V of the Convention provide for the conclusion of AGREEMENTS, in particular for migratory species in an unfavourable conservation status;

Further recalling Resolution 2.6 (Geneva, 1988), which recommends the use of non-binding instruments such as resolutions of the Conference of the Parties on proposals submitted by Parties and Memoranda of Understanding as a potential first step towards the conclusion of AGREEMENTS in accordance with Articles IV and V of the Convention;

Recognising with satisfaction the considerable progress made since the Eighth Meeting of the Conference of the Parties (Nairobi, 2005) with regard to the conclusion and implementation of AGREEMENTS and agreements under CMS auspices;

Conscious that these initiatives not only assist the targeted species and their habitats, but also consolidate the position of CMS as a worldwide lead partner in the conservation and sustainable use of migratory species over their entire range, and introduce non-Parties to the benefits of membership of the Convention;

Welcoming the Secretariat's increased efforts pursuant to Resolutions 7.7 (Bonn, 2002) and 8.5 (Nairobi, 2005) to foster partnerships with collaborating organisations and governments to support the coordination of MoUs concluded under CMS auspices;

Aware that Ramsar Resolution X.22 recognizes the importance of the work of CMS, AEWA and other non-statutory initiatives relating to migratory waterbirds and their flyways, encouraging Parties and other governments actively to support and participate in waterbird flyway initiatives and those who have yet to join such AGREEMENTS and initiatives including AEWA to do so, and urges Ramsar, CMS, AEWA and the Arctic Council to establish a mechanism for sharing knowledge, expertise and experience of best practices across the various 'north-south' migratory waterbird flyway initiatives and AGREEMENTS;

Aware also that the 2004 Waterbirds around the World global flyways conference adopted the Edinburgh Declaration as an agenda for action on migratory waterbirds;

Recognising that effective coordination to support the implementation of MoU Action Plans, and regular Range State meetings to monitor implementation and conservation outcomes, are cost effective means that will make a significant contribution to the Convention's achievement of the 2010 biodiversity target;

Further recognising that the development and servicing of both AGREEMENTS and agreements under the Convention will be subject to the availability of necessary funds;

Acknowledging with gratitude the generous financial and in-kind contributions made as noted in document UNEP/CMS/Conf.9.34, as well as developmental support provided in the last triennium by a number of Parties, non-Parties, and organisations to support Agreement development, the establishment of MoU coordinators and regular meetings of MoU Range States;

Expressing particular gratitude to the authorities of Abu Dhabi UAE for their offer to host and fund a co-ordination unit for the MoUs on Dugongs, African Eurasian Raptors and the Western area of IOSEA and *noting* that the Signatory States of these agreements have expressed support for this offer; and

Referring to the report of the Secretariat as reflected in the documents UNEP/CMS/Conf.9.9, as well as reports of the Secretariats of the various AGREEMENTS and agreements concluded under CMS auspices;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Decides* that the focus for the triennium 2009-2011 should be the implementation and operationalisation of the existing AGREEMENTS and agreements under CMS auspices and on taking forward the work on the future shape of CMS;
2. With regard to binding and non-binding instruments already concluded:
 - (a) *Expresses* its satisfaction with the achievements made to conclude and implement CMS instruments, both binding and non-binding in their legal nature;
 - (b) With regard to binding AGREEMENTS:
 - (i) *Commends* the conclusion of the Agreement on the Conservation of Gorillas and their Habitats and *welcomes* its entry into force;
 - (ii) *Also welcomes* the adoption of the Agreement's Action Plan at the first meeting of the Parties;
 - (iii) *Urges* all Range States that have not yet done so to sign, ratify or accede to, as appropriate, the Agreement;

-
- (iv) *Acknowledges* the leading role of the Republic of Congo and the support of the Royal Belgian Institute for Natural Sciences (IRSNB) and the GRASP Partnership in the preparation of the Gorilla Agreement, and the financial and in kind support to the process provided by the Governments of France, Germany, Monaco and the UK; and
- (v) *Calls* for a prompt implementation of the Agreement's Action Plan within the framework of the Year of the Gorilla;
- (c) With regard to non-binding agreements:
- (i) *Welcomes* the entry into effect of the Memorandum of Understanding concerning Conservation, Restoration and Sustainable Use of the Saiga Antelope (*Saiga tatarica tatarica*), and its signature by three range states;
- (ii) *Endorses* the conclusion and entry into effect since COP8 of the:
- (ii.i) Memorandum of Understanding on the Conservation of the Ruddy-headed Goose (*Chloephaga rubidiceps*) by Argentina and Chile as a contribution to the Wildlife Conservation Protocol signed between both countries and the first ever CMS agreement targeted towards the conservation of an American migratory bird species;
- (ii.ii) Memorandum of Understanding concerning the Conservation of Southern South American Migratory Grassland Bird Species and their Habitats among the Range States of Argentina, Bolivia, Brazil, Paraguay and Uruguay, and *recognises with pleasure* the initiation of the drafting process of the Action Plan at the first meeting of the Signatory States in October 2008;
- (ii.iii) Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region, as well as its appended Whale and Dolphin Action Plan, developed with the collaboration of the South Pacific Regional Environment Programme;
- (ii.iv) Memorandum of Understanding on the Conservation and Management of Dugongs (*Dugong dugon*) and their Habitats throughout their Range, and its associated Conservation and Management Plan;
- (ii.v) Memorandum of Understanding concerning Conservation Measures for the Eastern Atlantic Populations of the Mediterranean Monk Seal (*Monachus monachus*) and its associated Recovery Plan;
- (ii.vi) Memorandum of Understanding concerning the Conservation of the Manatee and Small Cetaceans of Western Africa and Macaronesia, as well as its two associated Conservation Plans targeted toward the conservation of the African manatee, and small cetaceans, respectively;
- (ii.vii) Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia, and its associated Action Plan; and the

- (ii.viii) Memorandum of Understanding on the Conservation of High Andean Flamingos and their Habitats and *welcomes* its signature by three Range States during this meeting as evidence of their strong commitment to flamingo conservation efforts at regional and national levels;
 - (d) *Reiterates* the measures set out in paragraph 43 of Resolution 8.2 to ensure that the Agreements should use similar systems for planning and reporting in order to ensure that they are fully integrated and strategically aligned with the Convention;
 - (e) *Urges* all Range States to sign, ratify or accede to the appropriate AGREEMENTS or agreements, and to take an active part in their implementation;
 - (f) *Encourages* the Secretariat to continue exploring partnerships with interested organisations specialised in the conservation and management of migratory species for the provision of developmental support and coordination services for MoUs concluded under CMS auspices;
3. *Decides* that the development of additional Agreements in the future should be linked to the outcome of the work initiated by Resolution 9.13 on the Future Shape of CMS;
4. *Acknowledges* the importance of maintaining the momentum in regard to instruments already under development, and in support of Target 2.5 of the CMS Strategic Plan 2006-2011:

A. BIRDS

(a) Waterbirds Flyways

5. *Decides* to establish an open-ended working group on global bird flyways within the framework of the Scientific Council to act as a think tank on flyways and frameworks, and tasked with reviewing scientific and technical issues for conservation of migratory birds and their habitats, and relevant international instruments, initiatives and processes, as the basis for future CMS policy on flyways and contributing to the work on the future shape of CMS:

(i) Central Asian Flyway

- (i.i) *Welcomes* the launch of the Central Asian Flyway Action Plan for the Conservation of Migratory Waterbirds and their Habitats (January 2008), as stated in UNEP/CMS/Conf.9.27, for one of the world's most vital routes for migratory birds, covering 175 species, 13 of which are already listed on Appendix I of the Convention;
- (i.ii) *Urges* the immediate execution of the Action Plan through the completion of pilot projects in view of the recognised necessity of having a Central Asian Flyway conservation instrument;
- (i.iii) *Appeals* to all Range States for a sustained commitment, both in terms of conservation interest and resource provision, in order to implement effectively the above mentioned Action Plan; and

- (i.iv) *Supports* the Secretariat's call for the Range States to meet in 2009-2010 in Central Asia in order to: review the Action Plan, agree on future projects subject to external funding, establish coordination arrangements for Central Asian Flyway management and conservation, and explore the possibility of the preparation of a CMS instrument or extending an existing instrument, either legally binding or non binding, under Article IV of the Convention concerning the conservation of these species and requests the Secretariat to involve the relevant regional Agreements, in particular the Secretariat of the AEWA in the view of a possible close collaboration with the AEWA using all available synergies.
- (ii) *East Asian-Australasian Flyway*
- (ii.i) *Welcomes* the establishment of the East Asian-Australasian Flyway Partnership (EAAFP) and *recognises* this Partnership as fulfilling the conditions of a non-binding agreement under Article IV paragraph 4 of CMS, as noted *inter alia* in the 31st Meeting of CMS Standing Committee (September 2006);
- (ii.ii) *Expresses* the hope that EAAFP will serve as a bridge to a more permanent arrangement under CMS auspices, as CMS will deploy its experience in the development of similar intergovernmental instruments under Article IV of the Convention, notably the Agreement on the conservation of African-Eurasian Migratory Waterbirds (AEWA) and the Agreement on the Conservation of Albatrosses and Petrels (ACAP);
- (ii.iii) *Requests* the Secretariat to take an active role, subject to its resources, in the technical and other work of the Partnership; and
- (ii.iv) *Further requests* that EAAFP present a report to the next Conference of the Parties, and if appropriate, to the intervening meeting of the Standing Committee in order to update on the development of the partnership. A representative should also be invited to attend the Scientific Council;
- (iii) *American Flyways*
- (iii.i) *Expresses* the interest of advancing the development of an international framework to address conservation priorities for migratory birds and their habitats, covering areas for breeding, wintering and resting sites throughout the Americas. The initiative will consider the existing South American instruments such as the Ruddy-headed Goose, Grassland Birds and Andean Flamingos MoUs, as well as other existing initiatives;
- (iv) *Pacific Flyway*
- (iv.i) *Recognizes* the importance of conservation of migratory birds and their habitats in the Pacific Flyway that are under threat, notably from global climate change; and

- (iv.ii) *Requests* the Secretariat, through the Working Group on the Scientific Council, to review the status of species priorities in the flyway to identify the appropriate instruments for their conservation;

(b) ***Asian Houbara Bustard***

- (i) *Thanks* the Government of the Kingdom of Saudi Arabia for its role in developing the draft of an Article IV instrument for the conservation of the Asian Houbara Bustard;
- (ii) *Recalls* that an Agreement under CMS for this species has been under discussion amongst range states, and that a detailed text and action plan for a binding Agreement acceptable to virtually all range states, have resulted from this extensive period of discussion;
- (iii) *Further recalls* that a special session at the previous COP in 2005 was set aside for discussion of the final text by range states, and that it was decided on that occasion that the Agreement would be finalised and opened for signature by mid-2006;
- (iv) *Suggests* a deadline of September 2009 for the final conclusion of this agreement with participation of all range states and in collaboration with relevant organisations; and
- (v) In the absence of action by that deadline, *Instructs* the CMS Secretariat to open the current text for signature in November 2009.

B. FISH

(c) ***Sharks***

- (i) *Acknowledges* the positive outcomes of the First Meeting to Identify and Elaborate an Option for International Cooperation on Migratory Sharks under the Convention on Migratory Species (Mahe, Seychelles, 11-13 December 2007), held as a response to Recommendation 8.16 and Resolution 8.5 adopted by the Eighth Meeting of the Conference of the Parties (Nairobi, 2005);
- (ii) *Further acknowledges* with thanks the work of the Intersessional Steering Group on Migratory Sharks in reviewing the outcome of the first meeting and providing guidance to the further development of the process;
- (iii) *Welcomes* the convening of the second negotiation meeting to be held at the FAO premises in Rome immediately after COP9 to consider alternative texts for binding and a non-legally binding Article IV instruments, prepared by the CMS Secretariat and the Intersessional Steering Group comprising Australia, Chile, Costa Rica, EC, New Zealand, Seychelles and USA;
- (iv) *Urges* Range States to ensure its definite conclusion and entry into effect as a key initiative to conserve sharks through a second meeting and further phases of the negotiation process to be held after the 9th meeting of the Conference of the Parties;

(d) ***Sturgeons***

- (i) *Takes note* of the recommendations of the Scientific Council;
- (ii) *Welcomes* the progress made on protection of sturgeons in the framework of the Bern Convention, which has established Action Plans on Danube sturgeons and Atlantic sturgeons;
- (iii) *Acknowledges* the initiative of the World Sturgeon Conservation Society to arrange a world sturgeon conference in Wuhan, China, in 2009; and
- (iv) *Endorses* the need to take steps to ensure the further protection of those threatened sturgeon species that are not already subject to international-level protection activities;

C. MARINE REPTILES

(e) ***Pacific Marine Turtles***

- (i) *Supports* the development of an appropriate CMS instrument on marine turtles for the Pacific region pursuant to Recommendation 8.17;
- (ii) *Applauds* the efforts being made by CMS and the South Pacific Regional Environment Programme (SPREP) towards the development of a CMS-based binding or non-binding instrument under Article IV of CMS for turtle conservation, following the success of the Year of the Turtle 2006; and
- (iii) *Urges* Range States, Parties and non-Parties, as well as interested organisations, to generously support this effort by providing financial and in kind resources, to the development of the cited CMS instrument;

D. MARINE MAMMALS

(f) ***Cetaceans in the Indian Ocean and South-East Asia***

- (i) *Reiterates* its supports for the development of an appropriate CMS instrument on cetaceans in South-East Asia, taking account of Resolution 7.7 and Recommendation 7.4, and further discussion at the 14th meeting of the Scientific Council (Bonn, 2007);
- (ii) *Notes* that extending the geographic scope of the instrument to cover the Indian Ocean would significantly increase the number of CMS Parties involved, thus facilitating the negotiation process for the instrument;
- (iii) *Requests* Range States of the region to identify a lead country to support the instrument's preparatory phase as a condition of CMS's continued support for the initiative; and
- (iv) *Urges* Parties, interested States and organisations to generously provide financial and in kind support to these efforts;

E. TERRESTRIAL MAMMALS

(g) *Sahelo-Saharan Antelopes*

- (i) *Welcomes* the progress being made as part of the Sahelo-Saharan Concerted Action, in particular, the workshop to launch the proposed Termit-Tim Toumma Protected Area project (Niger, 2006) with all local communities, as well as the lead partner in this initiative, the Sahara Conservation Fund, and subsequent development of the proposed protected area, in partnership between the Niger Government (MELCD), CMS and other major partners (the Government of France, the European Commission and the Sahara Conservation Fund);
- (ii) *Endorses* the statement of the 14th meeting of the Scientific Council that the establishment of a system of surveillance for this area is to be considered as top priority;
- (iii) *Calls upon* Range States to contribute financially or in kind to the implementation of the Sahelo-Saharan Antelopes Conservation Action;
- (iv) *Appeals* to all Range States to support the development of a Memorandum of Understanding concerning the conservation of the Sahelo-Saharan Antelopes as a complement to the operating action plan; and
- (v) *Recognizes* the declaration of the Working Group on Terrestrial Mammals of the Scientific Council at its 14th meeting that there is a need to extend the Sahelo-Saharan Antelopes Concerted Action to other species of large mammals occurring within the range such as the Saharan Cheetah, in particular, and the Soemmering's Gazelle, the African Wild Ass and the Barbary sheep, as a possibility;

(h) *Central Eurasian Aridland Mammals*

- (i) *Notes* with satisfaction the progress made as part of the Central Eurasian Aridland Concerted Action;
- (ii) *Appeals* to Range States and other interested Parties to support the development of a Memorandum of Understanding or other binding or non-binding instrument to complement the Concerted Action;
- (iii) *Welcomes* the interest being shown by Range States in an instrument for the conservation of the Mongolian Gazelle as stated in the 14th Meeting of the Scientific Council; and
- (iv) *Reiterates* its support to the Secretariat's intention to continue to provide advice to the Range States as they develop an Action Plan and a cooperative arrangement for the Mongolian Gazelle in order to address the threats it is subject to, primarily smuggling, hunting, and the harm it inflicts in itself while traversing fences across State borders;

(i) ***Subsaharan and African Bats***

- (i) *Endorses* the study on the feasibility of developing appropriate instruments on bats presented to the 11th and 12th meetings of the Scientific Council, as reiterated in the 14th meeting of the same body;
- (ii) *Recalls* the interest expressed during the 13th meeting of the Scientific Council to develop an appropriate instrument for Subsaharan and African bats under CMS auspices; and
- (iii) *Appeals* to Range States to form a working group in consultation with the Scientific Council, the EUROBATS Secretariat and the CMS Secretariat to explore how such an instrument, either binding or non-binding, could be prepared;
- (iv) *Encourages* the conduct of preparatory studies in key Range States;

(j) ***Central African Elephants***

- (i) *Requests* that preparatory work on the development or extension of an appropriate instrument on the conservation of elephants in Central Africa is undertaken in accordance with Recommendation 9.5;

6. *Decides* to conduct reviews of the existing CMS Agreements and related projects on:

- (a) Terrestrial Mammals;
- (b) Marine Species; and
- (c) Birds.

in the context of the intersessional process regarding the Future Shape of CMS initiated by Resolution 9.13; and

7. *Decides* to accept with gratitude the offer from the Abu Dhabi authorities to host and provide substantial funds for an interim co-ordination unit for the MoUs on Dugongs, African Eurasian Raptors, and the Western area of IOSEA starting in 2009; and *requests* the CMS Secretariat to continue to conduct negotiations to develop a satisfactory structure for the unit in Abu Dhabi, within the parameters set out in the paper submitted to the Standing Committee in September 2008 (CMS/StC33/2/Rev.2) and in consultation with the Standing Committee, the Abu Dhabi and UAE authorities, UNEP and other stakeholders.

**CONVENTION ON
MIGRATORY
SPECIES**

Distr. GENERAL

UNEP/CMS/Resolution 9.3

Original: English

CMS INFORMATION PRIORITIES

Adopted by the Conference of the Parties at its Ninth Meeting (Rome, 1-5 December 2008)

Noting the progress made in the current implementation of the CMS Information Management Plan (IMP), as well as *seeking* to indicate the priorities for further implementation during the forthcoming triennium, part of which are new activities not necessarily included in the original Plan;

Acknowledging the primary role of the IMP/IMS (Information Management System) in the analysis and synthesis of Party reports;

Recognizing that IMP/IMS work should in future be led by a strengthened Science, Data and Marine Unit, and form part of a wider remit for scientific and conservation data management and be supported by other units with responsibility for website management and liaison with other bodies; and

Acknowledging the suggestion contained in the CMS Synopsis of IT Status Review (UNEP/CMS/Inf. 9.18) that the CMS IMS should be maintained as the *de facto* home of information management for CMS without precluding the possibility of integrating it within a common Multilateral Environmental Agreement knowledge management portal;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Requests* the Secretariat to continue to make progress in the implementation of the Plan and related initiatives to facilitate the implementation of activities identified in Objective 1 of the Convention's Strategic Plan 2006-2011;
2. *Recommends* that the CMS Secretariat liaise in the first instance with the Secretariats of CMS Agreements and MOUs to develop a common format for outcome-oriented National Reports and a common system for on-line reporting and subsequently with the Secretariats of other Multilateral Environmental Agreements and *encourages* Parties to promote in the appropriate forums of other MEAs such moves towards harmonisation of reporting procedures and methods;

3. *Recommends* the continued implementation of the Knowledge Management project under the leadership of UNEP particularly with regard to the development and interconnection of outcome-oriented online reporting facilities for the CMS family; and
4. *Requests* the Scientific Council to oversee the implementation of this resolution during the next triennium.

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/Resolution 9.4

Original: English

THE FUTURE OF NATIONAL REPORTS

Adopted by the Conference of the Parties at its Ninth Meeting (Rome, 1-5 December 2008)

Noting the progress made by the CMS Secretariat since COP8 in amending the national reporting format;

Pursuant to Article VI (3) of the Convention which obliges Parties to submit national reports on the measures they are taking to implement the provisions of the Convention;

Also noting that 58 reports had been submitted to the Eighth Meeting of the Conference of the Parties;

Further noting that 60 reports were submitted to the Ninth Meeting of the Conference of the Parties out of 102 that were due, as detailed in Conference Document 9.10; of the current total of 110 Parties, 8 were not yet required to submit reports;

Emphasising the important role of national reports as vital indicators of the implementation of the Convention;

Underlining that reporting should be kept concise and focused, avoid duplication and be outcome orientated so that there is more time for the implementation of conservation measures; and

Welcoming the development of the specifications for online reporting which would make significant advances both in the reporting process and harmonization of reports within the CMS Family;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Urges* all Contracting Parties that have not yet done so to submit at the earliest date, but no later than 31 December 2008, national reports for the triennium 2005-2008;
2. *Instructs* the Secretariat to perform an analysis of the reports received by 31 December 2008 and to make the results available to the Parties, the members of the Standing Committee meeting and the Scientific Council by the end of April 2009, so that the findings can help inform their activities and decision-making;

3. *Urges* all Contracting Parties, in accordance with the provisions of Article VI of the Convention, to submit national reports for the triennium 2009-2011 to the Secretariat at least six months before the Tenth Meeting of the Conference of the Parties;
4. *Requests* the Secretariat to advise Contracting Parties of the date for submission of their national reports for the Tenth meeting of the Conference of the Parties and to issue reminders if the reports are not received by the said date;
5. *Further requests* the Secretariat to advance harmonization of reporting with other international biodiversity agreements through the development of common reporting modules, via the framework of the Biodiversity Liaison Group and in consultation with UNEP-WCMC;
6. *Requests* the Secretariats and Parties of CMS Agreements to collaborate in the implementation and harmonization of online reporting implementation;
7. *Also requests* UNEP to continue to seek opportunities to support the Convention through the Knowledge Management and related projects;
8. *Requests*, for the triennium 2009-2011, the Secretariat to provide to the Parties, the format of the report, oriented to the collection of the results obtained, at least 18 months before COP10; and
9. *Requests* the CMS Secretariat to continue to liaise with the CBD Secretariat and the other biodiversity-related conventions and relevant institutions with a view to adopting suitable indicators to measure the achievement of the 2010 target.

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/Resolution 9.5

Original: English

OUTREACH AND COMMUNICATION ISSUES

Adopted by the Conference of the Parties at its Ninth Meeting (Rome, 1-5 December 2008)

Aware of the contribution that the Convention on Migratory Species can make to the achievement of the 2010 target and beyond to significantly reduce the loss of biodiversity by that date;

Conscious of the need to raise awareness on migratory species, threats to their movement, and CMS's activities to mitigate them;

Recalling Article IX, paragraphs 4 (b) and (j) of the Convention stating that it is function of the Secretariat to liaise and promote liaison among the Parties, the advisory and technical bodies set up under Agreements and other international organizations concerned with migratory species, and to provide the general public with information concerning this Convention and its objectives; and

Further recalling objective 3 of the CMS Strategic Plan 2006-2011, to “broaden awareness and enhance engagement in the conservation of migratory species amongst key actors” and related targets;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Endorses* the annexed CMS Outreach and Communication Plan 2009-11, and *urges* the Secretariat to undertake the activities listed in Section A and D of the annex for the next triennium;
2. *Agrees to* provide resources to support the Plan and the CMS Budget for 2009-11; and
3. *Invites* CMS Parties, CMS Agreements and UNEP and encourages partners to assist the Secretariat in the implementation of the plan and by providing additional voluntary contributions particularly to initiate new activities listed in Section E giving priority to mutually supportive activities to enhance synergies and strengthen communication strategies on the importance of migratory species and avoid duplication of efforts.

ANNEX

A. Opportunities and Priorities for the Next Triennium 2009 – 2011



1. The objectives of the current Outreach and Communications Plan evolve from Resolution 8.8 and the implementation of activities as part of a new communications strategy. The main outreach strengths are CMS's unique mandate to conserve a great diversity of species and their habitats across the globe while addressing new challenges or threats. Biodiversity is considered as extremely valuable natural resource that enables life on earth to flourish. Highlighting the role of migratory species and putting it into a general context of current and future conservation challenges provides CMS with the chance to present itself as the leading centre of expertise while emphasizing the impact on existing ecosystems and eventually humans. There is a need to highlight the importance of migratory species as indicators for biodiversity and their importance for the preservation of healthy ecosystems. In this context, CMS can provide expert advice on urgent issues of major concern. In addition, the work of the Secretariat should be linked to the achievement of the Millennium Development Goals. In the light of the Strategic Plan 2009-2011: the Secretariat identifies the following opportunities for:

- (i) **Outreach and communication activities by the Secretariat reflect its contribution to the overarching target to achieve by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on Earth.** As ecosystems, ecological processes, species and genes contribute to human health and well-being, **the UN General Assembly declared 2010 as the International Year of Biodiversity** to bring greater attention to the importance of biodiversity and efforts to reduce the current rate of biodiversity loss. The Millennium Ecosystem Assessment which reviews the consequences of ecosystem change emphasized that humanity's future depends on healthy, functioning ecosystems. As CMS provides a global platform to address threats to migratory species and their habitats, the Secretariat will play its part in promoting the International Year of Biodiversity to emphasise its role and contribution as a lead expert in this field.
- (ii) **Widening the Convention's presence in the light of expansion in the number of Parties in several regions.** The first CMS agreements in South America were signed by Parties in 2006/7. The conclusion of six MoUs and one Agreement during the triennium highlights in particular the Secretariat's expertise in conserving marine mammals and migratory birds. Additional opportunities to work with CMS Agreements and new NGOs have arisen as a result of increased conservation activities in various regions. Especially during the Year of the Dolphin the Secretariat gained experience coordinating joint media relations and outreach activities among CMS, ACCOBAMS, ASCOBANS, WDCCS as partner NGO and private sector partner TUI.

- (iii) **Working more clearly with the UNEP Division of Communications and Public Information (DCPI), other UNEP Regional Offices and specialists**, particularly on CMS activities featured on the UNEP website, publications and media presentation for communications and outreach to different target audiences. The importance of migratory species and their habitats for human livelihoods are featured regularly in CMS publications. CMS co-launched a UNEP report on “Sustaining Life” in Bonn in April 2008 to point out the importance of migratory species for human health as part of a joint global UNEP communication policy.
 - (iv) **Aligning outreach work to complement the targets for new accessions to CMS and its Agreements.** Accession of new contracting parties and the adoption of new CMS tools and instruments on various species groups in different regions of the world are featured in CMS’s information material to emphasize the importance of the Convention for the achievement of the 2010 target. In order to highlight the continuing commitment of the Convention towards significantly reducing biodiversity loss beyond 2010, the Secretariat adopted the motto “Beyond 2010: Wildlife Renaissance” for COP9 as a theme to be reflected throughout the communications strategy.
2. Higher visibility of CMS will also attract additional interest and potential financial support from the private sector, which would enable the Secretariat to undertake more activities.
3. During 2009-2011, the Secretariat intends to develop the following products and other activities:
- (i) The CMS website is to be relaunched on 1 January 2010 based on the introduction of a content management system to host good quality data on migratory species, the management of this data, and its analysis, interpretation and delivery. Due to pressures from growth as a result of increasing numbers of Agreements, MoUs and Parties to the Convention, a content management system with integrated database is to meet increased expectations from technology.
 - (ii) The CMS Family Guide, which is used as an outreach tool to inform an interested public as well as countries considering accession to the Convention on developments on agreements, MoUs and CMS membership, will be produced in French and Spanish including regular updates to contents.
 - (iii) The publication “Great Migrations”, conceived as a coffee table book, will be an ideal tool to share the CMS message with a wide audience. It will be distributed widely, not only through CMS, but also in bookshops in Europe and the United States. CMS Ambassador Stanley Johnson will be the lead author and Stacey International has been identified as publisher. A grant obtained from UNEP Publications Fund will cover the costs. The launch date will be probably early 2010.
 - (iv) The range of the new (2008) CMS brochure, will be expanded by versions in French, Spanish and German.
 - (v) The development of a new short CMS promotional film for use in a variety of contexts, including exhibitions, public events, conferences, media and capacity building events.

- (vi) Systematic use of the new CMS exhibition at meetings and other events, with CMS film and other audio-visual material fully integrated.
- (vii) The production of information material on the Year of the Gorilla such as leaflets in 4 languages, official poster, website, study on ecotourism, image film and calendar.
- (viii) Distribution of gorilla soft toys through selected corporate sponsor Planetfloris with a percentage earmarked to gorilla conservation (purchase on www.yog2009.org).

B. Synergies and Resources

4. Communication and outreach activities undertaken by CMS and its co-located Agreements would highly benefit from a new Information, Capacity Building and Fundraising Unit (ICFU). This unit would support a comprehensive communication strategy, channel individual efforts so far pursued by the Agreements and emphasize the efficiency of joint conservation actions under the CMS family. CMS would assume a leading role of developing and coordinating a common information policy and make use of its UNEP contacts to communicate the Convention's global expertise in conserving migratory species. A higher visibility and a better perception of conservation records of the CMS family could be achieved.

5. The unit would consist of three current staff members engaged in this work (1 x P4 CMS Information and Capacity Building Officer), 1 Senior Public Information Assistant (GS7), 1 (G4), and 1 new post (P2, centred on fundraising) to be financed by CMS. Financial resources for the unit would be contributed by ASCOBANS and EUROBATS (in place of a staff contribution) and through existing information and capacity building budgets of the 3 agencies.

6. The Unit would coordinate CMS Family websites, publications, press and media announcements, and the implementation of species campaigns and public events. It would be in charge of central fundraising for the CMS Family as a whole, and for relations with "Friends of CMS", the Host Country and UNEP. It would also manage all accession work for CMS, ASCOBANS and EUROBATS, ensuring that all approaches to Governments and outposted offices were comprehensive and co-ordinated. Training and implementation guides (including French and Spanish versions of the CMS guide) would be prepared. It is estimated that clustering resources for information, capacity building co-ordination, fundraising, media and publications in this new unit ICFU would lead to a substantial increase in efficiency.

7. ASCOBANS, EUROBATS and other Agreements/MoUs under CMS could be included in the work of FICFU that comprises outreach and communications, provided that English is the main working language. CMS respects the decision of the AEWA Standing Committee not to join this unit.

8. The CMS Budget & Manpower 2009-2011 Plan presents two options, the first proposes a 0% budgetary increase while the second envisages two new positions in the new FICFU: The new post of the Capacity Building Programme Support Officer (P2) would promote and expand current capacity building activities efforts of the Secretariat. The CMS Strategic Plan adopted by Parties at CoP8 (Para 35 - Objective 4) states that "*The Strategic Plan must also make provision for helping to develop the capacity of bodies involved in implementing the Convention and its legal instruments, especially in developing countries*".

9. Supporting developing countries and countries with economies in transition to comply with MEAs would also enable them to obtain the respective environmental, social and economic benefits. The new professional post to be supported by a Capacity Building Assistant (GS) would significantly contribute to the enhancement of regional capacity for participating in CMS implementation activities, particularly in those regions where CMS is underrepresented, as set out in the Strategic Plan.

10. During the current triennium, as a result of limited staff resources, consultants and interns played an important role in supporting the Secretariat to achieve the objectives of the Strategic Plan concerning the implementation of the Outreach and Communications Plan and the Capacity Building Plan. The Executive Secretary would wish to offer UN officers, consultants and interns the thanks for new enthusiastic and productive contributions to conserving migrating species.

C. Resources

11. Current estimates suggest that the internal CMS manpower costs of implementing the OCP over the triennium 2009-2011, using existing staff posts, would amount to about € 1.05m, including and the budget allocated to Outreach and Fundraising Projects. In addition, a further sum of approximately € 230,000 would be required to finance new posts, products, campaigns and other outreach under budgetary option 2 (see conf. 9-33). Additional resources for activities would have to be raised from donations by Parties, partners and business sponsors.

D. Table of activities for Secretariat, Parties and Partners

Target under objective 3	Other related targets	Secretariat	Parties	CMS partners
3.1 Engagement and commitment of CMS Parties increased	4.7 Regional capacity enhanced particularly where CMS is under-represented	<ul style="list-style-type: none"> - Creation of an electronic system for the prompt delivery of notifications and information notes to Parties (Focal Points) - Continuation of the regular coverage of CMS activities and conservation-related news on the CMS Website - Continuation of the production of other information material to keep Parties abreast of developments - Continuation of CMS newsletter in English, French, Spanish 	<ul style="list-style-type: none"> - Support outreach activities and publications on the national level (30th Anniversary) - Translation of CMS documents into national languages - Support global species campaigns (Year of the Gorilla, International Year of Biodiversity, Year of the Bat) and spread key message on a political level - Provide links to CMS and relevant agreements on national websites 	<ul style="list-style-type: none"> - Support and develop joint outreach activities and scientific meetings by involving national /regional authorities in (NGOs, Friends of CMS, corporate sponsors) Partners/ Ambassadors of global species campaigns, CMS Ambassadors: facilitate contacts to key actors and decision makers) - Provide links to supported projects featured on their web sites - Provide the CMS Secretariat with relevant information.
3.2 Engagement of CMS non-Parties increased	4.1 CMS membership to increase by 10 Parties of importance for migratory species and new Agreements	<ul style="list-style-type: none"> - Information material targeted to non-Parties including country profile, relevance of CMS, procedures for accession, relevant projects -Establishment of bilateral contacts with Ministries, Embassies (letters, meetings) - Brochures and information directed to NGOs, and universities and academic and scientific institutions of non-Parties - Organization of outreach workshops 	<ul style="list-style-type: none"> - Provide financial support to organisation of workshops - Assist CMS Secretariat with establishing bi-lateral contacts 	<ul style="list-style-type: none"> - Provide information on their websites on the importance of CMS and Agreements for non-Parties - Lobbying to promote implementation of conservation plans - Undertake joint activities for non-Parties - Assist with preparation and organisation of regional and national workshops
3.3. Number of partners supporting CMS increased	4.3. Cooperative activities with MEAs and key partners increased	<ul style="list-style-type: none"> - Display Exhibit at relevant meetings of MEAs and major IGOs, organize presentations/ side events and deliver statements at main biodiversity and environmental meetings 	<ul style="list-style-type: none"> - Exchange information between CMS focal points and other convening focal points, also by regular meetings. 	<ul style="list-style-type: none"> - Support the network of CMS Parties and involve new bilateral partners in CMS work - Enter into partnership agreements

Target under objective 3	Other related targets	Secretariat	Parties	CMS partners
	4.8. Extra-budgetary funding widely secured	<ul style="list-style-type: none"> - Support launch of Oceans 3D: Voyage of a Turtle - Participation in and contribution to celebration of World Environment Day (5 June) - Maintain regular briefing of corporate partners by mailings 	<ul style="list-style-type: none"> - Support national initiatives to celebrate World Environment Day 	<p>with CMS and establish Joint Programme of Work</p> <p>Ambassadors expected to cultivate links between CMS, science, society, politics and economy, for example through personal connections to decision and policy makers within states, NGOs, social organizations and institutions.</p> <p>Corporate Partners: Organise events to raise awareness on CMS to public and expert target groups</p>
3.4 Awareness of key media of CMS enhanced	4.4. Enhance visibility of CMS family	<ul style="list-style-type: none"> - Reinforce media aspects of web site (creation of a special “Media Room” with press related information materials, French and Spanish summaries) - Interact with DCPI, UNEP Regional Offices RUNIC, and Deutsche Welle (German International Radio) to enhance distribution of press releases - Provide species information by linking to IUCN database - Use the specialized information channels of CMS and Agreements to highlight important common issues (coordinated web-based news releases) - Improve visibility of CMS in Host Country - Organise events to publicise CMS expertise: Thesis Award 	<ul style="list-style-type: none"> - Promote cooperation with ministerial press departments to distribute joint press releases - Focal point to translate press releases into national languages and pass them to national media - Improve visibility of CMS at a national level - Provide the Secretariat with relevant articles issued in the national press 	<ul style="list-style-type: none"> - Regularly provide information on CMS family activities in their newsletters and on Websites - Highlight joint activities with CMS

Target under objective 3	Other related targets	Secretariat	Parties	CMS partners
		<ul style="list-style-type: none"> - Produce image film on CMS and on the Year of the Gorilla - Maintain list of press contacts including international newspapers, IGO and NGO newsletters and magazines and specialized press - Issue press releases on CMS and Agreements events, initiatives, meetings and projects on a regular basis 		
3.5 Opinion leaders of sectors impacting migratory species influenced		<ul style="list-style-type: none"> - Establish work programme for CMS ambassadors at the international, as well as at the national level - Prepare targeted brochures for decision-makers and politicians - Organize targeted contacts with opinion leaders on specific events 	<ul style="list-style-type: none"> - Facilitate contacts with national conservation bodies, politicians and decision makers also through meetings 	<ul style="list-style-type: none"> - Assist CMS secretariat with the identification of CMS and campaign ambassadors on the national and international level. - Team-up with CMS Secretariat to reach out to relevant politicians and decision makers and/or enable joint activities (joint letters to ministers, joint press releases etc.)
3.6 Information material in UN languages disseminated	4.4. Visibility of the CMS family strengthened	<ul style="list-style-type: none"> - Provide updated versions of the “CMS Family Guide”, (to be translated into all UN languages) - Continue the electronic newsletter to include information on Agreements - Improve website to contain also specific information for the press, academia, NGOs and Parties 	<ul style="list-style-type: none"> - Provide financial assistance for the preparation and publication of the “CMS Family Guide” and other relevant publications - Provide official translation of CMS brochures and important outreach material 	<ul style="list-style-type: none"> - Disseminate CMS material at meetings/events. - Prepare joint publications on issues of common interests - Develop publications on species groups such as marine turtles, waterbirds etc. based on “Conserving Cetaceans”

**CONVENTION ON
MIGRATORY
SPECIES**

Distr. GENERAL

UNEP/CMS/Resolution 9.6

Original: English

COOPERATION WITH OTHER BODIES

Adopted by the Conference of the Parties at its Ninth Meeting (Rome, 1-5 December 2008)

Acknowledging the importance of cooperation and synergies with other bodies, including MEAs, other inter-governmental bodies and non-governmental organisations, as well as the private sector;

Recognising the instrumental role of partner organisations in the development and implementation of CMS and its related initiatives and outreach campaigns, including the negotiation of the Convention itself;

Appreciating the value of such partnerships in reaching a wider audience and raising public awareness of the Convention and the importance of conserving migratory species on a global scale;

Recalling Resolution 8.11 adopted at CMS COP8 (Nairobi, 20-25 November 2005) on “Cooperation with other Conventions”;

Having considered documents UNEP/CMS/Conf 9.12 (Report of the Biodiversity Liaison Group) and UNEP/CMS/Conf 9.23 (Report on Activities with Partners), which highlight the formal arrangements entered into by CMS with a range of other bodies engaged with the conservation of migratory species;

Noting Decision IX/27 adopted by CBD COP9 (Bonn, 2008) which underlines the important role of the BLG in exploring options for enhancing synergies, avoiding duplication of efforts and improving the coherent implementation of the biodiversity-related conventions;

Aware that the United Nations General Assembly, following a recommendation made by CBD at its eighth COP, has declared 2010 to be “International Year of Biodiversity” (IYB);

Noting with satisfaction the joint endorsement by the CITES and CMS Standing Committees respectively at the fifty-seventh meeting held in July 2008 and at the thirty-fourth meeting held in December in Rome of the cooperation between CITES and CMS (Conf.9.23);

Recognising the importance of the harmonisation of nomenclature used in the CMS and CITES appendices as outlined in the proposal made by the CMS Scientific Council;

Taking note of the progress made towards the resumption of activities aimed at developing synergies and strengthening cooperation with the Ramsar Convention, the World Heritage Convention and IUCN, and work undertaken towards the expeditious conclusion of the negotiations order to move towards their early implementation;

Awaiting the conclusion of the Memoranda of Understanding with CITES and the Bern Convention on the Conservation of European Wildlife and Natural Habitats through their respective decision-making bodies to formalise collaboration on the conservation of migratory species;

Aware of the ongoing discussions with the Food and Agriculture Organization of the United Nations (FAO) concerning the establishment of a Memorandum of Cooperation; and

Noting that a number of Memoranda of Understanding have been concluded and their potential has yet to be fully explored, such as the partnership with UNCCD, which is particularly relevant to the Sahelo-Saharan antelopes and CMS Resolution 8.23;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Expresses its gratitude to the many partner organisations that have assisted in promoting CMS and its mandate, for example, by facilitating the negotiation and implementation of species agreements under the Convention;*
2. *Reaffirms the interest and importance for CMS of continuing to develop effective and practical cooperation with other biodiversity instruments and international organisations;*
3. *Encourages Contracting Parties and other governments and organizations to make use of the web-based UNEP/IUCN TEMATEA issue-based modular system when developing and implementing mutually supportive activities among CMS Agreements and biodiversity related Conventions so as to improve coherence in their implementation;*
4. *Further encourages the Secretariat to continue to foster such partnerships in order to further the effective delivery of conservation action and awareness-raising, subject to available human and financial resources;*
5. *Recognises that preferred instruments for such cooperation are renewable joint work plans with agreed and attainable targets included in clear timetable, drawn up by CMS and partner bodies and the necessity to report on progress and to assess effectiveness of results regularly;*
6. *Mandates the Executive Secretary to continue to participate in the activities of the BLG and to report to the Standing Committee on progress achieved;*
7. *Requests the Secretariat and the Parties concerned to pursue the implementation of CMS Resolutions 8.11 and 8.18;*
8. *Agrees that the priority for CMS in 2009-11 is to consolidate and develop its existing partnerships, following the addition of a number of new partners over the last 4-5 years;*

9. *Asks* CMS to develop in this context a new partnership agreement with UNEP on practical conservation work to allow both organisations to assess where they could best focus their mutual support, taking account of their separate remits from the Governing Council and COP;
10. *Requests* the CMS Secretariat to elaborate concrete measures in collaboration with the CITES Secretariat towards the implementation of the existing Memorandum of Understanding and towards the 2010 target;
11. *Notes* also the proposal made by the CMS Scientific Council concerning harmonisation of nomenclature used in the CMS and CITES Appendices, and asks the CITES Animals Committee to consider the proposal at its next meeting in April 2009;
12. *Requests* the CMS Secretariat, CMS daughter agreements and the Scientific Council to enhance engagement with IUCN expert committees, CITES processes and committees, including the IUCN Species Survival Commission, the CITES Secretariat, CITES Animals Committee, and CITES meetings of the Conference of the Parties, as appropriate;
13. *Requests* the CMS Secretariat and partners to develop additional processes to streamline and coordinate their relationship, such as:
 - (i) Agreed work programmes between CMS and partner organisations that align closely with the CMS Strategic Plan and that are regularly reviewed; and
 - (ii) Joint or consolidated reporting of partner contributions (monetary, in-kind and professional) to CMS for formal submission into CMS processes;
14. *Requests* CMS partner organisations to promote and publicise the benefits to them, to CMS and to conservation arising from effective collaboration;
15. *Instructs* the Secretariat to develop a code of conduct for partnerships with the private sector following examples of the Ramsar Resolution 10.12 and the CBD Business and Biodiversity Initiative to be considered by the 36th Standing Committee;
16. *Invites* the Secretariats of Agreements concluded under the auspices of the CMS to share relevant information and contribute to the implementation of partnerships between CMS and other organisations where applicable;
17. *Congratulates* all who contributed to the achievements of the Year of the Turtle (2006) and Year of the Dolphin (2007/8), especially the many participants from civil society; and expresses its confidence that the “Year of the Gorilla 2009” based on the partnership with the Great Apes Survival Project (GRASP) will be as successful as previous campaigns, and endorses the CMS Secretariat’s participation in the International Year of Biodiversity 2010, which is being coordinated through CBD; and
18. *Recognises* that adequate resources are required to allow partnerships to be developed, and such resources could be provided in part through voluntary contributions from Parties.

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/Resolution 9.7

Original: English

CLIMATE CHANGE IMPACTS ON MIGRATORY SPECIES

Adopted by the Conference of the Parties at its Ninth Meeting (Rome, 1-5 December 2008)

Concerned that climate change is already known to be affecting the habitat, behaviour, distribution and abundance of migratory species listed under the Convention;

Recognising that due to climate change, ranges of migratory species are changing and that CMS instruments may need to adapt to these variations;

Acknowledging the considerable threat that climate change poses for migratory species and their habitats based upon the findings of the 4th Assessment of the Intergovernmental Panel on Climate Change (IPCC) and its Synthesis Report and Summary for Policymakers, approved in November 2007;

Recognising the role of the Convention in working towards achieving the 2010 biodiversity target under the Convention on Biological Diversity (CBD) and the need to work collaboratively with other Multilateral Environmental Agreements (MEAs) including the United Nations Framework Convention on Climate Change and the United Nations Convention to Combat Desertification, as well as other relevant UN agencies including the Food and Agriculture Organization of the United Nations;

Recalling CMS Resolution 8.13, which calls upon Parties to implement adaptation measures to reduce the foreseeable adverse effects of climate change on migratory species and requests the Scientific Council to afford climate change a high priority in its future work programme;

Welcoming the report on Climate Change and Migratory Species commissioned by the UK government in 2005 highlighting the specific adverse effects and interactions of climatic change on populations of migratory species, as well as strategies for adaptation as recognised by Resolution 8.13;

Aware of the report on Indicators of the Impact of Climate Change on Migratory Species prepared by the British Trust for Ornithology in 2008, specifically that individual species groups such as Trans-Saharan migrant birds may be a suitable indicator for assessing the impact of climate change on a number of migratory species;

Recognising the need for close cooperation amongst Multilateral Environmental Agreements and the coordination of the activities resulting from the Convention on Biological Diversity COP Decisions VIII/30 and IX/16 on biodiversity and climate change, and Ramsar Convention Resolution VIII.3 and X.24 on climate change and wetlands;

Noting decisions IX/1 and IX/2 of the 9th meeting of the Conference of the Parties to the CBD concerning biodiversity and biofuels, and Ramsar COP10 Resolution X.25 on wetlands and biofuels;

Acknowledging recommendation 135 of the Convention on the Conservation of European Wildlife and Natural Habitats on addressing the impacts of climate change on biodiversity;

Further noting the ongoing work on climate change within the CMS Family, specifically the establishment of a working group on migratory species and climate change, which was initiated at CMS COP8;

Recalling Resolution 4.14 adopted at the 4th Meeting of Parties to AEWA, which, among other issues urges Contracting Parties to designate and establish comprehensive and coherent networks of adequately managed protected sites as well as other adequately managed sites, to accommodate range shifts and facilitate waterbird dispersal;

Aware that the Small Island Developing States (SIDS) and developing countries with small islands, which are important migratory sites for various species of birds, marine mammals, reptiles and fish, are highly vulnerable to impacts of climate change and thus require immediate support including capacity building to address these issues; and

Welcoming the forthcoming “Second Workshop on Cetaceans and Climate Change”, to be convened by the International Whaling Commission;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Urges* Parties, despite the remaining uncertainty surrounding the full scale of the impacts of climate change on migratory species, not to delay related decision-making and action;
2. *Further urges* Parties to identify which migratory species are most likely to be directly or indirectly threatened or impacted by climate change or climate change mitigation or adaptation activities, based on best available evidence and by initially assessing Appendix I species and species listed on Appendix II already known to be affected by climate change; and to transmit relevant information to the Secretariat;
3. *Recommends* to Parties to reduce the above-mentioned threats, and to consider the impacts of climate change and land degradation, as well as the positive and negative impacts of climate change mitigation and adaptation activities on migratory species, in domestic land use and development planning;
4. *Further recommends* to Parties to design and implement adaptation strategies for migratory species threatened by climate change or climate change mitigation or adaptation activities, as well as related land degradation, and wherever possible act upon and fully implement advice relating to climate change as provided by the Scientific Council;

5. *Further urges* Parties to foster and promote capacity building to implement conservation action on migratory species threatened by climate change;
6. *Encourages* Parties to assist the Secretariat to establish an open-access database on scientific literature of relevance to climate change and migratory species;
7. *Further encourages* Parties to provide technical and financial support for Small Island Developing States and developing countries with islands to enable them to comply with recommendation 3 of this Resolution;
8. *Further urges* Parties to support increased capacity in the Secretariat to effectively address climate change issues in relation to migratory species, including support for the organization of a workshop at the regional level on climate change and migratory species;
9. *Requests* the Scientific Council, in its future work programme, to prioritise climate change adaptation concerning migratory species and to report back to CMS COP10; and in relation to this work to collaborate with other relevant work ongoing in other MEAs, such as by the Ramsar Scientific and Technical Review Panel;
10. *Encourages* other bodies that have relevant expertise on climate change as it affects migratory species to contribute to the work of the climate change working group of the Scientific Council;
11. *Instructs* the Secretariat to continue its close cooperation with the Scientific Council, the secretariats and scientific bodies of the CMS daughter agreements, and other biodiversity organizations and biodiversity related bodies, to produce scientific and technical advice to assist CMS Parties introduce adaptation measures to counteract the effects of climate change on migratory species; and
12. *Requests* Parties and the Secretariat to coordinate the incorporation of climate change impacts and relevant adaptation measures into species-specific Action Plans.

**CONVENTION ON
MIGRATORY
SPECIES**

Distr. GENERAL

UNEP/CMS/Resolution 9.8

Original: English

**RESPONDING TO THE CHALLENGE OF EMERGING AND RE-EMERGING
DISEASES IN MIGRATORY SPECIES, INCLUDING HIGHLY PATHOGENIC
AVIAN INFLUENZA H5N1**

Adopted by the Conference of the Parties at its Ninth Meeting (Rome, 1-5 December 2008)

Aware that diseases of wildlife are a normal cause of mortality and morbidity, and *conscious* that emerging or re-emerging diseases of wildlife can have serious implications for the status of migratory and non-migratory species, especially when populations are small and fragmented;

Noting that the increased frequency of such diseases has been linked to processes of landscape fragmentation, unsustainable land-use choices, pollution and other types of ecosystem disruption, these being, in turn, the consequences of unsustainable pressure on resources as highlighted by the Millennium Ecosystem Assessment; and *further noting* that climate change is expected to result in changes in disease distribution and emergence due to altered physiological conditions for hosts and parasites, resulting in the spread of novel micro-organisms with unpredictable consequences or the re-emergence of pathogens in new geographic locations;

Noting also that domestic animals, wild animals and humans share many pathogens, with wildlife sometimes being natural reservoirs of pathogens that can cause disease in domestic livestock, and that such pathogens have the potential significantly to affect both public health, food production, livelihoods and wider economies;

Recalling the outcomes of Ramsar COP 10 on the theme of ‘*Healthy Wetlands, Healthy People*’, which stressed the functional linkages between the role that wetlands play in providing ecosystem services for the support of both human and wildlife populations; and that aquatic waterbirds and other migratory species can be valuable indicators of ecosystem health;

Aware that practical guidance to managing wildlife diseases is of value to Contracting Parties, and the Scientific and Technical Review Panel of Ramsar is currently tasked with developing guidance for wildlife diseases of importance to wetlands as high priority for the 2009-2012 cycle in Ramsar Resolution X.10;

Aware that diseases and the need for coordinated responses to them are becoming increasingly highlighted as an important issue in CMS Agreements, Memoranda and other international instruments for the conservation of migratory species, and that such coordinated surveillance and response efforts require multiple stakeholders responsible for managing the health of humans, livestock and wildlife;

Noting that the CMS Secretariat and Food and Agriculture Organization of the UN (FAO)'s Animal Health Service have previously discussed developing a Scientific Task Force on Wildlife Disease, based on the guiding principles of the Scientific Task Force on Avian Influenza and Wild Birds;

Aware also of the important work of the FAO and others with regard to domestic animal health and human health, but concerned that national and international responses to wildlife health have, in many situations, yet to be acknowledged as an essential element of disease surveillance or monitoring programmes, epidemiological investigations, and/or outbreak responses;

Welcoming the development of national wildlife disease strategies by some Contracting Parties and other governments; *but also noting* that many developing countries lack functional animal health-related programmes and strategies, policies and the infrastructure needed to protect human health, agricultural and wildlife interests from endemic or introduced diseases through local movements, re-establishment programmes, or international trade;

Aware of the continued major concerns and implications of the spread of highly pathogenic avian influenza (HPAI) subtype H5N1 of Asian lineage, as reflected, *inter alia*, by CMS Resolution 8.27, AEW A Resolutions 3.18 and 4.15, and Ramsar Resolutions IX.23 and X.21 and the guidance annexed to the latter resolution: guidance on responding to the continued spread of highly pathogenic avian influenza H5N1; and *also aware* that national and international responses to the spread of HPAI H5N1 might provide useful models for adoption in response to the challenges of other emerging and re-emerging diseases that affect wildlife;

Thanking the CMS Secretariat and the FAO Animal Health Service for their coordination of the Scientific Task Force on Avian Influenza and Wild Birds documented in document Conf. 9.25; and *also thanking* Task Force members and observers for their valuable work in maintaining coordination with respect to policies and advocacy concerning the spread of HPAI H5N1; and

Noting that the CMS Working Group on Migratory Species as Vectors of Diseases established by the 12th meeting of the Scientific Council provides a means to develop responses to some of the issues highlighted by this Resolution but that integration of both wildlife and domestic animal issues is required to properly understand disease epidemiology as well as address disease transmission, control and prevention;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Reaffirms* the provisions of Resolution 8.27 on Migratory Species and Highly Pathogenic Avian Influenza, and in particular:
 - (i) the need for fully integrated approaches, at both national and international levels, to address HPAI and other animal-borne diseases by bringing ornithological, wildlife and wetland management expertise together with those traditionally responsible for public health and zoonosis, including veterinary, agricultural, virological, epidemiological, and medical expertise; and

- (ii) the need for governments to support coordinated, well-structured and long-term monitoring and surveillance programmes for migratory birds to assess, *inter alia*, current and new disease risks, making best use of, and building on existing schemes, including those developed since 2005;
2. *Calls* on the CMS Secretariat and the FAO Animal Health Service to co-convene a new task force, the Scientific Task Force on Wildlife Disease; and the Convention *requests* this task force, once convened, to work with the Scientific and Technical Review Panel of Ramsar in its work to develop guidance on responding to wildlife diseases of importance to people, domestic animals and wildlife that are dependent on wetlands;
3. *Also calls* on the CMS Working Group on Migratory Species as Vectors of Diseases to become part of the broader focused Scientific Task Force on Wildlife Disease and to provide guidance related to past accomplishments and future needs;
4. *Requests* FAO to a) identify diseases that have an impact on both domestic and wildlife species, and that are of greatest concern in regards to food security, economics and sustainable livelihoods; and b) integrate into their “One World One Health” approach, disease and management issues that can be brought to the attention of the Scientific Task Force on Wildlife Disease for consideration and action;
5. *Also requests* the CMS Secretariat and the FAO Animal Health Service to identify the relevant members and observers that would comprise the Scientific Task Force on Wildlife Disease, and to determine the relationship between the existing Scientific Task Force on Avian Influenza and Wild Birds and the proposed Scientific Task Force on Wildlife Disease;
6. *Urges* the Contracting Parties to integrate wildlife, livestock, human and ecosystem health issues into a) contingency planning, b) monitoring and surveillance, c) outbreak investigations and responses to morbidity and mortality events; and d) current and future capacity building activities;
7. *Congratulates* and *thanks* the members of the Scientific Task Force on Avian Influenza and Wild Birds for their unstinting efforts and output during the period 2005 – 2008 which have made a significant contribution to improving understanding and awareness of the causes of, and responses to, the spread of HPAI H5N1; and *requests that* the CMS Secretariat and FAO continue to act as co-convenors of the Scientific Task Force on Avian Influenza and Wild Birds with the engagement of the CMS Scientific Council, building on international activities already undertaken, and responding to new developments related to the spread of HPAI H5N1 and other subtypes as they occur;
8. *Endorses* the Scientific Summary of H5N1 Highly Pathogenic Avian Influenza: Wildlife and Conservation Considerations prepared by the Scientific Task Force on Avian Influenza and Wild Birds and attached as Appendix 1 of this resolution as similarly endorsed by AEW Resolution 4.15 and Ramsar Resolution X.21; *calls on* other relevant bodies including FAO, UNEP and MEAs also to endorse this statement, and requests the Secretariat to ensure maximum circulation, translation and understanding of the statement;
- 8 bis. *Encourages* the Contracting Parties to utilise, as appropriate, in relation to issues for migratory species the guidance available in Ramsar Resolution X.21: guidance on responding to the continued spread of highly pathogenic avian influenza H5N1;

9. *Agrees* to provide appropriate funding in the CMS budget 2009 - 2011 for the work of CMS in relation to the Scientific Task Force on Avian Influenza and Wild Birds and related aspects of work on avian influenza including awareness-raising and capacity building activities; *urges* other organisational members of the Scientific Task Force on Avian Influenza and Wild Birds to continue to contribute to its work, through financial or in-kind support; and *consents* to provide appropriate funding in the CMS budget 2009 – 2011 for the development of the Scientific Task Force on Wildlife Disease; and
10. *Requests* the CMS Secretariat to report progress and developments to COP 10.

APPENDIX 1: Scientific summary of highly pathogenic avian influenza H5N1: wildlife and conservation considerations

Definition of avian influenza

Avian influenza is a highly contagious disease caused by influenza A viruses, affecting many species of birds. Avian influenza is classified according to disease severity into two recognised forms: low pathogenic avian influenza (LPAI) and highly pathogenic avian influenza (HPAI). LPAI viruses are generally of low virulence, while HPAI viruses are highly virulent in most poultry species resulting in nearly 100% mortality in infected domestic flocks (Center for Infectious Disease Research & Policy 2007). The natural reservoir of LPAI viruses is in wild waterbirds – most commonly in ducks, geese, swans, waders/shorebirds and gulls (Hinshaw & Webster 1982; Webster *et al.* 1992; Stallknecht & Brown 2007).

To date, influenza A viruses representing 16 haemagglutinin (HA) and nine neuraminidase (NA) subtypes have been described in wild birds and poultry throughout the world (Rohm *et al.* 1996; Fouchier *et al.* 2005). Viruses belonging to the antigenic subtypes H5 and H7, in contrast to viruses possessing other HA subtypes, may become highly pathogenic having been transmitted in low pathogenic form from wild birds to poultry and subsequently circulating in poultry populations (Senne *et al.* 1996).

Notifiable avian influenza is defined by the World Organisation for Animal Health (OIE) as "an infection of poultry caused by any influenza A virus of the H5 or H7 subtypes or by any avian influenza virus with an intravenous pathogenicity index (IVPI) greater than 1.2 (or as an alternative at least 75% mortality)" as described by the OIE's Terrestrial Animal Health Code (OIE 2008). The OIE divides notifiable avian influenza into "highly pathogenic notifiable avian influenza (HPNAI) and low pathogenicity notifiable avian influenza (LPNAI):

- HPNAI viruses have an IVPI in 6-week-old chickens greater than 1.2 or, as an alternative, cause at least 75% mortality in 4-to 8-week-old chickens infected intravenously. H5 and H7 viruses which do not have an IVPI of greater than 1.2 or cause less than 75% mortality in an intravenous lethality test should be sequenced to determine whether multiple basic amino acids are present at the cleavage site of the haemagglutinin molecule (HA0); if the amino acid motif is similar to that observed for other HPNAI isolates, the isolate being tested should be considered as HPNAI;
- LPNAI are all influenza A viruses of H5 and H7 subtype that are not HPNAI viruses" (OIE 2008).

Genesis of highly pathogenic avian influenza viruses

In wild waterbirds, LPAI viruses are a natural part of the ecosystem. They have been isolated from over 90 species of wild bird (Stallknecht & Shane 1988; Olsen *et al.* 2006; Lee 2008), and are thought to have existed alongside wild birds for millennia in balanced systems. In their natural hosts, avian influenza viruses infect the gastrointestinal tract and are shed through the cloaca; they generally do not cause disease although some behavioural anomalies have been reported, such as reduced migratory and foraging performance in Bewick's Swans *Cygnus columbianus bewickii* (van Gils *et al.* 2007). Instead, the viruses remain in evolutionary stasis as indicated by low genetic mutation rates (Gorman *et al.* 1992; Taubenberger *et al.* 2005).

When LPAI viruses are transmitted to vulnerable poultry species, only mild symptoms such as a transient decline in egg production or reduction in weight gain (Capua & Mutinelli 2001) are induced. However, where a dense poultry environment supports several cycles of infection, the viruses may mutate, adapting to their new hosts, and for the H5 and H7 subtypes these mutations can lead to generation of a highly virulent form. Thus, HPAI viruses are essentially products of intensively farmed poultry, and their incidence has increased dramatically with the greatly enhanced volume of poultry production around the world (GRAIN 2006; Greger 2006). In the first few years of the 21st century the incidence of HPAI outbreaks has already exceeded the total number of outbreaks recorded for the entire 20th century (Greger 2006). In general, they should be viewed as something artificial, made possible by intensive poultry production techniques.

After an HPAI virus has arisen in poultry, it has the potential both to re-infect wild birds and to cause disease in various mammalian taxa. If influenza A viruses adapt inside these new hosts to become highly transmissible, there could be devastating consequences, such as the human influenza pandemics of the 20th century (Kilbourne 2006). The conditions necessary for cross-infection are provided by agricultural practices that bring together humans, poultry and other species in high densities in areas where there is also the potential for viral transmission from infected poultry, poultry products and waste to wild birds, humans and other mammals in shared wetlands and in 'wet' (live animal) markets (Shortridge 1977; Shortridge *et al.* 1977).

Highly pathogenic avian influenza H5N1 of Asian lineage (HPAI H5N1)

H5N1 HPAI of Asian lineage has infected domestic, captive and wild birds in more than 60 countries in Asia, Europe and Africa (OIE 2008). By November 2005, i.e., before widespread occurrence in western Eurasia and Africa, over 200 million domestic birds had died from the disease or been slaughtered in attempts to control its spread; the economies of the worst affected countries in southeast Asia have suffered greatly, with lost revenue estimated at over \$10 billion (Diouf 2005), and there have been serious human health consequences. By November 2008, the World Health Organisation had confirmed more than 380 human cases, over 60% of those fatal (World Health Organisation 2008).

Sporadic deaths in wild birds have been reported since 2002 and the first outbreak involving a large number of wild birds was reported in May 2005, in Qinghai province, China (Chen *et al.* 2005; Liu *et al.* 2005). Between 2002 and the present, the virus has infected a wide range of wild bird species (Olsen *et al.* 2006; USGS National Wildlife Health Center 2008; Lee 2008), but which species are important in H5N1 HPAI movement and whether the virus will become endemic and prevalent in wild bird populations is still unknown (Brown *et al.* 2006).

The virus has also infected a limited number of domestic, captive and wild mammals, including captive Tigers *Panthera tigris* and Leopards *Panthera pardus* and domestic pigs in southeast Asia, as well as domestic cats and a wild Stone Marten *Martes foina* in Germany. These cases were the result of 'spillover' infection from birds. There is no known reservoir of H5N1 HPAI virus in mammals, and there remains no sound evidence that the virus can be readily transmitted from mammal to mammal.

Emergence of H5N1 HPAI in poultry in southeast Asia (1996 – 2005)

HPAI H5N1 first received widespread recognition following a 1997 outbreak in poultry in Hong Kong, PR China with subsequent spread of the virus to humans. During that outbreak, 18 human cases were recognised and six patients died. The outbreak ended when all domestic chickens held by wholesale facilities and vendors in Hong Kong were slaughtered (Snacken 1999). A precursor to the

1997 H5N1 strain was identified in Guangdong, China, where it caused deaths in domestic geese in 1996 (Webster *et al.* 2006).

Between 1997 and 2002, different reassortments (known as genotypes) of the virus emerged, in domestic goose and duck populations, which contained the same H5 HA gene but had different internal genes (Guan *et al.* 2002; Webster *et al.* 2006).

In 2002, a single genotype emerged in Hong Kong, PR China and killed captive and wild waterbirds in nature parks there. This genotype spread to humans in Hong Kong in February 2002 (infecting two, killing one) and was the precursor to the Z genotype that later became dominant (Sturm-Ramirez *et al.* 2004; Ellis *et al.* 2004).

Between 2003 and 2005, the Z genotype spread in an unprecedented fashion across southeast Asia, affecting domestic poultry in Vietnam, Thailand, Indonesia, Cambodia, Laos, the Republic of Korea, Japan, China and Malaysia. Later analysis showed that the H5N1 viruses that caused outbreaks in Japan and the Republic of Korea were genetically different from those in other countries (the V genotype) (Mase *et al.* 2005; Li *et al.* 2004; Webster *et al.* 2006).

In April 2005, the first major outbreak in wild birds was reported. Some 6,345 wild birds were reported dead at Lake Qinghai in central China. Species affected included Great Black-headed Gull *Larus ichthyaetus*, Bar-headed Goose *Anser indicus*, Brown-headed Gull *Larus brunnicephalus*, Great Cormorant *Phalacrocorax carbo* and Ruddy Shelduck *Tadorna ferruginea* (Chen *et al.* 2005; Liu *et al.* 2005).

Geographical spread of H5N1 HPAI out of Southeast Asia (2005 – 2006)

In July 2005, Russia reported its first outbreaks; domestic flocks were affected in six regions of western Siberia and dead wild birds were reported in the vicinities of some of these outbreaks. Kazakhstan reported its first outbreak in August 2005 in domestic birds. In the same month, 89 wild birds described as migratory species were reported infected at two lakes in Mongolia.

Europe reported its first outbreaks in October 2005 when infection was detected in domestic birds in Romania and Turkey. In the same month, Romania reported sporadic cases in wild birds as did Croatia and European parts of Russia. In November, the virus spread to domestic birds in the Ukraine, and the Middle East reported its first case: a captive flamingo in Kuwait. During December, two outbreaks were reported in European Russia in wild swans (species unreported) in regions near the Caspian Sea.

In the first half of 2006, the spread of HPAI H5N1 continued across Europe (Sabirovic *et al.* 2006; Hesterberg *et al.* 2007; Hesterberg *et al.* in press) and the Middle East and into Africa. Between January and May, infection was reported in 24 European countries with the majority of cases occurring in February and March in wild birds. During the same period, outbreaks were reported across central Asia and the Middle East, affecting domestic birds in Azerbaijan, India, Bangladesh, Pakistan, Iran and Iraq, with Azerbaijan also reporting infected wild birds. The first reported outbreak in Africa occurred in January in poultry in Nigeria, and by the end of April, eight other African nations had reported outbreaks: Burkina Faso, Cameroon, Djibouti, Egypt, Ghana, Côte d'Ivoire, Niger and Sudan (OIE 2008).

By May 2006, reports of outbreaks in Europe, the Middle East and Africa had for the most part decreased in frequency. Small numbers of cases of infection were reported in Hungary, Spain and the Ukraine in June, Pakistan and Russia in July, and one case was identified in a captive swan in Germany in August. Egypt was exceptional, continuously reporting outbreaks throughout 2006. It is

also considered likely that outbreaks continued in poultry in Nigeria (UN System Influenza Coordinator & World Bank 2007).

Throughout the time H5N1 HPAI was spreading across central Asia, Europe, the Middle East and Africa, it maintained a stronghold in poultry in southeast Asia. In 2006, outbreaks were reported in Cambodia, PR China including Hong Kong, Indonesia, the Republic of Korea, Laos, Malaysia, Myanmar, Thailand and Vietnam (OIE 2008).

Period following the geographic spread westward (2007 – October 2008)

Compared with 54 countries reporting 1,470 outbreaks to the OIE in 2006, 30 countries reported 638 outbreaks in 2007 (OIE 2008). In 2007, six European countries (Poland, Hungary, Germany, the United Kingdom, Romania and the Czech Republic) reported sporadic and relatively isolated outbreaks in poultry that were quickly controlled. Outbreaks in domestic birds were also reported in European parts of Russia and in Turkey. Infected wild birds were reported in Germany, France, the United Kingdom and the Czech Republic, and birds at a rehabilitation centre were affected in Poland. In the Middle East and central Asia, poultry outbreaks occurred throughout 2007. Some 350 outbreaks were reported from Egypt and Bangladesh alone. Poultry (and in some cases captive birds) were also affected in India, Kuwait, Saudi Arabia, Pakistan, Afghanistan and Israel with most outbreaks occurring between February and April, and again between October and December. In Africa, H5N1 HPAI was reported in domestic birds in Togo, Ghana and Benin, and is considered to have become endemic in Nigeria (OIE 2008; UN System Influenza Coordinator & World Bank 2007). Again, as in 2006, poultry outbreaks continued across southeast Asia. Sporadic cases in wild birds were reported in Japan and Hong Kong, PR China. By the end of 2007, the virus was considered to be endemic in poultry in Egypt, Indonesia and Nigeria, and possibly endemic in Bangladesh and China (UN System Influenza Coordinator & World Bank 2007).

Until the end of October 2008, no new countries had reported outbreaks. Outbreaks in domestic birds were reported in Bangladesh, China, Egypt, India, Indonesia, Nigeria, Pakistan, the Republic of Korea, Russia, Turkey and Vietnam between January and July, with outbreaks in Bangladesh, Germany, Laos, Togo and Vietnam in September and October. Infected wild birds were reported in four countries: Mute Swans *Cygnus olor* and a Canada Goose *Branta canadensis* in the United Kingdom in January and February; sick and dead swans in three areas of Japan in April and May; one apparently asymptomatic Pochard *Aythya ferina* in Switzerland in March; and one dead House Crow *Corvus splendens* in Hong Kong, PR China in October. Bangladesh reported its first human case of H5N1 infection in March. China, Egypt, Indonesia and Vietnam also reported human cases in 2008.

Significant outbreaks of HPAI H5N1 in wild birds

Prior to HPAI H5N1, reports of HPAI in wild birds were very rare. The broad geographical scale and extent of the disease in wild birds is both extraordinary and unprecedented. The following table (Table 1) summarises the known major outbreaks of HPAI H5N1 in wild birds.

Table 1: Significant known outbreaks of highly pathogenic avian influenza H5N1 in wild birds*

Year	Month(s)	Location(s)	Description of affected birds
2005	April	Lake Qinghai in central China	6,345 waterbirds, the majority of which were Great Black-headed Gulls <i>Larus ichthyaetus</i> , Bar-headed Geese <i>Anser indicus</i> and Brown-headed Gulls <i>Larus brunnicephalus</i>
	July	Lake Chany, Russia	Over 5000 wild birds including Pochard <i>Aythya ferina</i> , Mallard <i>Anas platyrhynchos</i> , and Teal <i>Anas crecca</i>
	August	Lake Erhel & Lake Khunt in Mongolia	89 waterbirds including ducks, geese and swans
	October – November	Romania & Croatia	Over 180 waterbirds, mainly swans
2006	January	Coastal area in the vicinity of Baku, Azerbaijan	Unspecified number of birds reported to the OIE as “various migratory birds”
	January – May	23 countries in Europe including Turkey and European Russia	Most cases occurred in ducks, geese and swans but a wide variety of species was infected including other waterbirds and raptors
	February	Rasht, Iran	153 wild swans
	May	Multiple locations in Qinghai province, China	Over 900, mainly waterbirds, and mostly Bar-headed Geese <i>Anser indicus</i>
	May	Naqu, Tibet	Over 2,300 birds – species composition unclear but 300 infected Bar-headed Geese <i>Anser indicus</i> were reported
	June	Lake Khunt in Mongolia	Twelve waterbirds including swans, geese and gulls
	Summer	Tuva Republic, Russia	Over 3100 wild birds mainly Great Crested Grebe <i>Podiceps cristatus</i>
2007	June	Germany, France and the Czech Republic	Over 290, mainly waterbirds, found mostly in Germany

Numerous species of wild birds, especially waterbirds, are susceptible to infection by the H5N1 HPAI virus. Close contact between poultry and wild birds can lead to cross-infection, from poultry to wild birds and from wild birds to poultry. Additionally, species that live in and around poultry farms and human habitations may hypothetically serve as “bridge species” that could transmit the virus between poultry and wild birds either by direct contact between wild birds and poultry kept outside or by indirect contact with contaminated materials. While there is no sound evidence that wild birds have carried the virus long distances on migration (Feare & Yasué 2006), analysis of genetic sequences and other largely indirect evidence suggests that wild birds are likely to have contributed to spread (Chen *et al.* 2006; Keawcharoen *et al.* 2008; Kilpatrick *et al.* 2006; Hesterberg *et al.* 2007; Weber & Stilianakis 2007). The relative importance of different modes of infection transfer, however, is unclear in the present state of knowledge.

Poor planning in response to development pressures has led to the increasing loss or degradation of wild ecosystems, which are the natural habitats for wild birds. This has resulted in closer contact between wild populations, domesticated birds such as chickens, ducks, geese, and other domestic fowl, and humans and has thus provided greater opportunities for the spread of HPAI H5N1 between wild and domestic birds, and thence to humans. The interplay between agriculture, animal (domestic and wild) health, human health, ecosystem health, and socio-cultural factors has been important in the emergence and spread of the virus.

* Data sources include OIE disease information reports, FAO, the German Friedrich-Loeffler Institute epidemiological bulletins, and Russian, Bird Disease Laboratory – dates, locations and numbers may differ slightly in other sources.

Avian influenza and wetlands

Given the ecology of the natural hosts of LPAI viruses, it is unsurprising that wetlands play a major role in the natural epidemiology of avian influenza. As with many other viruses, avian influenza virions survive longer in colder water (Lu *et al.* 2003; Stallknecht *et al.* 1990), and the virus is strongly suggested to survive over winter in frozen lakes in Arctic and sub-Arctic breeding areas. Thus, as well as the waterbird hosts, these wetlands are probably permanent reservoirs of LPAI virus (Rogers *et al.* 2004; Smith *et al.* 2004) (re-)infecting waterbirds arriving from southerly areas to breed (shown in Siberia by Okazaki *et al.* 2000 and Alaska by Ito *et al.* 1995). Indeed, in some wetlands used as staging grounds by large numbers of migratory ducks, avian influenza viral particles can be readily isolated from lake water (Hinshaw *et al.* 1980).

An agricultural practice that provides ideal conditions for cross-infection and thus genetic change is used on some fish-farms in Asia: battery cages of poultry are placed directly over troughs in pig-pens, which in turn are positioned over fish farms. The poultry waste feeds the pigs, the pig waste is either eaten by the fish or acts as a fertiliser for aquatic fish food, and the pond water is sometimes recycled as drinking water for the pigs and poultry (Greger 2006). These kinds of agricultural practices afford avian influenza viruses, which are spread via the faecal-oral route, an opportunity to cycle through a mammalian species, accumulating the mutations necessary to adapt to mammalian hosts. Thus, as the use of such practices increases, so does the likelihood that new influenza strains infectious to and transmissible between humans will emerge (Culliton 1990; Greger 2006).

As well as providing conditions for virus mutation and generation, agricultural practices, particularly those used on wetlands, can enhance the ability of a virus to spread. The role of Asian domestic ducks in the epidemiology of H5N1 HPAI has been closely researched and found to be central not only to the genesis of the virus (Hulse-Post *et al.* 2005; Sims 2007), but also to its spread and the maintenance of infection in several Asian countries (Shortridge & Melville 2006). Typically this has involved flocks of domestic ducks used for ‘cleaning’ rice paddies of unharvested grain and various pests, during which they can potentially have contact with wild ducks using the same wetlands. Detailed research (Gilbert *et al.* 2006; Songserm *et al.* 2006) in Thailand has demonstrated a strong association between the H5N1 HPAI virus and abundance of free-grazing ducks. Gilbert *et al.* (2006) concluded that in Thailand “wetlands used for double-crop rice production, where free-grazing duck feed year round in rice paddies, appear to be a critical factor in HPAI persistence and spread”.

Wildlife conservation implications

Prior to H5N1HPAI, reports of HPAI in wild birds were very rare. The broad geographical scale and extent of the disease in wild birds is both extraordinary and unprecedented, and the conservation impacts of H5N1 HPAI have been significant.

It is estimated that between 5-10% of the world population of Bar-headed Goose *Anser indicus* died at Lake Qinghai, China, in spring 2005 (Chen *et al.* 2005; Liu *et al.* 2005). At least two globally threatened species have been affected: Black-necked Crane *Grus nigricollis* in China and Red-breasted Goose *Branta ruficollis* in Greece. Approximately 90% of the world population of Red-breasted Goose is confined to just five roost sites in Romania and Bulgaria, countries that have both reported outbreaks, as also have Russia and Ukraine where they also over-winter (BirdLife International 2007).

However, the total number of wild birds known to have been affected has been small in contrast to the number of domestic birds affected, and many more wild birds die of more common avian

diseases each year. Perhaps a greater threat than direct mortality has been the development of public fear about waterbirds resulting in misguided attempts to control the disease by disturbing or destroying wild birds and their habitats. Such responses are often encouraged by exaggerated or misleading messages in the media.

Currently, wildlife health problems are being created or exacerbated by unsustainable activities such as habitat loss or degradation, which facilitates closer contact between domestic and wild animals. Many advocate that to reduce risk of avian influenza and other bird diseases, there is a need to move to markedly more sustainable systems of agriculture with significantly lower intensity systems of poultry production. These need to be more biosecure, separated from wild waterbirds and their natural wetland habitats resulting in far fewer opportunities for viral cross-infection and thus pathogenetic amplification (Greger 2006). There are major animal and human health consequences (in terms of the impact on economies, food security and potential implications of a human influenza pandemic) of not strategically addressing these issues. However, to deliver such an objective in a world with an ever-growing human population and with issues of food-security in many developing countries, will be a major policy challenge.

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CONVENTION ON MIGRATORY SPECIES

Distr: General

UNEP/CMS/Resolution 9.9

Original: English

MIGRATORY MARINE SPECIES

Adopted by the Conference of the Parties at its Ninth Meeting (Rome, 1-5 December 2008)

Acknowledging that migratory marine species are an important and growing area of activity in the CMS work programme;

Recognising that Objective 2 of the CMS Strategic Plan 2006-2011 is to “ensure that migratory species benefit from the best possible conservation measures”, and that migratory marine species in particular, due to the inherent connectivity of their dynamic habitats, can best be conserved through joint international cooperative efforts;

Acknowledging the related decision of CMS COP9 including Resolution 9.2 (Priorities for CMS Agreements), Resolution 9.7 (Climate Change Impacts on Migratory Species), Resolution 9.18 (Bycatch), Resolution 9.19 (Adverse Anthropogenic Marine/Ocean Noise Impacts on Cetaceans and other Biota) as well previous decisions related to marine species conservation;

Concerned that migratory marine species face multiple, cumulative and often synergistic threats with possible effects over vast areas, such as by-catch, over-fishing, pollution, habitat destruction or degradation, marine noise impacts, deliberate hunts as well as climate change;

Conscious of the major and accelerating changes to Arctic regions due to climate change and its consequences for migratory marine mammals in these regions; and

Recalling the UNEP Governing Council decision (Monaco 2008) concerning Arctic sustainable development;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Urges* Parties, the Scientific Council and the CMS Secretariat to identify priority issues, species and habitats in the marine sphere requiring intervention by CMS in the next decade;
2. *Decides* to endorse the Revised Secretariat Programme to Implement CMS Resolution 8.22: Adverse Human Induced Impacts on Cetaceans under Annex I;

3. *Requests* the CMS Secretariat to consider options for increasing linkages and synergies within the CMS family by promoting joint priorities, the sharing of technical expertise and resources and holding joint meetings if appropriate;
4. *Requests* the Scientific Council to:
 - (a) Commence work towards the species priorities identified in Resolution 9.2;
 - (b) Seek avenues for research and dialogue on issues of common interest, such as climate change, fisheries and outreach strategies, in particular with the Convention on Biological Diversity, UNEP, the United Nations Framework Convention on Climate Change, the Food and Agriculture Organization, Regional Fisheries Management Organizations and other relevant bodies (such as Convention on the Conservation of Antarctic Marine Living Resources) on fisheries; and explore a closer working relationship the International Whaling Commission for cetaceans and with the Arctic Council (in particular CAFF) regarding Arctic migratory marine species;
 - (c) Review the latest available information on the current and predicted conservation status, in relation to the possible consequences of climate change, of all Arctic migratory marine species listed in the CMS appendices;
 - (d) Consider whether additional Arctic migratory marine species might warrant listing on the CMS appendices;
 - (e) Further consider existing initiatives and research relating to ongoing conservation efforts for marine migratory species, such as the establishment of ecologically representative marine protected area networks and an integrated approach to coastal and marine management; and
 - (f) Facilitate the review of existing data on southern populations of shark species to assist Parties with listing proposals to be submitted to CMS COP10 and further COPs; and
5. *Further requests* the Scientific Council to report its findings to the 10th Conference of the Parties.

ANNEX 1

REVISED SECRETARIAT PROGRAMME TO IMPLEMENT CMS RESOLUTION 8.22:
ADVERSE HUMAN INDUCED IMPACTS ON CETACEANS**I. Summary of Resolution 8.22 requirements**

Resolution 8.22 asks for the development of a draft *Programme of Work for Cetaceans* to be considered by CMS COP9.

The resolution explicitly requires that this programme of work be developed with the full knowledge of activities relating to cetaceans of the International Maritime Organization (IMO), the Convention for the Protection of: the Marine Environment of the North-East Atlantic (OSPAR), the Cartagena Convention and the UNEP Regional Seas Programme, the United Nations Informal Consultation on Protection of the Oceans and the Law of the Sea (UNICPOLOS), the International Whaling Commission Scientific Committee (IWC SC) and Conservation Committee (IWC CC), the United Nations Food and Agricultural Organisation (FAO) and its Committee on Fisheries Industries (COFI) and Regional Fisheries Management Organisations (RFMOs) and requires the programme of work to identify points of collaboration and synergy between CMS, CMS cetacean-related agreements, IMO, IWC SC and CC, OSPAR, UNICPOLOS and the UNEP Regional Seas Programme.

In the development of this programme of work, CMS Resolution 8.22 requires specific activities be undertaken. These areas can be grouped as follows:

1. *notification* of CMS Resolution 8.22 be transmitted to IMO, IWC SC and CC, OSPAR, UNICPOLOS and the UNEP Regional Seas Programme to ensure a full exchange of information, promote collaboration and reduce duplication of effort with these other international organisations.
2. *review* of the extent to which CMS, CMS cetacean-related agreements, IMO, IWC SC and CC, OSPAR, UNICPOLOS, the UNEP Regional Seas Programme, FAO, COFI and the RFMOs are addressing listed impacts through their threat abatement activities.
3. *analysis* of the gaps and overlaps between CMS, CMS cetacean-related agreements, IMO, IWC SC and CC, OSPAR, UNICPOLOS, the UNEP Regional Seas Programme and the *identification* of priority impacts and regions requiring urgent attention.
4. *development* of a draft programme of work for submission to CMS COP9.

II. Progress and revised Secretariat programme

The report structure has been signed off by both the 14th Scientific Committee and the 32nd Standing Committee and significant progress has been made on the substantive areas of the report including:

1. summary of regions and listed impacts;
2. review the extent to which CMS and CMS cetacean-related Agreements are addressing listed impacts through their threat abatement activities; and
3. review the extent to which IMO, IWC SC and CC, OSPAR, UNICPOLOS and the UNEP Regional Seas Programme are addressing listed impacts through their threat abatement activities.

The section of the review dealing with the impacts to cetaceans will be distributed in early January 2009 to identified members of the Scientific Council for comment and input between January and March 2009. At the same time the review will be distributed to other expert bodies for additional input. This will provide a thorough basis for prioritization of activities by threats. Comment will be drawn in by March 2009.

Work is now focusing on completing:

1. the review of cetacean related requirements within the Scientific Council Strategic Implementation Plan;
2. the analysis of gaps and overlaps between CMS activities and IMO, IWC SC and CC, OSPAR, UNICPOLOS and the UNEP Regional Seas Programme; and
3. identification of where collaboration and synergies can exist between CMS and CMS cetacean-related Agreements, IMO, IWC SC and CC, OSPAR, UNICPOLOS and the UNEP Regional Seas Programme.

Early in 2009, the sections reviewing the extent to which IMO, IWC SC and CC, OSPAR, UNICPOLOS and the UNEP Regional Seas Programme are addressing listed impacts through their threat abatement activities will be sent to IMO, IWC SC and CC, OSPAR, UNICPOLOS and UNEP for the individual input and comment. Comment will be drawn in by March 2009.

Between March and July the Secretariat will work with the CMS Appointed Councillor for Aquatic Mammals to identify the priority impacts and regions requiring urgent attention and develop the draft *Programme of Work for Cetaceans*.

This will be circulated to Parties for comments. On the basis of the comments received, a revised draft will be produced that will be submitted to the Standing Committee for approval.

**CONVENTION ON
MIGRATORY
SPECIES**

Distr. GENERAL

UNEP/CMS/Resolution 9.12

Original: English

CAPACITY BUILDING STRATEGY

Adopted by the Conference of the Parties at its Ninth Meeting (Rome, 1-5 December 2008)

Aware that capacity building and training at systemic, institutional and individual level are of fundamental importance for the effective implementation of CMS;

Also aware of the need to strengthen coordination of capacity building efforts under CMS with those of UNEP, other Multilateral Environmental Agreements (MEAs) and other organizations in accordance with the Bali Strategic Plan, which is a key objective for UNEP;

Noting the need to identify priorities and requirements of the Parties in implementing capacity building, as well as of the role and involvement of the Secretariat in meeting this need;

Noting further that national capacity assessments have already been undertaken by some countries and that the outcome of these assessments could be useful inputs in identifying priorities for capacity building strategies under CMS;

Conscious of the role the Convention has in facilitating the achievement of the World Summit on Sustainable Development 2010 biodiversity targets under the Convention on Biological Diversity (CBD);

Recognizing that financial support for capacity building is imperative in order to implement workshops and training courses;

Acknowledging that past and current CMS capacity building initiatives are subject to review;

Supporting the use of computer-based learning including free and open access to data, information exchange and technology transfer as part of the Convention's capacity building activities; and

Recalling that the Convention's decision making on the scientific aspects of capacity building should be based on the best and most recent technical data available;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Requests* the Parties to afford capacity building high priority in their national programmes and international cooperation in line with the adopted strategy for 2009-2011;
2. *Calls* on the Parties to provide financial support and fundraising guidance for the capacity building strategy adopted;
3. *Encourages* the Parties to identify priorities for future research, in particular which challenges for migratory species, based on best available evidence, benefit from capacity building; at the same time as strengthening links with MEAs and other implementing instruments that have undertaken research into the impacts of capacity building for conservation and sustainable development policy implementation and to take account of that research;
4. *Calls* on Parties and relevant partners to assist the Secretariat in the implementation of the capacity building strategy, by undertaking activities mentioned in document UNEP/CMS/Conf. 9.30 and by providing the financial contributions needed to support the implementation of current capacity building toolkits and to initiate new activities, in particular regional workshops and national training centres;
5. *Requests* the Secretariat to focus on cooperation with CMS agreements and other MEAs, highlighting common strategies, needs and actions by using TEMATEA and through consultation work of the Biodiversity Liaison Group;
6. *Further requests* UNEP to support the Secretariat in holding regional workshops and other capacity building events in conjunction with meetings already scheduled for the region;
7. *Instructs* the Secretariat to work with the Scientific Council and secretariats of the CMS daughter agreements and their scientific advisory bodies on producing guidance encompassing regional, sub-regional and thematic workshops and the knowledge management project to promote capacity building among Parties and consider and decide on the various options as well as on the main elements in the Capacity Building strategy for 2009-2011;
8. *Further instructs* the Secretariat to develop computer-based learning material in relevant languages including free and open access to data, information exchange and technology transfer; and
9. *Further encourages* the Secretariat and UNEP to identify possible regional, multilateral, bilateral collaborations and involve relevant stakeholders including other MEAs and the private sector in order to secure funding and enhancing training capacity.

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/Resolution 9.13

Original: English

INTERSESSIONAL PROCESS REGARDING THE FUTURE SHAPE OF CMS

Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Recalling Resolution 8.2 of the Eighth Conference of the Parties (Nairobi, 2005) that adopted the CMS Strategic Plan 2006-2011;

Noting with gratitude the work undertaken by Parties and the Secretariat to implement this Strategic Plan;

Reaffirming the overall ambition and objectives of this Strategic Plan;

Recognizing that since 2005 considerable progress has been made, which includes *inter alia* one new regional species AGREEMENT and seven Memoranda of Understanding and several others under negotiation, a continued growth in the number of CMS Parties, which has risen from 93 at the time of the eighth Conference of the Parties in November 2005 to 110 at the ninth Conference of the Parties in December 2008, the establishment of working partnerships with NGOs operating from local bases around the world, and a significant growth in the role of the CMS in relation to marine animals;

Welcoming that, due to these positive results, the CMS is steadily becoming a worldwide lead partner in the conservation and sustainable use of migratory species over their entire range;

Acknowledging the review underway within the UN to consider how the Organisation can develop into a more integrated entity, to accomplish system-wide coherence throughout the processes of management and policy development (the “deliver as one” process);

Acknowledging the issues and options outlined in the CMS Secretariat’s papers (ref CMS/StC32/7) prepared for Standing Committee 32 and subsequently;

Considering, however, that alternative options should also be taken into account;

Acknowledging that this will create new challenges for the CMS, its related Agreements (AGREEMENTS and Memoranda of Understanding) and all of the bodies that require in-depth consideration as to what strategies including institutional changes would best support the effective conservation and management of more migratory species in a greater number of Parties and Range States; and

Recalling that the Conference of the Parties may under Article VII.5 (e) of the Convention make recommendations to the Parties for improving the conservation status of migratory species and review the progress being made under AGREEMENTS;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Launches* an intersessional process to explore the possibilities of strengthening the contribution of the CMS and the CMS family to the worldwide conservation, management and sustainable use of migratory species over their entire range;
2. *Establishes* an ad hoc working group with the task of drafting proposals on the future strategies and structure of the CMS and the CMS family for the Tenth Conference of the Parties in 2011;
3. *Instructs* the ad hoc working group on the future shape of the CMS and the CMS family to take into account the following issues in its deliberations:
 - Possibilities and options to deliver a more integrated conservation programme under a broad umbrella of “CMS Multispecies Initiatives”, for instance, by focussing CMS Initiatives on main migratory species groups and, in this context, consulting with the related agreements and MoUs to see how such an approach could bring synergies and benefits;
 - Possibilities and options for various types of activities, such as the development of new agreements and the implementation of existing agreements;
 - Possibilities and options for strengthening the position of the CMS and Agreement Secretariats in the various regions of the world, which might be affected by the future shape of CMS, in cooperation with other Multilateral Environmental Agreements;
 - Possibilities and options for ensuring a sound science base of a growing CMS family and the resultant growing responsibility for a higher number of species;
 - Possibilities and options for strengthening the cooperation with other international organizations and with other interested partners, such as business organizations;
 - Financial and institutional implications (including Secretariat issues: staff, relevant competence, etc.) of all possibilities and options, in close collaboration with related CMS agreements;
 - Contents of the current Strategic Plan and the development of a new Strategic Plan 2012-2017, taking into account Strategic Plans of other biodiversity related conventions and related CMS Agreements; and
 - The findings of the open-ended working group on global bird flyways, which will be reviewed at the intersessional meeting of the Scientific Council;
4. *Requests* the Secretariat to support the ad hoc working group on the future shape of the CMS; and
5. *Adopts* the terms of references in the Addendum.

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/Res.9.13/Addendum

Original: English

**TERMS OF REFERENCE FOR THE INTERSESSIONAL WORKING GROUP
REGARDING THE FUTURE SHAPE OF CMS, ESTABLISHED ACCORDING TO
RESOLUTION UNEP/CMS/RES.9.13**Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Objectives

1. The Working Group (WG) shall consider the issues set out in Resolution UNEP/CMS/Res.9.13 with a view to considering various options regarding the potential strategic evolution of CMS and the CMS family and make recommendations thereon. The overall objective of the proposals should be to strengthen CMS contributions to the worldwide conservation, management and sustainable use of migratory species over their entire range.
2. To that end, the WG shall examine possibilities for strategic development and organisation of the CMS and the CMS family, taking into account the issues mentioned in point 3 of Resolution UNEP/CMS/Res.9.13 “Intersessional process regarding the future shape of CMS”.
3. The WG shall precisely identify the institutional, legal, organisational and budgetary impacts of its proposals.
4. The WG shall examine whether external consultations are required. It shall also determine whether meetings of the WG are needed and, if so, at which steps of the process. Funding for consultations and meetings will be raised through voluntary contributions.
5. The Group will keep the Standing Committee informed of its work through reports to the meetings of the Committee, and present its initial findings to the Standing Committee in 2010.

Composition of the WG

6. The WG shall be composed of a core group of Parties to the Convention with the same geographical composition as the Standing Committee to be agreed during CMS COP9 or, if not possible, under the responsibility of CMS Standing Committee, no later than one month after COP9. The Chair and the Vice-Chair of the Standing Committee shall be additional members of the WG.

7. The WG will:
 - work in cooperation and consultation with the Party representatives and the Secretariat of the CMS regional Agreements, particularly:
ACAP, AEWA, ACCOBAMS, ASCOBANS, EUROBATS, GORILLAS and MOU representatives who will be determined, under the responsibility of the Chair of the CMS Standing Committee, no later than two months after COP9; as well as the partner organisations representing civil society.
8. The WG will also liaise and seek the views of countries undertaking similar reviews within the Ramsar Convention and the UN family.
9. The Chair and Vice Chair shall be chosen among the members of the WG during CMS COP9 or, if not possible, chosen by the Standing Committee no later than two months after this COP.
10. Any range State represented in the WG will not be bound by the recommendations issued by the WG.
11. The WG shall endeavour to adopt recommendations by consensus. Nevertheless, a representative could be allowed to mention his/her position in the deliberations in case of divergence of views.
12. The WG will be served by the CMS Secretariat.

Consultations

13. Contracting Parties shall be consulted by their regional representatives at each step of the process.
14. The WG members will agree on the modalities pertaining to the information and the consultation of the Parties to the Agreement they represent. The consultation process will take account of the deadlines and calendar of activities to be respected as detailed below.
- 14 bis NGOs and non-Parties who express an interest in participating can be consulted by the representative of the relevant region.
15. The CMS Secretariat will inform the biodiversity MEA Secretariats as well as UNEP and other international organisations identified by the WG as relevant, as soon as possible, about the intersessional process under way.
16. At the same time, the CMS Secretariat will invite these Agreements as well as UNEP and other organisations to designate a focal point who will provide, if required, advice and suggestions to the WG.

Work process

First step (2009)

17. The first step consists in conducting an assessment of the current situation regarding the organisation and activities of CMS and the CMS family. This assessment will underline the advantages and the drawbacks of the system in place, taking especially into account the issues mentioned in point 3 of Resolution UNEP/CMS/Res.9.13.

18. This assessment (report No. 1) shall be finalized before September 2009 for consideration by the Standing Committee Meeting No. 36.

19. The report No. 1 will be communicated to the CMS Standing Committee members at least one month before the CMS Standing Committee. The CMS Standing Committee will provide its comments and suggestions to the WG within one month after the Standing Committee meeting.

20. After review, the report will be made available, for information, to the Parties to CMS and to other related Agreements as well as UNEP. It will be made available, for information, simultaneously to the multilateral environmental agreements and the other international organisations concerned.

Second step (2010)

21. For each of the issues mentioned in point 3 of Resolution UNEP/CMS/Res.9.13 and in the light of the outcome of the assessment of CMS' current situation, the WG shall propose different options on the organisation and strategic activities that could improve current operations and, as appropriate, solve any difficulty encountered and foreseen in the functioning of CMS and CMS family.

22. The WG shall produce a report (report No. 2) of the second step before September 2010 for consideration by the Standing Committee No. 37.

23. The report No. 2 will be communicated to the CMS Standing Committee members at least one month before the CMS Standing Committee meeting. The CMS Standing Committee will provide its comments and suggestions to the WG within one month after the Standing Committee meeting.

24. After review, the report No. 2 will be made available for information to the Parties to the CMS and to other related Agreements, UNEP, as well as to the multilateral environmental agreements and the other international organisations concerned.

Third step (2011)

25. On the basis of the hypothesis developed as a result of the second step of the process, the WG shall propose three different options for the future organisation and the strategic development of CMS and the CMS family, outlining the pros and the cons of each.

26. These options will include considerations on their institutional, legal, organisational and budgetary implications.

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.

28. The report No. 3 will be made available, after review, to the Parties to CMS and to other related Agreements, UNEP, as well as to the multilateral environmental agreements and other international organisations concerned, before the deadline (set out in the COP Rules of procedure - currently two months) for transmission of draft resolutions for COP10.

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/Resolution 9.14

Original: English

**FINANCIAL AND ADMINISTRATIVE MATTERS AND TERMS OF REFERENCE
FOR THE ADMINISTRATION OF THE TRUST FUND FOR THE CONVENTION ON
THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS**

Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Recalling Article VII, paragraph 4, of the Convention, which reads as follows:

“The Conference of the Parties shall establish and keep under review the financial regulations of this Convention. The Conference of the Parties shall, at each of its ordinary meetings, adopt the budget for the next financial period. Each Party shall contribute to this budget according to a scale to be agreed upon by the Conference”;

Appreciating that the financial position of the Convention has improved markedly since the previous COP as a result of the change in the currency for subscriptions substantial increases in additional voluntary contributions in cash and kind, and careful stewardship by the CMS Secretariat;

Giving special thanks to the Host Government (Germany,) to the Governments of Australia, Belgium, France, Italy, Monaco, Netherlands, Norway, Spain, Sweden and the United Kingdom, to the European Commission, and to CMS partners in the voluntary and private sectors, for their substantial additional voluntary contributions in support of special measures and projects aimed at improving implementation of the Convention, and other support offered to the organs of the Convention during the previous triennium;

Acknowledging also the financial and other services provided in 2006-2008 through the United Nations Environment Programme (UNEP);

Aware that the permanent staff complement of the Secretariat has not been increased since COP7 in 2002 but that the workload has increased substantially in the last six years;

Recognizing the need to provide sufficient resources, including manpower, to enable the Secretariat of the Convention to continue to carry out the Convention’s work programme set out in the Strategic Plan 2006-2011 and to serve its Parties in all regions;

Recognizing also that the Fund balance at the end of 2008 is not projected to be at a high level and that several decisions taken at COP9 have significant implications for the Convention’s budget;

Expressing thanks to the Secretariat for producing two main budget options for adoption by the Ninth meeting of the Conference of the Parties, Rome 2008;

Appreciating the importance of all Parties being able to participate in the implementation of the Convention and related activities; and

Noting the increased number of Parties, other countries and also organisations attending the meeting of the Conference of Parties as observers, and the resulting additional expenditure to Parties so incurred;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Confirms* that all Parties shall contribute to the budget adopted at the scale agreed upon by the Conference of the Parties in accordance with Article VII, paragraph 4, of the Convention;
2. *Adopts* the budget for 2009 to 2011 attached as Annex I to the present resolution;
3. *Agrees* to the scale of contributions of Parties to the Convention as listed in Annex II to the present resolution and to the application of that scale pro rata to new Parties;
4. *Agrees* that all contributions to the Trust Fund shall be paid in Euro;
5. *Agrees* that there shall be maintained a working capital at a constant level of at least 15 per cent of estimated annual expenditure or \$500,000, whichever is higher;
6. *Requests* all Parties to pay their contributions as promptly as possible preferably not later than the end of March in the year to which they relate and, if they so wish, to inform the Secretariat whether they would prefer to receive a single invoice covering the whole triennium;
7. *Agrees* that those Parties wishing to do so, may pay their contributions in three equal instalments;
8. *Agrees* to set the threshold of eligibility for funding delegates to attend the Convention's meetings at 0.200 per cent on the United Nations scale of assessment in the following order of priority for the allocation of funding:
 - (a) Countries lowest on the scale, and others with no unpaid pledges to the Convention, in ascending order up to the 0.200 per cent threshold;
 - (b) Countries with unpaid pledges to the Convention in ascending order on the scale, up to the 0.200 per cent threshold; and
 - (c) Non-Party developing countries, Range States and countries actively preparing accession that had not previously received a subsidy to attend a meeting of the Conference of the Parties to the Convention;

9. *Approves* the medium-term plan for 2012 to 2014 attached as Annex III to the present resolution and the programme outlined in the Strategic Plan (Resolution 8.2, Nairobi, 2005);
10. *Instructs* the Executive Secretary to service the implementation of the 2006-2011 Strategic Plan (as adopted in resolution 8.2) as an entity within available resources;
11. *Confirms* the willingness that the CMS Secretariat continues to provide Secretariat services to ASCOBANS in the next triennium; and:
 - (a) *Invites* the Meeting of the Parties of ASCOBANS to discuss the final draft review document in 2009, to decide on the best organizational solutions for ASCOBANS to be implemented from 1 January 2010, and to report their conclusions to the Standing Committee of CMS and to the Working Group for the Future Shape of CMS;
 - (b) *Instructs* the Standing Committee to finalize in 2009, in consultation with the ASCOBANS Parties, the organizational arrangements for 2010 and onwards, taking into account that CMS will not bear any additional costs arising in connection with a definitive organizational solution for ASCOBANS;
12. *Instructs* the Standing Committee to establish a Finance and Budget Subcommittee for the consideration of all financial and budgetary matters, which shall:
 - i) meet one day prior to the start of every regular meeting of the Standing Committee, and shall work intersessionally by electronic or other means;
 - ii) work with the Secretariat to prepare all financial and budgetary documents for consideration by the Standing Committee; and
 - iii) which will operate under the terms of reference attached as Annex IV to this Resolution;
13. *Instructs* the Executive Secretary to use all opportunities to improve the flow of income (including for conservation and implementation projects) and the savings throughout the period 2009–2011 (including arrears from contracting parties), in order, *inter alia*, to present a balanced budget for the next triennium 2012–2014;
14. *Requests* the Executive Secretary to seek for tender for Information Technology Services that could be alternatively provided by an external service provider in a more cost effective manner;
15. *Invites* Parties to consider the feasibility of financing Junior Professional Officers or providing interns, volunteers and technical experts to the Secretariat to increase its technical capacity in accordance with the United Nations rules and regulations and to agree on providing modest funding within the approved budget of the Convention to cover the difference in cost and applicable UNEP overhead charges for such staff;
16. *Encourages* all Parties to make voluntary contributions to the Trust Funds to support requests from developing countries to participate in and implement the Convention throughout the triennium;

17. *Requests* the Executive Secretary to provide Parties with a detailed list of core ongoing and future activities and projects not covered by the core budget, to assist Parties to identify those they intend to fund;
18. *Requests* the Secretariat to allocate the contributions of Parties that accede to the Convention after 1 January 2009 towards the funding of projects not covered by the core budget;
19. *Encourages* States not Parties to the Convention, governmental, intergovernmental and non-governmental organizations and other sources to consider contributing to the Trust Fund referred to below or to special activities;
20. *Takes note* of document UNEP/CMS/Conf.9.33 on the execution of the budget of the Convention in the triennium 2006-2008 and expresses its concern with regard to outstanding unpaid pledges to the Trust Fund and urges the Governments concerned to pay their contributions in a timely manner;
21. *Decides* that representatives from countries with contributions in arrears three years or more should be excluded from holding office in Convention bodies and denied the right to vote; and *requests* the Executive Secretary to explore with these Parties innovative approaches for the identification of possible funding to resolve their arrears prior to the next meeting;
22. *Approves* the creation of the following posts at P2 level, subject to the classification of the posts by the United Nations:

Partnerships & Fundraising Officer
Scientific Support Officer
23. *Requests* the Executive Director of UNEP to undertake a review of the grading of the Secretariat's posts by 2011, taking into account the outcome of the Working Group on Future Shape of CMS, to enable decisions on the grading of the posts to be taken by parties at COP10;
24. *Requests* the Secretariat to start developing, as soon as possible in this triennium, a costed work program using a results based process, to ensure that in future budgets, the resource requests will be linked more systematically to expected results;
25. *Requests* the Executive Director of UNEP to extend the duration of the Convention Trust Funds to 31 December 2011;
26. *Invites* the Executive Director of UNEP to consider, on a case-by-case basis, the allocation of financial resources from the income generated under the Programme Support Costs from the Trust Fund on voluntary contributions for the implementation of activities;
27. *Requests* the Executive Director of UNEP to continue to incorporate aspects of the Convention's program of work into the program of work of UNEP and consider, as appropriate, providing financial support to specific CMS activities in this context; and
28. *Approves* the terms of reference for the administration of the Trust Fund, as set forth in Annex V to the present resolution, for the period 2009 to 2011.

ANNEX I TO RESOLUTION 9.14

BUDGET ESTIMATES FOR 2009-2011 - CMS TRUST FUND IN EURO

BL	Budget Item	2009	2010	2011	Total 2009 - 2011
		EUR	EUR	EUR	EUR
BL	EXECUTIVE OFFICE (HQ)				
1101	Executive Secretary (D1); 97% (3% ASCOBANS)	166,840	170,177	173,580	510,597
1102	Deputy Executive Secretary (P5)	140,000	142,800	145,656	428,456
1103	Inter-Agency Liaison Officer (P4)	128,000	130,560	133,171	391,731
1104	Partnerships and Fundraising Officer (P2)		81,600	83,232	164,832
1301	Personal Assistant to the Executive Secretary (GS-6)	70,000	73,500	77,175	220,675
1302	Secretary to the Deputy Executive Secretary (GS-4) - Part Time	27,500	28,875	30,319	86,694
	Subtotal	532,340	627,512	643,133	1,802,985
	Executive Management Support				
2210	Outreach and Fundraising Projects	46,675	46,675	46,675	140,026
2290	Membership promotion	1,456	1,456	1,456	4,368
5401	Hospitality	500	500	500	1,500
	Subtotal	48,631	48,631	48,631	145,894
	Institutions				
3301	Standing Committee Meetings - Support to delegates	16,963	18,023		34,985
3302	Scientific Council Meetings - Support to delegates	32,652	32,652		65,304
3303	COP 10 - Support of Delegates			53,286	53,286
1201	Consultancies - Translation	69,883	69,883	87,354	227,121
1202	Consultancies - COP Servicing - (Salary/travel)			273,164	273,164
1203	Consultancies - Experts	4,368			4,368
1612	COP 10 Travel of CMS Staff			50,475	50,475
	Subtotal	123,866	120,558	464,279	708,703
	Total Executive Office (HQ)	704,838	796,701	1,156,043	2,657,582
	INFORMATION, CAPACITY BUILDING & FUNDRAISING UNIT (FICFU) - SHARED WITH ASCOBANS & EUROBATS				
1105	Head of Unit (P4)	128,000	130,560	133,171	391,731
1303	Senior Information Assistant (GS-7)	70,000	73,500	77,175	220,675
1304	Secretary (GS-4) -Part time	27,500	28,875	30,319	86,694
1305	Documents Clerk (GS-4)	55,000	57,750	60,638	173,388
	Subtotal	280,500	290,685	301,302	872,487
	Information and Capacity Building Projects				
2201	Capacity Building events	21,814	21,814	21,814	65,442

2205	Information Management and Technology	25,270	25,270	24,270	74,810
5201	Information and Publicity Materials	8,481	8,481	8,481	25,443
	Subtotal	55,565	55,565	54,565	165,695
Total FICFU		336,065	346,250	355,867	1,038,182
SCIENCE, DATA AND MARINE UNIT(SDMU)					
1106	Head of Unit (P4); 85% (15% ASCOBANS)	108,800	110,976	113,196	332,972
1107	Scientific Support Officer (P2)		81,600	83,232	164,832
1108	Associate Marine Mammals Officer (P2); 25% (75% ASCOBANS)	20,000	20,400	20,808	61,208
1306	Administrative Assistant (GS-4)	70,000	73,500	77,175	220,675
	Subtotal	198,800	286,476	294,411	779,687
Conservation Projects					
2230	Conservation grants and projects	56,696	56,696	56,696	170,088
	Subtotal	56,696	56,696	56,696	170,088
Total SDMU		255,496	343,172	351,107	949,775
POLICY AND AGREEMENTS UNIT (PAU)					
1109	Head of Unit (P4)	128,000	130,560	133,171	391,731
1307	Administrative Assistant (GS-5)	70,000	73,500	77,175	220,675
1308	Secretary (GS-4)	55,000	57,750	60,638	173,388
	Subtotal	253,000	261,810	270,984	785,794
Implementation and Partnerships projects					
2260	Agreements, MoUs and Partnerships	54,317	54,317	54,317	162,951
	Subtotal	54,317	54,317	54,317	162,951
Total PAU		307,317	316,127	325,301	948,745
ADMINISTRATIVE AND FINANCIAL SERVICES UNIT					
1110	AFMO (P4)	-	-	-	-
1309	Finance Assistant (GS-6)	-	-	-	-
1310	Finance Assistant (GS-5)	-	-	-	-
1311	Administrative Assistant (GS-5)	-	-	-	-
1312	Administrative Assistant (GS-5)	-	-	-	-
	Subtotal	0	0	0	0
HQ Secretariat costs					
1611	Travel: Staff on mission	67,000	67,000	66,000	200,000
4110	Office supplies	4,368	4,805	5,242	14,415
4210	Non-expendable equipment	8,735	9,609	10,482	28,827
5101	IT Equipment	18,000	18,000	18,000	54,000
5102	IT Services	72,000	72,000	72,000	216,000
5111	Maintenance of computers	1,747	2,184	2,620	6,551
5112	Maintenance of printers	5,242	5,678	6,115	17,035

5311	Communication costs (telephone, fax)	14,851	15,683	16,597	47,131
5312	Postage and courier	5,242	5,678	6,115	17,035
5313	Miscellaneous	2,184	2,620	3,057	7,861
	Subtotal	199,368	203,257	206,229	608,854
	SECRETARIAT EFFICIENCY SAVINGS - 5%	-9,968	-10,163	-10,311	-30,443
	SAVINGS - 2% OF SALARY COSTS	-25,677	-29,714	-30,581	-85,971
	Total Savings	-35,645	-39,877	-40,892	-116,414
	Total AFSU	163,723	163,381	165,337	492,441
TOTAL HQ					
		1,767,438	1,965,631	2,353,655	6,086,724
CMS'S REGIONAL OFFICES					
	ASIA				
1111	CMS Senior Advisor and Head of IOSEA (P5) - 20%	19,200	19,200	19,200	57,600
	TOTAL REGIONAL OFFICES	19,200	19,200	19,200	57,600
	GRAND TOTAL	1,786,638	1,984,831	2,372,855	6,144,324
	Programme Support Cost (PSC), 13%	232,263	258,028	308,471	798,762
	GRAND TOTAL, including PSC	2,018,901	2,242,859	2,681,326	6,943,086
	LESS: DRAWDOWN FROM THE PROJECTED FUND BALANCE PLUS FUTURE MISCELLANEOUS INCOME (Post of Documents Clerk & IT services)	-123,055	-123,055	-123,054	-369,164
	TOTAL TO BE SHARED BY PARTIES	1,895,846	2,119,804	2,558,272	6,573,922
	Total to be shared by Parties 2006_2008	1,869,715	1,979,923	2,514,587	6,364,225
	PERCENTAGE INCREASE OVER THE 2006-2008 BUDGET PLUS NEW PARTIES	1.4%	7.1%	1.7%	3.3%
	PERCENTAGE INCREASE OVER THE APPROVED MEDIUM TERM PLAN	-12%	-7%	-10%	-10%

ANNEX II TO RESOLUTION 9.14

SCALE OF CONTRIBUTIONS BY PARTIES TO THE UNEP/CMS TRUST FUND FOR 2009-2011

N°	Party	UN Scale in %	2009	2010	2011	Total
		2008	EUR	EUR	EUR	2009-2011
						EUR
1	Albania	0.006	238	266	321	826
2	Algeria	0.085	3,373	3,772	4,552	11,697
3	Angola	0.003	119	133	161	413
4	Antigua & Barbuda	0.002	79	89	107	275
5	Argentina	0.325	12,898	14,422	17,405	44,724
6	Australia	1.787	70,919	79,296	95,698	245,913
7	Austria	0.887	35,201	39,360	47,501	122,062
8	Bangladesh	0.01	397	444	536	1,376
9	Belarus	0.02	794	887	1,071	2,752
10	Belgium	1.102	43,734	48,900	59,015	151,649
11	Benin	0.001	40	44	54	138
12	Bolivia	0.006	238	266	321	826
13	Bulgaria	0.02	794	887	1,071	2,752
14	Burkina Faso	0.002	79	89	107	275
15	Cameroon	0.009	357	399	482	1,239
16	Cape Verde	0.001	40	44	54	138
17	Chad	0.001	40	44	54	138
18	Chile	0.161	6,389	7,144	8,622	22,156
19	Congo	0.001	40	44	54	138
20	Cook Islands	0.001	40	44	54	138
21	Costa Rica	0.032	1,270	1,420	1,714	4,404
22	Cote d'Ivoire	0.009	357	399	482	1,239
23	Croatia	0.05	1,984	2,219	2,678	6,881
24	Cuba	0.054	2,143	2,396	2,892	7,431
25	Cyprus	0.044	1,746	1,952	2,356	6,055
26	Czech Republic	0.281	11,152	12,469	15,048	38,669
27	Democratic Republic of the Congo	0.003	119	133	161	413
28	Denmark	0.739	29,328	32,792	39,575	101,696
29	Djibouti	0.001	40	44	54	138
30	Ecuador	0.021	833	932	1,125	2,890
31	Egypt	0.088	3,492	3,905	4,713	12,110
32	Eritrea	0.001	40	44	54	138
33	Estonia	0.016	635	710	857	2,202
34	Finland	0.564	22,383	25,027	30,204	77,613
35	France	6.301	250,061	279,601	337,434	867,096
36	Gabon	0.008	317	355	428	1,101
37	Gambia	0.001	40	44	54	138
38	Georgia	0.003	119	133	161	413
39	Germany	8.577	340,386	380,596	459,320	1,180,302
40	Ghana	0.004	159	177	214	550
41	Greece	0.596	23,653	26,447	31,917	82,017
42	Guinea	0.001	40	44	54	138
43	Guinea-Bissau	0.001	40	44	54	138
44	Honduras	0.005	198	222	268	688
45	Hungary	0.244	9,683	10,827	13,067	33,577
46	India	0.45	17,859	19,968	24,099	61,926
47	Iran	0.18	7,143	7,987	9,639	24,770
48	Ireland	0.445	17,660	19,746	23,831	61,238
49	Israel	0.419	16,628	18,593	22,439	57,660
50	Italy	5.079	201,565	225,376	271,993	698,934

51	Jordan	0.012	476	532	643	1,651
52	Kazakhstan	0.029	1,151	1,287	1,553	3,991
53	Kenya	0.01	397	444	536	1,376
54	Latvia	0.018	714	799	964	2,477
55	Liberia	0.001	40	44	54	138
56	Libya	0.062	2,461	2,751	3,320	8,532
57	Liechtenstein	0.01	397	444	536	1,376
58	Lithuania	0.031	1,230	1,376	1,660	4,266
59	Luxembourg	0.085	3,373	3,772	4,552	11,697
60	Madagascar	0.002	79	89	107	275
61	Mali	0.001	40	44	54	138
62	Malta	0.017	675	754	910	2,339
63	Mauritania	0.001	40	44	54	138
64	Mauritius	0.011	437	488	589	1,514
65	Monaco	0.003	119	133	161	413
66	Mongolia	0.001	40	44	54	138
67	Morocco	0.042	1,667	1,864	2,249	5,780
68	Netherlands	1.873	74,332	83,113	100,304	257,748
69	New Zealand	0.256	10,160	11,360	13,709	35,229
70	Niger	0.001	40	44	54	138
71	Nigeria	0.048	1,905	2,130	2,571	6,605
72	Norway	0.782	31,034	34,700	41,878	107,613
73	Pakistan	0.059	2,341	2,618	3,160	8,119
74	Palau	0.001	40	44	54	138
75	Panama	0.023	913	1,021	1,232	3,165
76	Paraguay	0.005	198	222	268	688
77	Peru	0.078	3,096	3,461	4,177	10,734
78	Philippines	0.078	3,096	3,461	4,177	10,734
79	Poland	0.501	19,883	22,231	26,830	68,944
80	Portugal	0.527	20,914	23,385	28,222	72,522
81	Republic of Moldova	0.001	40	44	54	138
82	Romania	0.07	2,778	3,106	3,749	9,633
83	Rwanda	0.001	40	44	54	138
84	Samoa	0.001	40	44	54	138
85	Sao Tome and Principe	0.001	40	44	54	138
86	Saudi Arabia	0.748	29,685	33,192	40,057	102,934
87	Senegal	0.004	159	177	214	550
88	Serbia	0.021	833	932	1,125	2,890
89	Seychelles	0.002	79	89	107	275
90	Slovakia	0.063	2,500	2,796	3,374	8,670
91	Slovenia	0.096	3,810	4,260	5,141	13,211
92	Somalia	0.001	40	44	54	138
93	South Africa	0.29	11,509	12,868	15,530	39,908
94	Spain	2.968	117,788	131,702	158,944	408,434
95	Sri Lanka	0.016	635	710	857	2,202
96	Sweden	1.071	42,504	47,525	57,355	147,383
97	Switzerland	1.216	48,258	53,959	65,120	167,337
98	Syrian Arab Republic	0.016	635	710	857	2,202
99	Tajikistan	0.001	40	44	54	138
100	The FYR of Macedonia	0.005	198	222	268	688
101	Togo	0.001	40	44	54	138
102	Tunisia	0.031	1,230	1,376	1,660	4,266
103	Uganda	0.003	119	133	161	413
104	Ukraine	0.045	1,786	1,997	2,410	6,193
105	United Kingdom of Great Britain and Northern Ireland	6.642	263,594	294,732	355,696	914,022

106	United Republic of Tanzania	0.006	238	266	321	826
107	Uruguay	0.027	1,072	1,198	1,446	3,716
108	Uzbekistan	0.008	317	355	428	1,101
109	Yemen	0.007	278	311	375	963
	subtotal	46.577	1,848,450	2,066,809	2,494,315	6,409,574
110	EU		47,396	52,995	63,957	164,348
	GRAND TOTAL		1,895,846	2,119,804	2,558,272	6,573,922

ANNEX III TO RESOLUTION 9.14

MEDIUM TERM PLAN FOR 2009-2014 IN EURO

Description	2009	2010	2011	2012	2013	2014
Professional Staff	838,840	1,018,433	1,038,417	1,069,570	1,101,657	1,134,707
Consultants	74,252	69,883	87,354	89,975	92,674	95,454
Administrative Support	445,000	467,250	490,613	505,331	520,491	536,106
Travel on Official Business	67,000	67,000	66,000	67,980	70,019	72,120
Subcontracts and Subprojects	157,688	157,688	157,688	162,419	167,291	172,310
Meetings and Trainings	98,155	99,215	424,465	437,199	450,315	463,824
Equipment	26,735	27,609	28,482	29,337	30,217	31,123
Operation and Maintenance	78,989	79,862	80,735	83,157	85,652	88,222
Reporting cost and Information material	8,481	8,481	8,481	8,735	8,997	9,267
Sundry(Communication)	26,644	28,786	31,011	31,942	32,900	33,887
Hospitality	500	500	500	515	530	546
<i>2% of salary cost</i>	-25,677	-29,714	-30,581	-31,498	-32,443	-33,416
<i>Secretariat efficiency</i>	-9,968	-10,163	-10,311	-10,621	-10,939	-11,268
subtotal	1,786,638	1,984,831	2,372,855	2,444,041	2,517,362	2,592,883
UNEP Administrative Costs	232,263	258,028	308,471	317,725	327,257	337,075
Total	2,018,901	2,242,859	2,681,326	2,761,766	2,844,619	2,929,957
Less: Reserve, Recoveries & New Parties	-123,055	-123,055	-123,054	0	0	0
Budget to be shared by Parties	1,895,846	2,119,804	2,558,272	2,761,766	2,844,619	2,929,957

note: 3 percent annual increase from 2011

ANNEX IV TO RESOLUTION 9.14

TERMS OF REFERENCE OF THE FINANCE AND BUDGET SUBCOMMITTEE

1. *Composition of the Subcommittee:*
 - a) The Finance and Budget Subcommittee shall be composed of one country representative from each of the CMS regions, nominated by the region; and
 - b) The Subcommittee shall elect a Chairman from among its members.
2. *Meetings and mode of operation of the Subcommittee:*
 - a) The Subcommittee shall meet in closed session (i.e. attended only by members of the Subcommittee, Party observers, and the Secretariat) one day prior to each meeting of the Standing Committee;
 - b) The members of the Subcommittee shall communicate by electronic means between meetings of the Standing Committee. For this purpose, the Secretariat shall establish a forum on its website for communications among the members and for the sharing of documents, which may be read by non-members, who would communicate their views to their regional representative on the Subcommittee.
3. *Responsibilities of members of the Subcommittee:*

Members of the Subcommittee shall seek and represent the views of their region in carrying out their duties, and shall report back to their regions.

4. *Responsibilities of the Subcommittee:*

To fulfil the mandate of Resolution Conf. 9.14; the Subcommittee shall:

- a) Broadly, consider all aspects of the financing and budgeting of the Convention and develop recommendations to the Standing Committee. The Subcommittee should focus on keeping the Convention fiscally solvent while providing for essential support services for the efficient and effective functioning of the Convention;
- b) Evaluate the programme of work of the Secretariat and other documents with budgetary implications relative to:
 - i) The duties and responsibilities of the Secretariat mandated in the text of the Convention;
 - ii) Ensuring that the activities undertaken by the Secretariat under the approved budget are consistent with Resolutions and Decisions of the Conference of the Parties;
- c) Consider administrative procedures and other aspects of the financing and budgeting of the Convention, and make recommendations for improving the efficiency with which funds are expended;
- d) Using the information developed through the processes described in paragraphs a)-c):
 - i) work with the Secretariat to prepare all financial and budgetary documents for

- consideration by the Standing Committee;
- ii) further develop the report format to ensure that the financial reports are easily understood and transparent, and that they enable informed decisions to be taken in relation to the financial performance of the Convention;
 - iii) make recommendations to the Standing Committee on all financial and budgetary documents and proposals developed through this process; and
 - iv) otherwise assist the Standing Committee in providing oversight of financial and budgetary matters, including the preparation of documents for meetings of the Conference of the Parties;
- e) The Secretariat shall issue to the Subcommittee members a quarterly report, to be sent electronically, which identifies and explains any projected expenditure that differs from the approved budget by more than 20 % for staff costs or non-staff costs relating to each activity, together with the proposed approach for managing any such projected over-expenditure.

ANNEX V TO RESOLUTION 9.14

TERMS OF REFERENCE FOR THE ADMINISTRATION OF THE TRUST FUND FOR THE CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS

1. The Trust Fund for the Convention on the Conservation of Migratory Species of Wild Animals (hereinafter referred to as the Trust Fund) shall be continued for a period of three years to provide financial support for the aims of the Convention.
2. The financial period shall be three calendar years beginning 1 January 2009 and ending 31 December 2011.
3. The Trust Fund shall continue to be administered by the Executive Director of the United Nations Environment Programme (UNEP), subject to the approval of the Governing Council of UNEP and the consent of the Secretary-General of the United Nations.
4. The administration of the Trust Fund shall be governed by the Financial Regulations and Rules of the United Nations, the Staff Regulations and Rules of the United Nations and other administrative policies or procedures promulgated by the Secretary-General of the United Nations.
5. In accordance with United Nations rules, UNEP shall deduct from the income of the Trust Fund an administrative charge equal to 13 per cent of the expenditure charged to the Trust Fund in respect of activities financed under the Trust Fund. In the case of voluntary contributions, the Executive Director of UNEP will be prepared to allocate to the CMS Trust Fund the programme support cost portion of funds received as voluntary contributions with a view to providing additional support for CMS Secretariat projects. Those allocations will be issued by the Executive Director based on the proposals of the Executive Secretary of CMS.
6. In the event that the Parties wish the Trust Fund to be extended beyond 31 December 2011, the Executive Director of UNEP shall be so advised in writing immediately after the ninth meeting of the Conference of the Parties. It is understood that whether to so extend the Trust Fund shall be decided by and at the discretion of the Secretary-General of the United Nations.
7. The financial resources of the Trust Fund for 2009-2011 shall be derived from:
 - (a) The contributions made by the Parties by reference to annex II, including contributions from any new Parties; and
 - (b) Further contributions from Parties and contributions from States not Parties to the Convention, other governmental, intergovernmental and non-governmental organizations and other sources.
8. All contributions to the Trust Fund shall be paid in euro. For contributions from States that become Parties after the beginning of the financial period, the initial contribution (from the first day of the third month after deposit of the instrument of ratification, acceptance or accession till the end of the financial period) shall be determined pro rata based on the contributions of other States Parties on the same level as the United Nations scale of assessment, as it applies from time to time. However, if the contribution of a new Party determined on this basis were to be more than 22 percent

of the budget, the contribution of that Party shall be 22 percent of the budget for the financial year of joining (or pro rata for a partial year). The scale of contributions for all Parties shall then be revised by the Secretariat on 1 January of the next year. Contributions shall be paid in annual instalments. Contributions shall be due on 1 January 2009, 2010 and 2011.

9. Contributions shall be paid into the following accounts:

(a) Contributions in euros:

UNEP Euro Account
Account No. 616160755
J.P. Morgan AG
Gruneburgweg 2
60322 Frankfurt/Main, Germany
Bank code number 501 108 00
SWIFT No. CHASDEFX
IBAN: DE 565011080061616 03755

(b) Contributions in dollars:

UNEP Trust Fund
Account No. 485 002 809
J.P. Morgan Chase
International Agencies Banking
1166 Avenue of the Americas, 17th Floor
New York, N.Y. 10036-2708, USA
Wire transfers: Chase ABA number 021000021
SWIFT number BIC-CHASUS33
CHIPS participant number 0002

10. For the convenience of the Parties, for each of the years of the financial period the Executive Director of UNEP shall as soon as possible notify the Parties to the Convention of their assessed contributions.

11. Contributions received into the Trust Fund that are not immediately required to finance activities shall be invested at the discretion of the United Nations, and any income shall be credited to the Trust Fund.

12. The Trust Fund shall be subject to audit by the United Nations Board of Auditors.

13. Budget estimates covering the income and expenditure for each of the three calendar years constituting the financial period, prepared in euros (with dollar equivalents), shall be submitted to the ordinary meeting of the Conference of the Parties to the Convention.

14. The estimates for each of the calendar years covered by the financial period shall be divided into sections and objects of expenditure, shall be specified according to budget lines, shall include references to the programmes of work to which they relate, and shall be accompanied by such information as may be required by or on behalf of the contributors and such further information as the Executive Director of UNEP may deem useful and advisable. In particular, estimates shall also be prepared for each programme of work for each of the calendar years, with expenditures itemized

for each programme so as to correspond to the sections, objects of expenditure and budget lines described in the first sentence of the present paragraph.

15. In addition to the budget estimates for the financial period described in the preceding paragraphs, the Secretariat of the Convention, in consultation with the Standing Committee and the Executive Director of UNEP, shall prepare a medium-term plan as envisaged in chapter III of the Legislative and Financial Texts Regarding the United Nations Environment Programme and the Environment Fund. The medium-term plan will cover the years 2009 to 2014, inclusive, and shall incorporate the budget for the financial period 2009–2011.

16. The proposed budget and medium-term plan, including all necessary information, shall be dispatched by the Secretariat to all Parties at least 90 days before the date fixed for the opening of the ordinary meeting of the Conference of the Parties at which they are to be considered.

17. The budget and medium-term plan shall be adopted by unanimous vote of the Parties present and voting at that ordinary meeting.

18. In the event that the Executive Director of UNEP anticipates that there might be a shortfall in resources over the financial period as a whole, the Executive Director shall consult with the Secretariat, which shall seek the advice of the Standing Committee as to its priorities for expenditure.

19. Commitments against the resources of the Trust Fund may be made only if they are covered by the necessary income of the Convention. No commitments shall be made in advance of the receipt of contributions.

20. Upon the request of the Secretariat of the Convention, after seeking the advice of the Standing Committee, the Executive Director of UNEP should, to the extent consistent with the Financial Regulations and Rules of the United Nations, make transfers from one budget line to another. At the end of the first calendar year of the financial period, the Executive Director of UNEP may proceed to transfer any uncommitted balance of appropriations to the second calendar year, provided that the total budget approved by the Parties shall not be exceeded, unless specifically sanctioned in writing by the Standing Committee.

21. At the end of each calendar year of the financial period,² the Executive Director of UNEP shall submit to the Parties, through the UNEP/CMS Secretariat, the accounts for the year in euros. The Executive Director shall also submit, as soon as practicable, the audited accounts for the financial period, in euros (with dollar equivalent). Those accounts shall include full details of actual expenditure compared to the original provisions for each budget line.

22. Those financial reports required to be submitted by the Executive Director of UNEP shall be transmitted simultaneously by the Secretariat of the Convention to the members of the Standing Committee.

² The calendar year 1 January to 31 December is the accounting and financial year, but the account's official closure date is 31 March of the following year. Thus, on 31 March the accounts of the previous year must be closed, and it is only then that the Executive Director may submit the accounts of the previous calendar year.

23. The Secretariat of the Convention shall provide the Standing Committee with an estimate of proposed expenditures over the coming year simultaneously with, or as soon as possible after, distribution of the accounts and reports referred to in the preceding paragraphs.

24. The present terms of reference shall be effective from 1 January 2009 to 31 December 2011.



CONVENTION ON MIGRATORY SPECIES

Distr: General

UNEP/CMS/Resolution 9.15

Original: English

COMPOSITION AND ORGANISATION OF THE STANDING COMMITTEE

Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Recalling Resolutions 1.1, 2.5, 3.7 and 6.6 establishing and governing the CMS Standing Committee and, in particular, the composition of its membership;

Acknowledging the need for clear, concise and consolidated terms of reference governing the Standing Committee;

Desiring to ensure that the membership reflects the numbers and conservation interests of Parties in each main geographic region and, as far as possible, the richness and diversity of migratory species within each region; and

Also *desiring* to ensure as far as possible both continuity and efficient rotation in the membership of the Committee;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Resolves* to re-establish the Standing Committee of the Conference of the Parties with the following terms of reference;

Within the policy agreed to by the Conference of the Parties, the Standing Committee shall:

- (a) Provide general policy and operational direction to the Secretariat;
- (b) Provide advice and assistance to Parties concerning implementation of the Convention;
- (c) Carry out, between one meeting of the Conference of the Parties and the next, such interim activities on behalf of the Conference as may be necessary or explicitly assigned to it;
- (d) Provide guidance and advice to the Secretariat on the preparation of agendas and other requirements of meetings and on any other matters brought to it by the Secretariat in the exercise of its functions;

- (e) Oversee, on behalf of the Parties, the development and execution of the budget of the Secretariat as derived from the Trust Fund and other sources and also all aspects of fund-raising undertaken by the Secretariat in order to carry out specific functions authorised by the Conference of the Parties, and oversee expenditures of such fund-raising activities; and shall be supported, in this activity, by the subcommittee established through resolution 9.14 paragraph 12;
- (f) Represent the Conference of the Parties, vis-à-vis the Government of the host country of the Secretariat's headquarters, the United Nations Environment Programme and other international organisations for consideration of matters relating to the Convention and its Secretariat;
- (g) Submit at each ordinary meeting of the Conference of the Parties a written report on its work since the previous ordinary meeting;
- (h) Draft resolutions or recommendations, as appropriate, for consideration by the Conference of the Parties;
- (i) Act as the Bureau at meetings of the Conference of the Parties until such time as the Conference Rules of Procedure are adopted; and
- (j) Perform any other function as may be entrusted to it by the Conference of the Parties;

2. *Establishes* the following rules for the Standing Committee:

- (a) The Membership of the Standing Committee shall be agreed at each meeting of the Conference of the Parties in accordance with the Conference's Rules of Procedure (but also see 2 (l) below) and shall comprise:
 - (i) three parties elected from each of the geographic regions (a) Africa and (b) Europe;
 - (ii) two parties elected from each of the geographic regions (a) Asia and (b) South and Central America and the Caribbean;
 - (iii) one party from each of the geographic regions (a) North America and (b) Oceania;
 - (iv) the Depositary and Host Government of the host of the Secretariat; and
 - (v) where appropriate, the Host Government of the next and previous meetings of the Conference of the Parties.
- (b) Each meeting of the Conference of the Parties (COP) also shall elect twelve regional representatives to serve as alternate members and, in particular, to attend the meetings of the Standing Committee in the absence of the member of the region for which they are alternate member.
- (c) The term of office of regional members and alternates shall expire at the close of the next ordinary meeting of the COP following the meeting at which they were originally elected. Regional members may not serve more than two consecutive terms of office.
- (d) If an extraordinary meeting or a special meeting of the Conference of the Parties is held between two regular meetings, the host Party of that meeting shall participate in the work of the Committee on matters related to the organisation of the meeting.

-
- (e) Parties not members of the Committee shall be entitled to be represented at meetings of the Committee by an observer who shall have the right to participate but not to vote.
 - (f) The Chairman of the Scientific Council shall be entitled to participate in meetings of the Standing Committee as a non-voting observer.
 - (g) The Chairman may invite any person or representative of any other country or organisation to participate in meetings of the Committee as an observer without the right to vote.
 - (h) The Secretariat shall inform all Parties of the date and venue of Standing Committee meetings.
 - (i) The Committee shall, by consensus, establish its own rules of procedure.
 - (j) The Secretary for the Committee shall be provided by the Secretariat of the Convention.
 - (k) The membership of the Committee shall be renewed at every ordinary meeting of the Conference of the Parties.
 - (l) If a regional representative or alternate resigns from the Standing Committee, the Secretariat shall organise a ballot among all Parties from that region to elect a successor, the voting system described in the COP ROPs being adopted *mutatis mutandis*.
3. *Requests* members of the Committee to make every effort to pay their own travel expenses;
4. *Requests* the Secretariat to make provision in budgets for the payment, upon request, of reasonable and justifiable travel expenses of nominated representatives from the group of countries which have been identified by the responsible organs of the Convention as being eligible for travel assistance and from the next host Party (should that also qualify for funding). Within the policy agreed by the Conference of the Parties, the Secretariat:
- (a) Shall make provisions for payment of travel costs for regional members from the group of the developing countries and countries with economies in transition (or alternate members deputising for them) to attend a maximum of one Standing Committee per calendar year;
 - (b) Shall refund travel expenses, upon request, to no more than one representative of a Party at any one meeting of the Standing Committee;
 - (c) May refund to the Chairman of the Standing Committee all reasonable and justifiable travel expenses for travel undertaken on behalf of the Conference of the Parties or on behalf of the Secretariat;
 - (d) May pay refunds in United States dollars or euros;
 - (e) Shall receive claims for refunds, supported by receipts, which must be submitted to the Secretariat within thirty calendar days of the completion of the travel; and
 - (f) Shall endeavour, to the extent possible, to obtain external funding for travel expenses;

5. Resolves that the duties of the Regional Representatives on the Standing Committee are as follows:
 - (a) to maintain a fluid and permanent communication with the Parties of their region and the Secretariat;
 - (b) wherever possible, to request opinions from Parties of their regions on items under consideration by the Standing Committee; and
 - (c) to report on their activities and communications at meetings of the Committee, and at any regional meetings that take place during the COP or inter-sessionally; and
6. Decides that Resolutions 2.5, 3.7 and 6.6 are hereby repealed.

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/Resolution 9.17

Original: English

**ARRANGEMENTS FOR HOSTING THE NINTH & TENTH MEETINGS OF THE
CONFERENCE OF THE PARTIES**

Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Acknowledging with gratitude the offer which the Government of Italy made to host the 9th Meeting of the Conference of Parties in Rome in December 2008;

Recalling Article VII, paragraph 3, of the Convention, which states that the Secretariat shall "convene ordinary meetings of the Conference of the Parties at intervals of not more than three years, unless the Conference decides otherwise";

Desirous of receiving an offer from a Government to host the 10th Meeting of the Conference of the Parties (and the Scientific Council); and

Noting that an initial invitation to submit offers to host COP10 was issued by the Secretariat in September 2008;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Commends* the Government of the Republic of Italy for having taken the initiative to host the Ninth Meeting of the Conference of the Parties and expresses its deep gratitude for the significant resources contributed to the organization of the meeting.
2. *Invites* Parties as well as non-Parties that may have an interest in hosting the Tenth Meeting of the Conference of the Parties (and the Scientific Council), to inform the Secretariat no later than 31 December 2009.
3. *Instructs* the Standing Committee at its first meeting following the 31 December deadline to review the offers received and, subject to receipt of sufficient information, to decide upon the most suitable venue(s).



CONVENTION ON MIGRATORY SPECIES

Distr: General

UNEP/CMS/Resolution 9.18

Original: English

BY-CATCH

Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Concerned that despite considerable progress on implementing by-catch mitigation measures to reduce the adverse impacts of fishing on listed migratory species, by-catch still remains one of the major causes of mortality of listed migratory species from human activities in the marine environment;

Noting that different stakeholders apply different definitions of by-catch and that this may cause confusion and inconsistency in reporting bycatch and in the development and delivery of by-catch mitigation strategies;

Further noting the work already completed or underway under the auspices of CMS daughter agreements and other relevant bodies;

Welcoming the work underway through the implementation of Resolution 8.22 to identify gaps and overlaps between CMS and other relevant bodies with respect to their work on by-catch; and

Recalling that the Conference of the Parties adopted Resolutions 6.2 and 8.14 on by-catch with a view to stimulating remedial and pre-emptive measures by the Parties;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Invites* Parties to improve reporting of by-catch information and data in their CMS National Reports, or via their reports to CMS daughter Agreements, particularly on by-catch mitigation methods that have proved to be effective;
2. *Urges* Parties that have not already done so, to implement the United Nations Food and Agriculture Organization's *International Plan of Action (FAO IPOA) for Reducing the Impacts of Longline Fisheries on Seabirds*, *IPOA for the Conservation and Management of Sharks* and the *FAO Guidelines to reduce sea turtle mortality in fishing operations*, and to develop and implement national plans of action as required by the IPOAs;

3. *Strongly encourages* Parties, through their participation in relevant fora, for example through regional fisheries management organisations (RFMOs), to raise the serious and ongoing problem of by-catch of migratory species, especially as it refers to seabirds, sharks, marine turtles and marine mammals, with a view to improving mitigation measures for the reduction of by-catch as well as improving data collection through, *inter alia*, independent observer programmes;
4. *Encourages* Parties to apply appropriate fisheries management measures to mitigate by-catch of migratory species;
5. *Further encourages* Parties to provide financial and technical support to developing countries for the mitigation of by-catch of species listed on the appendices of CMS, focussing on work with indigenous and local communities that depend on fisheries for their livelihoods;
6. *Invites* Parties to consider making voluntary contributions or provision of in-kind support for the work of the 2007-2010 Work Programme on By-catch;
7. *Requests* the Scientific Council to:
 - (a) continue to identify emerging and best practice by-catch mitigation techniques as relevant to the Convention-listed species as a priority and in coordination with relevant international competent bodies in order to avoid the duplication of effort; and
 - (b) consider any scientific and technical information submitted by Range States or other relevant bodies, relating to impacts on migratory species from by-catch, in particular CMS daughter agreements;
8. *Requests* the CMS Secretariat, taking into account information already made available by CMS daughter agreements and other relevant international fora, to investigate the feasibility of producing:
 - (a) an assessment of the impact of fisheries by-catch and discarding on the conservation status of migratory species covered by the Convention;
 - (b) a review to identify priority fisheries, regions and species that would benefit from cooperative action through the CMS and relevant activities; and
 - (c) advice to the Standing Committee of the likely cost and completion date of such an assessment and review by no later than the next meeting of the Committee;
9. *Requests* the CMS Secretariat, in conjunction with CMS daughter agreements (to avoid duplication of effort), to write to relevant RFMOs and other competent international bodies, inviting them to share with the CMS Secretariat available information on:
 - (a) migratory species by-catch policy and management;
 - (b) migratory species by-catch in the fisheries for which they have responsibility;
 - (c) assessments of the impacts by their respective fisheries on seabirds, sharks, turtles and cetaceans;

- (d) adoption of monitoring, control and surveillance measures on by-catch in the fisheries relevant to migratory species; and
- (e) best practices on the basis of the performance reviews that are underway;

and *requests* the CMS Secretariat to transmit this information to the Scientific Council;

10. *Instructs* the CMS Secretariat to make the information gathered under paragraph 7(a) readily accessible to all relevant range states for migratory species threatened by by-catch, *inter alia* to assist in the application of by-catch mitigation techniques relevant to migratory species and report progress to each Standing Committee meeting;

11. *Further requests* the CMS Secretariat to:

- (a) improve cooperation and communication between CMS and the FAO, in particular the Committee on Fisheries, by extending invitations to the FAO to attend relevant CMS meetings; and
- (b) communicate with, and consider the results of, other ongoing efforts to document by-catch in fisheries, for example Project GLoBAL (Global Bycatch Assessment of Long-Lived Species), which attempts to document by-catch of birds, marine turtles, marine mammals and migratory sharks; and

12. *Invites* the Secretariats of CMS and relevant daughter agreements to improve cooperation and communication on by-catch-related issues.

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/Resolution 9.19

Original: English

**ADVERSE ANTHROPOGENIC MARINE/OCEAN NOISE IMPACTS ON CETACEANS
AND OTHER BIOTA**

Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Recognising that anthropogenic ocean noise, depending on source and intensity, is a form of pollution, comprised of energy, that may degrade habitat and have adverse effects on marine life ranging from disturbance of communication or group cohesion to injury and mortality;

Aware that, over the last century, noise levels in the world's oceans have significantly increased as a result of multiple human activities;

Recalling the obligations of Parties to the United Nations Convention on the Law of the Sea (UNCLOS) to protect and preserve the marine environment and to cooperate on a global and regional basis concerning marine mammals, paying special attention to highly migratory species, including cetaceans listed in Annex I of UNCLOS;

Recalling CMS Resolution 8.22 on "Adverse human induced impacts on cetaceans", which urges Parties and non-Parties to promote the integration of cetacean conservation into all relevant sectors and requests the CMS Secretariat and Scientific Council to review, in collaboration with the scientific advisory bodies of CMS cetacean-related Agreements, the extent to which CMS and CMS cetacean-related Agreements, are addressing the human induced marine noise impacts through their threat abatement activities;

Noting that Resolution 1998-6 of the International Whaling Commission (IWC) identified the impacts of anthropogenic noise as a priority topic for investigation within its Scientific Committee, and that the Scientific Committee, in its report to the 56th meeting of the IWC, concluded that military sonar, seismic exploration, and other noise sources such as shipping pose a significant and increasing threat to cetaceans, both acute and chronic, and made a series of recommendations to member governments regarding the regulation of anthropogenic noise;

Recalling Resolution No. 4 "Adverse Effects of Sound, Vessels and other Forms of Disturbance on Small Cetaceans" adopted by the 5th Meeting of Parties 2006 to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS);

Recalling Resolution 2.16 "Impact Assessment of Man-Made Noise" and Resolution 3.10 "Guidelines to Address the Impact of Anthropogenic Noise on Marine Mammals in the ACCOBAMS Area" adopted by the 2nd and 3rd Meeting of Parties to the Agreement on the

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

Recalling that according to Article 236 of UNCLOS, that Convention's provisions regarding the protection and preservation of the marine environment do not apply to warship, naval auxiliary, other vessels or aircraft owned or operated by a State and used, for the time being, only on government non-commercial service; and that each State is required to ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is reasonable and practicable, with UNCLOS;

Noting that the Convention on Biological Diversity (CBD) decision VI/20 recognised CMS as the lead partner in the conservation and sustainable use of migratory species over their entire range;

Acknowledging International Union for Conservation of Nature (IUCN) Resolution 3.068 concerning undersea noise pollution (World Conservation Congress at its 3rd Session in Bangkok, Thailand, 17–25 November 2004);

Welcoming the activities of the International Maritime Organization (IMO) to address the impact of ship-generated noise on marine mammals and the recent establishment by the Marine Environmental Protection Committee (MEPC58, October 2008) of a high priority programme of work on *minimising the introduction of incidental noise from commercial shipping operations into the marine environment*;

Aware that some types of anthropogenic noise can travel faster than some other forms of pollution over more than hundreds of kilometres underwater unrestricted by national boundaries and that these are ongoing and increasing;

Taking into account the lack of data on the distribution and migration of some populations of migratory cetaceans and the adverse human-induced impacts on cetaceans;

Aware of the fact that incidents of stranding and deaths of some cetacean species have coincided with and may be due to the use of high-intensity mid-frequency active sonar;

Taking note of the ICES report CM 2005/ACE: 01 (Report of the Ad hoc Group on the Impact of Sonars on Cetaceans and Fish (AGISC) which recommends that further research should be conducted on this issue given the potential adverse impacts on individuals and groups of whales, in particular beaked whales, whilst this report recognises that sonar seems not to be a major current threat to marine mammal populations generally;

Reaffirming that the difficulty of proving possible negative impacts of acoustic disturbance on cetaceans necessitates a precautionary approach in cases where such an impact is likely;

Recognising that there is a need for a fundamental understanding of the complex marine ecosystem and that this can only be achieved through vessel-based marine scientific research or moored devices, which implies the application of scientific acoustical methods;

Noting the draft research strategy developed by the European Science Foundation on “*the effects of anthropogenic sound on marine mammals*”, which is based on a risk assessment framework;

Noting the OSPAR Code of Conduct for Responsible Marine Research in the Deep Seas and High Seas of the OSPAR Marine Area and the ISOM Code of Conduct for Marine Scientific Research Vessels; providing that marine scientific research is carried out in an environmentally friendly way using appropriate study methods reasonably available;

Aware of the calls on the IUCN constituency to recognise that, when there is reason to expect that harmful effects on biota may be caused by such ocean noise, lack of full scientific certainty should not be used as a reason for postponing measures to prevent or minimise such effects; and

Recognising with concern that cetaceans and other marine mammals, reptiles and fish species are vulnerable to noise disturbance and subject to a range of human impacts;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Urges* Parties and invites non-Parties which exercise jurisdiction over any part of the range of marine species listed on the appendices of CMS, or over flag vessels which are engaged within or beyond national jurisdictional limits, to take special care and, where appropriate and practical, to endeavour to control the impact of emission of man-made noise pollution in habitat of vulnerable species and in areas where marine mammals or other endangered species may be concentrated, and where appropriate, to undertake relevant environmental assessments on the introduction of systems which may lead to noise associated risks for marine mammals.
2. *Calls* on Parties and invites non-Parties whenever possible to adopt mitigation measures on the use of high intensity active naval sonars until a transparent assessment of their environmental impact on marine mammals, fish and other marine life has been completed and as far as possible aim to prevent impacts from the use of such sonars, especially in areas known or suspected to be important habitat to species particularly sensitive to active sonars (e.g. beaked whales) and in particular where risks to marine mammals cannot be excluded, taking account of existing national measures and related research in this field.
3. *Invites* Parties to provide the CMS Secretariat with copies of relevant protocols/guidelines and provisions for the effective management of anthropogenic noise, taking security needs into account, such as those of relevant CMS daughter agreements, OSPAR, IWC, IMO, NATO and other fora, thereby avoiding duplication of work and *requests* the Secretariat to transmit this information to the Scientific Council with a view to the development by the Scientific Council of voluntary guidelines on activities of concern for presentation to COP10.
4. *Stresses* the need of Parties to consult with any stakeholder conducting activities known to produce underwater noise pollution with the potential to cause adverse effects on marine mammals and other biota, such as the oil and gas industry, shoreline developers, offshore extractors, marine renewable energy companies, other industrial activities and oceanographic and geophysical researchers recommending, how best practice of avoidance, diminution or mitigation of risk should be implemented. This also applies to military authorities to the extent that this is possible without

endangering national security interests. In any case of doubt the precautionary approach should be applied.

5. *Encourages* Parties to facilitate:

- regular collaborative and coordinated temporal and geographic monitoring and assessment of local ambient noise (both of anthropogenic and biological origin);
- further understanding of the potential for sources of noise to interfere with long-range movements and migration;
- the compilation of a reference signature database, to be made publicly available, to assist in identifying the source of potentially damaging sounds;
- characterisation of sources of anthropogenic noise and sound propagation to enable an assessment of the potential acoustic risk for individual species in consideration of their auditory sensitivities;
- studies on the extent and potential impact on the marine environment of high-intensity active naval sonars and seismic surveys in the marine environment; and the extent of noise inputs into the marine environment from shipping and to provide an assessment, on the basis of information to be provided by the Parties, of the impact of current practices; and
- studies reviewing the potential benefits of “noise protection areas”, where the emission of underwater noise can be controlled and minimised for the protection of cetaceans and other biota,

whilst recognising that some information on the extent of the use of military sonars (e.g. frequencies used) will be classified and would not be available for use in the proposed studies or databases.

6. *Urges* all Parties to endeavour to develop provisions for the effective management of anthropogenic noise in CMS daughter agreements and other relevant bodies and Conventions.

7. *Invites* Parties to report to COP10 about the progress made in implementing this Resolution.

8. *Instructs* the Secretariat, in conjunction with the Standing Committee and the Scientific Council to draw this resolution to the attention of other relevant intergovernmental organisations and initiatives, such as the United Nations Environment Programme (UNEP) Governing Council and Regional Seas Programmes, UNICPOLOS, IWC, FAO, HELCOM, Barcelona Convention, and OSPAR, Small Cetaceans and Manatees of Western Africa MoU, Pacific Island Region Cetacean MoU (CCPIR), and NATO (and any other relevant military organisation).

9. *Instructs* the Secretariat to draw this resolution to the attention of the IMO with a view to ensuring the minimisation of the harmful effects of shipping noise on cetaceans and other biota and invites the Secretariat and Parties to contribute to the work recently started by IMO MEPC on “Noise from commercial shipping and its adverse impacts on marine life”.

10. *Invites* the Parties to strive, wherever possible, to ensure that their activities falling within the scope of this resolution avoid harm to cetaceans and other biota.

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/Resolution 9.20

Original: English

THE SAKER FALCON (*Falco cherrug*)

Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Welcoming the coming into effect of the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia;

Concerned about the conservation status of the Saker Falcon (*Falco cherrug*) across its range;

Recalling the proposal made by the Government of Croatia to list the entire population of *Falco cherrug* on Appendix I of the Convention (Proposal I / 9 of COP9);

Aware of the cultural value of the species including for falconry to many Parties across its range; and

Further aware of the possibilities sustainable use may provide for the conservation of the species in important range states such as Mongolia;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

Urges Parties to take action to improve the conservation status of the Saker Falcon across its range and to support a workshop to consider the status and conservation needs of the species, to be held in the United Arab Emirates as soon as possible in 2009;

Further urges Parties to assist in the delivery of a research programme, initially supported by Saudi Arabia, designed to re-evaluate vigorously the conservation status of the species across its range;

Requests the Scientific Council at its 16th meeting to review progress taking account of the decision reached at its 15th meeting on the basis of the proposal to list the entire population of *Falco cherrug* on Appendix I of the Convention; and

Strongly recommends that a Party proposes the species for listing on Appendix I of the Convention at the next Conference of Parties unless there is a transparent and significant improvement in the conservation status of the species across its full range by that time, in particular it is no longer being considered by IUCN as Vulnerable, Endangered or Critically Endangered.

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/COP9/REPORT
ANNEX IX

Original: English

CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS
NINTH MEETING
Rome, Italy, 1-5 December 2008

**Proceedings of the Ninth Meeting of the Conference of the Parties
Part I****STATEMENT BY THE DELEGATION OF DENMARK ON BEHALF OF THE HOME RULE
GOVERNMENT OF THE FAROES REGARDING PROPOSALS BY FRANCE ON BEHALF OF
THE EU AND ITS MEMBER STATES TO INCLUDE THE TWO SPECIES OF SHARKS,
SQUALUS ACANTHIAS AND *LAMNA NASUS*, ON APPENDIX II OF THE CMS**

Thank you very much, Mr Chairman. Please allow me to make a statement concerning the listing of the two shark species, *Squalus acanthias* and *Lamna nasus*.

Denmark as an EU-member state supports the two proposals set forward by the Government of France on behalf of the EU and its member states for listing two shark species, Spiny Dogfish and Porbeagle, on the Appendix II of the Convention of Migratory Species.

However, Denmark as an independent Party has to inform, that in order to safeguard the interest of the Faroe Islands being part of the Kingdom of Denmark, we will have to make a reservation regarding the two proposals, based on the following comment from the Faroe Islands:

The proposals to list the shark species, Spiny dogfish and Porbeagle, on CMS appendix II is not shared by the Home Rule Government of the Faroe Islands.

Conservation and management of all marine resources in Faroese waters are the responsibility of the Home Rule Government of the Faroe Islands, which, as you will be aware, are not a part of the European Union. The Home Rule Government of the Faroes is of the view that the proposals to list these two shark species on Appendix II of the Bonn Convention are not appropriate. Reference is in this context also made to the conclusions in March 2007 on both these species of the FAO Ad Hoc Expert Advisory Panel for the Assessment of Proposals to amend Appendices I & II of CITES concerning commercially exploited aquatic species. The Home Rule Government of the Faroes believes these conclusions are also relevant in the context of the CMS.

It is a fundamental view of the Home Rule Government of the Faroes that matters regarding the conservation and management of commercial fishery resources, including sharks, should be dealt with nationally and on a regional level through the relevant regional fishery management organizations, rather than through a global instrument such as CMS.

Denmark therefore reserves its right to lodge a territorial reservation to these listings in respect if the Faroe Islands, should they be adopted.

Thank you, Mr. Chairman.



CONVENTION ON MIGRATORY SPECIES

Distr: General

 UNEP/CMS/COP9/REPORT
ANNEX X

Original: English

CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS
NINTH MEETING
Rome, Italy, 1-5 December 2008

Proceedings of the Ninth Meeting of the Conference of the Parties Part I

SPECIES ADDED TO APPENDICES I AND II BY THE NINTH MEETING OF THE CONFERENCE OF THE PARTIES TO CMS*

CMS APPENDIX I

Scientific Name	Common Name	Proponent
Order/Family/Species		
MAMMALIA		
CETACEA		
Delphinidae		
<i>Tursiops truncatus ponticus</i>	Bottle-nosed dolphin ¹	Monaco
<i>Orcaella brevirostris</i>	Irrawaddy dolphin	Philippines
<i>Sousa teuszii</i>	Atlantic humpback dolphin	Senegal
CARNIVORA		
Felidae		
<i>Acinonyx jubatus</i>	Cheetah ²	Algeria
SIRENIA		
Trichechidae		
<i>Trichechus senegalensis</i>	West African manatee	Togo, Niger
AVES		
ANSERIFORMES		
Anatidae		
<i>Aythya baeri</i>	Baer's pochard	Mongolia

* Other references to taxa higher than species are for the purposes of information or classification only.

¹ Black Sea population

² Except populations of Botswana, Zimbabwe and Namibia

Scientific Name	Common Name	Proponent
Order/Family/Species		
FALCONIFORMES Accipitridae <i>Neophron percnopterus</i>	Egyptian vulture	European Community and its Member States
CHARADRIIFORMES Laridae <i>Sterna lorata</i>	Peruvian tern	Peru
PASSERIFORMES Muscicapidae <i>Acrocephalus sorghophilus</i>	Streaked reed-warbler	Philippines
Emberizidae <i>Emberiza aureola</i>	Yellow-breasted bunting	Mongolia
Parulidae <i>Dendroica caerulea</i>	Cerulean warbler	Peru

CMS APPENDIX II

Scientific Name	Common Name	Proponent
Order/Family/Species		
MAMMALIA		
CETACEA		
Phocoenidae <i>Phocoena phocoena</i>	Harbour porpoise ³	Mauritania
Delphinidae <i>Grampus griseus</i> <i>Tursiops truncatus</i> <i>Stenella clymene</i>	Risso's dolphin ⁴ Bottle-nosed dolphin ⁵ Clymene dolphin ⁶	Monaco Monaco Guinea-Bissau
CARNIVORA		
Canidae <i>Lycaon pictus</i>	African wild dog	Kenya
ARTIODACTYLA		
Bovidae <i>Ammotragus lervia</i> <i>Saiga tatarica</i>	Barbary sheep Saiga	Algeria Mongolia
PISCES		
ELASMOBRANCHII		
Lamnidae <i>Isurus oxyrinchus</i> <i>Isurus paucus</i> <i>Lamna nasus</i>	Shortfin Mako shark Longfin Mako shark Porbeagle	Croatia Croatia European Community and its Member States
SQUALIFORMES		
Squalidae <i>Squalus acanthias</i>	Spiny dogfish ⁷	European Community and its Member States

³ North West African population

⁴ Mediterranean population

⁵ North Sea, Baltic Sea, Mediterranean and Black Sea populations

⁶ West African population

⁷ Northern hemisphere populations



CONVENTION ON MIGRATORY SPECIES

Distr: General

UNEP/CMS/COP9/REPORT
ANNEX XI

Original: English

CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS
NINTH MEETING
Rome, Italy, 1-5 December 2008

Proceedings of the Ninth Meeting of the Conference of the Parties Part I

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