



Convention on the Conservation of Migratory Species of Wild Animals

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2nd Meeting of the Inter-Sessional Working Group on the Intersessional Process Regarding the Future Shape of CMS (ISWGoFS)

UN Campus, Langer Eugen, 1-2 July 2010

Opening Remarks

1. The Chairman opened the meeting, noting the high attendance. He briefly explained the background to the Working Group, which had been set up by the Parties at COP9.
2. At the First Meeting of the Working Group, members had considered the desirability of holding a closed session without the presence of the Secretariat. In the event, it was decided that no such session was necessary. The Chairman did not foresee the need for one at this meeting, as he proposed to lead an informal “brainstorming”.
3. The Chair of the CMS Standing Committee stressed the importance of the discussions to the future of CMS. He expressed his gratitude for the work so far undertaken and to the governments of several Parties for facilitating meetings and the consultancy through financial and in-kind contributions. At its meeting in December 2009 the Standing Committee had received the report of Step I and would consider the results of Step II in November. The response rate to the questionnaire had been rather low.
4. The Executive Secretary of CMS explained that ERIC and the Secretariat would ensure that the Phase II report was prepared in time for the 37th Meeting of the Standing Committee and outlined the role of the Future Shape in the elaboration of the new Strategic Plan.
5. The Secretariat regretted that despite trying to elicit responses by issuing reminders, only 31 replies had been received. The time allowed for replies had been as generous as possible. The consultants had been asked to proceed with the data provided, but had only been able to prepare a synthesis of the questionnaires rather than a full analysis.
6. Unfortunately, because of lack of funds, it had not been possible to proceed with the three parallel taxonomic reviews requested by Resolution 9.2. The Working Group would however have the findings of the Scientific Council’s Flyways working group which had been presented to and endorsed by the Council in the days preceding the meeting.

Adoption of the Agenda

7. The CMS Information & Capacity Building Officer introduced the meeting documentation and the Chair explained the three steps of the Future Shape process: As COP10 was scheduled for November 2011, the Phase III report would have to be ready in May of that year.

Flyways Arrangements

8. Liaison between the Future Shape and Flyways processes had been facilitated by the fact that a number of Party representatives including the Chair were members of both Working Groups. The Flyways Working Group had produced two of its three reports. The third report presenting policy options for flyway management was expected to be finalized in September.

ERIC Options Paper

9. The consultants made a brief presentation on their methodology. In the first presentation, they gave a résumé of the findings of Phase I. The key issues were lack of: staff in the Agreements Unit, structured funding for MOUs and coordinated fundraising together with a dependence on voluntary contributions. Because of the mismatch between tasks and resources, a number of activities were not undertaken.

10. At the beginning of 2010 ERIC had produced for Phase II a wide list of options. For discussion at the current meeting ERIC revised the option paper reflecting comments received including the questionnaires (while the quantity of responses was low, the quality was often high). The discussion paper contained seven outline options. They were not all mutually exclusive and elements of each could be adopted.

11. The consultants gave a brief account of each of the seven basic options. These were: 1. “Do nothing”; 2. “Focussing on highlighted weaknesses”; 3. “Strengthening and enhancing current and potential centralisation”; 4. “Focus on strengthening and enhancing partnership networks”; 5. “Increased regionalisation/localisation”; 6. “Clustering of MEAs”, and 7. “Redefining legal status of CMS Family”.

12. The Chair invited general comments and asked whether the meeting wished to analyse each of the options presented by ERIC in turn or whether participants would prefer to use the mandate of the COP resolution and take the considerations set out in paragraph three of COP resolution 9.13 as the basis for discussion.

13. The issue of costing the options was raised, and fears were expressed that the Working Group might favour one set of proposals only to find that in practice they were prohibitively expensive. Several participants sought confirmation that the seven options were not mutually exclusive and that elements of each could be chosen and asked when the financial implications would be considered. The possible role of IPBES was mentioned (a reference to it appeared in option 6). The Chair said that there was no immediate need to focus on the final three options.

14. The Acting Deputy Executive Secretary highlighted a number of issues that had come to the fore during Phase I. One was the dependence of many core activities on voluntary contributions. He also pointed out that efforts were already being made to harmonize reporting within the CMS Family and beyond.

15. The options would be costed as they were elaborated, although some actions were flexible and costing would depend on the extent of implementation. The individual actions within the options were “building blocks” and generally not mutually exclusive.

16. The Chair described the possible ways of proceeding: examine each option one-by-one identifying the elements that it supported; examine each action in ERIC’s paper or go through the bullet points in the resolution, identifying how the actions addressed them. Three tests should be applied: desirability, practicality and cost.

17. One participant said that the Working Group should consider why the Convention was not working to its full potential and highlighted the predominance of the English language in the Convention such as its website. Another said that all the Working Group documents had been in English only which made consultation in his country difficult.

18. The UNEP representative felt that staffing levels seemed to be a major concern, and the Convention would have to see how it could achieve more from less. He also sought clarification on the concerns of Parties over the 13% overheads charge and how the proposed “Super-COP” would work.

19. The consultants stated that the options were based on Resolution 9.13 and the actions proposed arose from answers to the questionnaire. They said in confirmation of her understanding that the options were generally not mutually exclusive. Combining the elements of Options 3-7 into one would be ambitious. Several Parties had raised the issue of PSC. Crosscutting issues such as sharing resources, knowledge management and harmonised reporting would be obvious items for it to consider.

20. The Chair asked whether the “do nothing” option could be rejected, as it was not in the spirit of the Resolution and would limit the scope for putting forward proposals for reform. The Secretariat was asked to identify features that it wanted to retain. The Secretariat felt that option one, while useful as a baseline description, did not fit with the assumption that the status quo was not sustainable. The second option, addressing weaknesses, could be the minimalist approach.

21. The Working Group then considered how it foresaw CMS would develop in terms of scientific knowledge, Party growth, institutional structure and resources and considered the vision in the Strategic Plan which aimed at “a world which understands, respects and sustains the phenomenon of animal migration as a unique part of our shared natural heritage” and “ensuring the favourable conservation status of migratory species, thereby contributing to global sustainability”.

22. It was pointed out that CMS operated in the field through Agreements and Memoranda, but more time attention was spent on meetings (e.g. the COP, the Standing Committee and the Scientific Council). CMS should improve its regional presence on the ground. Having undertaken an evaluation to score the seven options, one participant said that they could be put in three groups (Options 1 and 2; Options 3 and 4; and Options 5-7). Monitoring the effectiveness of the instruments for which the Secretariat was responsible and CMS’s niche within the framework of MEAs was the main problem.

23. In summing up, the Chair said that CMS needed to make a difference to conservation on the ground. It already collaborated with other MEAs and the growing number of CMS instruments enhanced the Convention’s ability to make an impact but was causing administrative problems. CMS lacked the profile of some other Conventions. CMS needed to increase its membership and recruit key countries. It was suggested that the Convention might broaden its scope and enhance its visibility by addressing habitats and additional endangered species such as tigers. Human welfare and livelihood issues should not be ignored.

24. The Working Group eventually decided to look at the bullet points of Paragraph 3 of Resolution 9.13 as its starting point and draw up a table to illustrate how the proposals met the mandate.

Res. 9.13 para 3 first bullet point : Possibilities and options to deliver a more integrated conservation programme under a broad umbrella of “CMS Multispecies Initiatives”, for instance, by focusing 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.

25. In Phase I the consultants had addressed internal and external integration in order to find synergies. This involved aligning partnerships with NGOs and MEAs based on common objectives.

26. No member of the Group supported the “do nothing” approach and that the three options to be elaborated would be based on the actions described in options 2-7, although some participants said that Option 1 should not be discounted so readily if it were coupled with better monitoring and identified weaknesses addressed. Some solutions might be expensive but the Working Group should make proposals towards an ideal rather than for affordability in the first instance.

27. The Resolution required three options to be presented at the end of Step III and it was legitimate for the Working Group to consider 7 or so options at this stage. Of the Options presented, all met the mandate of the Resolution to some extent. A minimal approach would have few financial implications, while a radical one might be expensive. A compromise solution between the extremes was likely to emerge.

28. Each of the seven Options had a key emphasis. While they were not all mutually exclusive it would not be possible to merge Options 3-7 in their entirety into one as some elements were not compatible. As current weaknesses came to the fore, the Group could decide how to address them. Closer examination of Option 2 might find that some of the proposals were extravagant and unnecessary or might need to be strengthened. The options for clustering by region or taxonomic group were more complex.

29. One weakness was the mismatch between the tasks assigned to the Secretariat and the resources allocated to carry the mandates out. The MOUs administered from Bangkok and Abu Dhabi were well funded from sources outside the main CMS budget, while those administered from Bonn were largely dependent on voluntary contributions. The recent clustering exercise carried out by UNEP for the chemicals MEAs had improved synergies but had not reduced costs.

30. One participant said that finance was not a paramount consideration at this time, but synergies with other organizations might help reduce costs or increase cost-effectiveness. Another proposed listing the perceived weaknesses, prioritizing them and then assessing the risks involved in taking no action and the cost of implementing solutions. The priority list would identify what could be afforded.

31. The importance of ensuring sound scientific knowledge was stressed. More comprehensive coverage of species and targeted conservation activities would create a virtuous circle of greater credibility attracting more participation and a wider membership.

Possibilities and options for various types of activities, such as the development of new agreements and the implementation of existing agreements

32. Regarding ways to improve new and existing agreements, the consultants suggested expanding the Agreements Unit which administered the majority of the MOUs. This would provide an overview of the effectiveness of MOUs. Weaknesses of the current monitoring system should be identified. Improving monitoring was a recurrent element on the Options and a monitoring system would also be a prerequisite for an enforcement mechanism. Improving monitoring and reporting also need not be too costly as it could be achieved simply by collating reports and posting them on the website. Agreements already posted reports on their own websites and the CMS National Report format included sections on Agreements and MOUs.

33. Measuring CMS's achievements should relate to conservation benefit. All the independent Agreements had their own reporting systems and a centralised monitoring system for CMS was not necessary. How monitoring was conducted for the Agreements was a decision for the Parties of each instrument. However a gap analysis would be a good idea but the costs should be considered later in the process. There should be no change for change's sake and any practices which worked should be retained.

34. CMS was one of the older MEAs and had been designed as an umbrella Convention with separate MOUs and independent Agreements evolving and its appendices were flexible allowing new species to be added, but unlike CITES, did not have compliance provisions. CMS Parties were not obliged to accede to subsidiary instruments, while non-Parties to the parent Convention could do so.

35. It was easy to monitor activities but more difficult to assess their impacts when there were other factors beyond the Convention and the agreements' control (such as climate change). One successful approach in the development of instruments had been "country sponsors" (e.g. UAE/raptors and dugongs). The independence of the agreements had always been a strong selling point. The most successful instruments were those whose signatories were active and made resources available. The Convention should try to build on this "ownership". The Chair asked whether some MOUs were dormant or redundant.

36. Reporting and monitoring had clearly been raised by the consultants. From the discussion, it was clear that adequate reporting was being undertaken. The problem seemed to be feeding the information through to a central point. The solution appeared to be straightforward, inexpensive and

did not involve excessive additional work. More important was to conduct the gap analysis. Parties should seek to use monitoring more effectively to demonstrate the usefulness of CMS and its instruments to win over potential Parties reluctant to commit themselves.

37. The importance of prioritising remedial work to address perceived weaknesses was stressed. The opportunity should be used while the consultants were present to ask where they thought the weaknesses were, but the consultants pointed out that the implementation of agreements was beyond the remit of their tasks. The Secretariat was producing a separate general paper on implementation. Concerns raised by Parties include the lack of central collation of monitoring and the fact that many documents appeared only in English, an impediment in regions, where French and Arabic were the primary languages. Leaflets and CDs in French could considerably assist implementation in key regions. Although it may be costly, the CMS website could be made more trilingual. The language issue had been highlighted in ERIC's report but the appropriate passages could be expanded.

38. Enhancing CMS operations in the regions should focus on finding fresh funding and not giving more tasks to the Secretariat. On language and regionalization, documents should be prepared in appropriate languages following the example of ACAP which used its Spanish-speaking Parties to provide texts.

39. Regionalization was the opposite of centralization in that it passed responsibility away from headquarters and was linked regionalisation to localisation, as responsibility devolved to those in the field, but regional centres could still be remote from where the work was being done.

40. CMS and AEWA were working on an online reporting system that could be expanded to other Agreements easily. With regard to the development of new instruments, one option would be to abandon the MOU model, while some solely European instruments might no longer have a unique niche.

41. A GAP analysis for new instruments would be the first step, involving an examination of scope of existing instruments and assessing the viability of a new instrument (e.g. the number of parties and source of funding). A lead country should be found to develop it.

42. The circumstances behind each instrument had differed, some evolving from recommendations of the Scientific Council with their development supported by one or more range states (e.g. the UK and the UAE in the case of the Raptors MOU). Other MOUs had been established mainly at the request of range states at the meetings of the COP, with limited analysis and little involvement from CMS bodies such as the Secretariat and the Scientific Council. The COP establishing a policy or firm guidelines for new instruments was desirable provided it did not discourage new initiatives. A key issue was funding and signatories should take responsibility for financing the instruments that they had created. MOUs had also proved to be useful in engaging with non-CMS Parties (e.g. UAE/raptors and dugongs and the USA/Sharks Conservation Plan).

43. The results of Phase I indicated that adopting more MOUs at this stage without an increase in resources would stretch the organization. One option would be to merge instruments or tack new instruments onto existing ones. CMS had a good record of negotiating instruments but had then struggled to implement them. An example was the Gorilla Agreement, where the Parties had agreed but not implemented a modest funding mechanism, leaving the Secretariat to cover the costs. A firm policy on subsidiary instruments was desirable. One criterion for upgrading an MOU action plan might be the appointment of a coordinator.

44. The current system for developing new instruments involved the Scientific Council, the COP, the range states and the Secretariat. While the conservation need was often beyond doubt, the role of CMS was often less clear. Tigers had an unfavourable conservation status, but actions were being carried out in other fora. CMS had taken the lead on Gorilla conservation, because no other Convention had done so. Fundraising for a proposed instrument could help in the promotion of conservation actions and initiatives for iconic species (e.g. tigers) would encourage countries to become more involved.

Strengthening CMS in the Regions

45. Increased local presence would be addressed through synergies with organizations on the ground, partnerships and clustering with other MEAs. The measures required were set out in options 5 (increased regionalization/localization) and 6 (clustering of MEAs).

46. Co-locating CMS with other MEAs might make sense, although relocation and merger were beyond the remit of the Working Group. Relocating or even merging the Secretariat was a major step, with far more wide ranging implications than the options tabled in ERIC's paper. Regional offices made face-to-face meetings more feasible, which was an advantage for countries in regions such as Oceania. The "One UN" initiative was leading to more centralization and outstations of other organizations might be used to accommodate staff to deal with regional instruments. Synergies over accommodation could be discussed by the "Super-COP". Efficiency savings in administration meant more resources could be allocated to the field, even if offices were geographically more remote. Concerns were raised about renegotiation of existing instruments and, despite the fact that the existing project offices were working well, of the benefits from dispersing CMS's staff of 30 thinly across the world. There was no uniform solution to all circumstances.

47. Large elements of Options 4 and 5 could be accepted including species clustering covering the delicate issues of the species and geographical overlap of ACCOBAMS and ASCOBANS. ASCOBANS had amended its Agreement Area and now the areas of the two agreements met. There was a proposal in the pipeline to increase the Agreement Area of ACCOBAMS.

48. UNEP and UNDP were conducting a strategic study with the possible outcome that regional offices would be co-located. External factors included bids and offers from potential host countries. Some clustering had already taken place among chemicals conventions. CMS did have a regional presence already through the offices in Bangkok and Abu Dhabi, although the latter was a time-limited "project office" and not a permanent UNEP seat.

Science Base

49. The expertise of the Scientific Council could be enhanced by increasing specialization and the number of Working Groups, with more activities between sessions of the Council. There was already greater use of electronic communication. With regard to the subsidiary bodies of other MEAs, CMS was liaising with other Conventions through the Biodiversity Liaison Group. There was scope for a common approach to research on cross-cutting themes

50. UNEP convened meetings of chairs of advisory bodies and Secretariat representatives. CMS had a joint work programme with CITES and a shared consultant funded by France. The joint work programme with Ramsar and a number of memoranda of cooperation were being reviewed. ACAP ran successful inter-sessional working groups and CMS and CITES might establish one on species. IUCN specialist groups were working with CMS partners and the potential for IPBES to provide a common forum also had to be explored. The recent SBSSTA placed much emphasis on finding synergies between the Rio Conventions.

51. The science base was in part dependent on national reporting, a delicate issue with Parties who were concerned about the associated burdens. Several respondents to the questionnaire had raised reporting and harmonization of reporting across the CMS Family. A staged approach was suggested with greater harmonization within the CMS Family first and then beyond. The various issues raised were: increased specialization, more focussed meetings and forums, improved liaison with other advisory bodies, harmonization of reporting, enhanced knowledge sharing and common IT management.

52. CMS could benefit from common research programmes but doubted that the Secretariat was best placed to coordinate them. This was not a task that CMS had undertaken before and its capacity to take it on was limited, but CMS could contribute to identifying common themes. The questionnaire had shown that Parties valued the Scientific Council but its limited resources and capacity were also

recognized. Both the CMS Scientific Council and the AEWA Technical Committee were reported to perform well given the constraints imposed upon them.

53. More specialists could be appointed to the Council and outside bodies could be engaged to lead on certain subjects. IUCN undertook similar work that could be adapted to the needs of CMS (e.g. climate change, a complex issue which the CMS Scientific Council had neither the expertise nor the time to address fully). The Secretariat should subscribe to more scientific journals, and rely less on online publications.

Cooperation with Other Organizations and Business

54. One way forward was to focus on strengthening partnership networks. Private companies had funds available to donate and they also undertook research which might be made available free of charge. There were two avenues for cooperation: firstly with Governments, MEAs and IGOs such as WHO and INGOs such as IUCN. The second avenue was with the private sector seeking to sponsor actions. CMS and AEWA would be commissioning research into bird collisions with power lines thanks to a generous grant from the German Utility company, RWE. The Secretariat's fundraising officer had also just taken up her new post. CMS counted a number of academic institutions among its partners and was cooperating with the Museum Alexander Koenig on the third CMS Thesis Award sponsored by Lufthansa. The second Thesis Award competition had attracted hundreds of applications from all over the world, broadening CMS's recognition in the academic world.

55. Option 4 explored the possibilities of tapping into other organizations' resources. This was being done but rather sporadically. Universities might be sought as "CMS Champions" to target their research on areas of interest to CMS, while more governments could be encouraged to follow the lead of Australia, Monaco and the UAE. Benefits could be derived by holding more joint workshops and organising meetings back-to-back. CMS's subject matter was attractive to potential sponsors and cited the example of the Ramsar Convention which had received substantial funding from Danone. CMS had secured the sponsorship of TUI for the Year of the Dolphin and Lufthansa for the Thesis Award. Developing countries could benefit from the research expertise of academic institutions in developed countries. Clearer criteria were needed for selecting partners and how to involve them. Local communities should also be engaged.

Financial and institutional implications

56. Providing firm estimates for the costs of any of the options was difficult at this stage. The best that could be offered was approximations. Of the seven options, the first was the least expensive, followed by the synergies options which maximised use of existing activities undertaken by others. The other Options (regionalization/localization, improving perceived weaknesses, clustering and centralization) were likely to be more costly.

57. The most glaringly under-resourced activity was implementation of the MOUs administered by the Secretariat. It was important to establish clear criteria and preconditions before any further MOUs were developed. Some of the problems were already being addressed through the appointment of a P2 officer whose remit included fund-raising. This officer should have a clear policy and programme to implement and fund-raising should be more focused and prioritized. The 13% PSC overheads charge was likely to be raised and a decision was needed on the value of translating documentation. CMS might also consider translating into its three official working languages as a matter of course.

58. It was difficult to assess the precise costs of different actions, but it was possible to distinguish between actions with high, moderate and negative costs. It was suggested that the Working Group should give an intuitive assessment of which actions would incur greater costs and which might result in savings to add to the table of actions in a separate column. It was noted that circumstances might change, in that another country might agree to host an office and fund an MOU or a new corporate sponsor might come forward.

59. Regarding the proposed MEA “Super COP”, it was suggested that rather than a super COP for biodiversity related MEAs as a means for achieving synergies and coordination, it might be better for CMS and its related instruments to start by coordinating the MOPs for its related agreements and the MOSs for its MOUs first. The 13% PSC was a UN-wide policy agreed by the General Assembly and not one imposed by UNEP. A third of the money raised from overhead charge was allocated to MEA administration (such as the CMS Administration Unit). On average 57% of the PSC was returned in some form to the organization that had generated it. The figure for CMS was 93%.

60. It was feared that donors might be deterred by the 13% charge and delegates asked how the PSC could be presented in a more positive light; an example being that CMS benefited from UNEP in the shape of five staff members in the Administration Unit (AFMU). If Parties exerted pressure on UNEP to direct funding to other operations, they might have to pay for the AFMU from their assessed contributions.

61. A report on the PSC had been published recently and in due course some of its recommendations would be accepted and implemented. Some of the larger MEAs which generated large amounts of PSC felt that they were subsidising smaller MEAs such as CMS. It was also already established practice to seek synergies and share facilities - the AFMU in Bonn already supported the Abu Dhabi and Bangkok offices, while IT services were common to all UN Organizations in Bonn. Holding meetings back-to-back would not be beneficial in some cases. There was little point in a European Agreement meeting outside Europe and the experts dealing with various instruments were often different people.

More integrated conservation programme (institutional structure)

62. The Standing Committee had suggested looking at species groupings and said that this option might require some changes to the legal status. Instruments from different regions dealing with the same species or similar issues could improve their collaboration. Merging instruments should be considered on a case-by-case basis, taking geographic and taxonomic considerations into account. This was probably more of a question for proposed new agreements which might be latched onto existing ones. It could apply equally to new and existing instruments and she saw the main hurdle being instruments dealing with completely different taxa. At the Scientific Council it had been pointed out that gorillas and elephants shared the same habitat in the same range states and despite taxonomic differences, linking the proposed instrument for Central African elephants to the Gorillas Agreement was being considered. There had on the other hand been resistance from West African countries to expanding the existing Elephant MOU to Central Africa. AWEA and any Central Asian Flyway instrument were also candidates for joint development.

63. Decisions on mergers and synergies were the prerogative of the Parties involved and such considerations should be taken into account at the time of negotiations. COP9 had asked the Secretariat to explore the possibility of elaborating an instrument for central African elephants. There had been resistance on the part of signatories to the existing MOU on Elephants in West Africa to extend the agreement area, but a willingness to cooperate. Whatever policy was adopted, Parties to CMS which were signatories to MOU should be consistent.

64. Existing instruments should not be forced into mergers, and the Convention should avoid overcomplicating its institutional arrangements. Attention should focus on closer working relationships among instruments facing similar problems or dealing with similar species.

65. There was a discussion on the best format for the summary table, as the one prepared by ERIC had columns for actions and pros and cons. It was agreed to add columns covering suggested improvements, prioritization and a final one for costs (to be completed later).

66. At start of business of the second day, it was agreed to carry on examining paragraph 3 of Resolution 9.13. Overnight the consultants had prepared a table which would be projected on the screen and the Working Group could discuss the table point by point to identify the advantages of the proposals. Any points not already covered could be discussed. Before the end of the meeting, the

Group would also have to consider how to conclude Step II and launch Step III. ERIC had already prepared a draft work programme.

Integrated conservation programme

67. The co-location of coordination units based on geography and common threats would lead to economies of scale, greater presence on the ground and enhanced synergies. There were benefits in having a presence closer to the location of the real conservation work particularly with regard to aware-raising of CMS and consideration should be given to relocating the CMS headquarters and improving local presence of the daughter agreements. Some of the items discussed on the first day did not seem to have been included in the table, and it was suggested that the meeting proceed through the table systematically noting omissions. Possible disadvantages of merging of instruments would be the reduction of the CMS Family's regional representation and the loss of "ownership" by the sponsoring government.

68. Further disadvantages would include transport links and logistics. It was often the case that in order to travel between two locations in Africa, the easiest route was via Europe. The additional time involved in travel would be a cost. The availability of well qualified general staff would be limited in some locations.

69. Regionalization, localization and co-location were three different concepts, but there were basically two directions – towards or away from the centre. Reasons for co-locating might not necessarily be geographical but rather thematic. It was feasible for some common service functions to be centralised while at the same time, others, such as conservation work, were regionalised.

Merger of agreements with similar remit

70. The basic premise of this approach would be that instruments dealing with birds, for example, would be merged. Merging legally separate instruments, especially the binding Agreements, would involve complex renegotiation of those instruments. Merging some functions, such as Secretariat support, could be easier. Revising existing Agreements would be time consuming and there would be a risk that some existing Parties might not accede to the new instrument. Merging MOUs would be less complicated. Mergers should not necessarily be restricted to instruments within the CMS Family.

71. Two other candidates for Secretariat merger were ASCOBANS and ACCOBAMS. There was already experience of the merger between CMS and ASCOBANS Secretariats, while two MOUs also dealt with cetaceans (PIC and WAAM) and these might also be brought under a single instrument. Merged instruments would be unlikely to be able to retain separate Secretariats. In view of the complications of merging Agreements, emphasis should be placed on better cooperation on issues of common concern. Programmes that needed to be rationalized and aligned not just Secretariats.

Implementation of Existing Agreements

72. Monitoring of implementation of agreements should be done with a light touch, and to a great extent this was being done through Party reports to the Advisory bodies and meetings of Parties or Signatories of the agreements. A standard questionnaire could be posted on the website. The reporting system needed to be structured in order to facilitate the Secretariat's task of collating and analysing the data.

73. The consultants agreed to cross-reference the implementation of agreements to report harmonization and pointed out that while agreements were monitored, the data were not collated or analysed centrally. Norway had funded a pilot project on online reporting and the roll-out had not yet begun. This had been covered in section of the report covering streamlining reporting.

74. The intended audience of the implementation reports and analysis should be identified. The COP would be interested in seeing progress and assessing the effectiveness of the measures taken. While the Secretariat might be best placed to coordinate the process and provide the factual account, it

would be more appropriate for an independent consultant to provide analysis and evaluation of effectiveness. Up until now, the COP had received a synthesis as well as full analysis of the national reports submitted by Parties.

75. While meetings were essential and information material useful, the real test of the effectiveness of instruments was their impact on species populations. In conservation there were many factors in play and effective management actions could be negated by adverse weather or other elements beyond the Convention's control. CMS should devise indicators, following the examples of ACAP and CBD.

76. AEWA had improved its monitoring through the MOP which as the governing body was responsible for supervising implementation and the effectiveness of the Agreement. The MOP approved the Strategic Plan which included performance indicators, which were relatively straightforward. MOUs could follow AEWA's lead by adopting similar indicators. The Working Group should differentiate between the position of Agreements, where monitoring seemed to be quite satisfactory, and MOUs where more improvements were possible.

77. On incentives and enforcement mechanisms, CMS needed to do more to encourage more countries to accede to instruments. Some existing Parties were struggling to comply with the Convention and this was a problem that could be addressed through capacity building. It was for the Parties to devise a compliance mechanism through the COP as it was the Parties which took on the obligations through accession to the Convention. Assisting Parties with compliance was an aspect of the Convention's activities which should be enhanced.

78. Some of the terms used in the table should be more precise. In particular, the word "champion" was questioned in relation to describing a country which took the lead in negotiating an instrument (and in some cases hosted its secretariat). Such countries were often referred to as "sponsors" of the instrument although some felt that this had commercial overtones. "Instrument" should be the generic term for "Agreement" and "MoU".

79. It was agreed that the current predominance of English on the CMS website should be addressed, and efforts made to improve the coverage in French and Spanish, and where appropriate other languages. Greater use of other languages was key to widening ownership and would be an aid to recruitment.

Future Agreements

80. It was important for new instruments to be based on best practice and lessons learned from existing ones. A gap analysis was vital to determine whether CMS needed further instruments and how future instruments collaborated with existing ones. It should be established whether there was a niche for CMS in tiger conservation. The Working Group then discussed the merits of gap, SWOT and cost-benefit analyses and feasibility studies. The question of whether it would be the Secretariat, the Scientific Council or the Parties in general who would be responsible for conducting the analysis was discussed. The aim was that CMS maximised its geographic and taxonomic coverage, enhancing its credibility and influence.

81. Political and financial constraints should be included in the disadvantages, including the fact that Parties to Agreements were expected to pay assessed contributions while MOU signatories were not, and these instruments relied on voluntary contributions or funding from CMS.

Strengthening the position in the regions

82. It was not clear whether this option implied moving the CMS HQ elsewhere or bringing other MEAs to Bonn nor whether the Resolution referred to major strategic realignments or only small tactical ones.

83. It was suggested that the word "co-location" be deleted, that citing CBD as an example of an MEA was superfluous, and that the mapping exercise should concentrate on activities rather than

offices. A reference to the UNEP MEA Focal Points, who had a supervisory and coordinating role for clusters of MEAs would be added.

Phase II work plan

84. The draft work plan was circulated. It was agreed that in order to save time there was no need to reproduce all 31 responses to the Questionnaire. The Questionnaire itself would be annexed.

85. Concerns were expressed about the proposed length of the report (+ 30 pages) as many Working Group members had English as a second language and the report would only be translated into French and Spanish (but not Arabic). The report should have an Executive Summary with explanations of the methodology and findings.

Questionnaire

86. The Chair requested the Secretariat to reissue its request for questionnaires to be returned, allowing Parties until the end of July, although others felt the deadline should be enforced as there would be further opportunities to comment. At the Scientific Council discussion of Future Shape, Ecuador had asked for an extension to the deadline and had been told that this would be acceptable. Extensions to the deadline should not derail the process. The point of seeking late response if there was no guarantee that they would be taken into account was questioned. On grounds of practicality, ERIC could not be expected to reanalyse the responses. One participant asked whether it was the Working Group's intention to publicise the fact that the response rate was so low. The Chair thought that this was a good idea without necessarily speculating about the reasons.

87. ERIC should be allowed to decide the length of the report but suggested that the Executive Summary be no more than 3 pages. The Chair said that an indicative length was often helpful, and account should be taken of the cost of translation. ERIC was anxious to ensure that all views included in the questionnaires were taken into account but also had a tight timetable to adhere to, but stressed that Parties could still comment on the draft Report of Phase II through their Standing Committee representatives. Major difficulties would arise if dozens of late replies were received expressing a wide range of different views.

88. In summary, it was agreed to extend the deadlines for receiving completed questionnaires to the end of July. Regional representatives on the Standing Committee would receive the draft report one month in advance of the meeting allowing at least some time for consultation. An analysis of late returns could be added to Phase III. Parties who had not replied could react to the report. Disappointment at the poor response rate was expressed. Even for the Working Group and the Standing Committee, there had only been 10 (out of 15) and 7 (out of 10) replies respectively.

Report Timing

89. The timeline finally agreed by the Group was as follows:

12 July:	Final comments and additions to the activities table to be sent by Working Group members to ERIC
16 July:	ERIC would group all the activities suggested under the appropriate Option headings
23 July:	Working Group to endorse the list of agreed options
1 September:	ERIC to submit the draft report to the Working Group
15 September:	Working Group to submit comments on Draft Report
20 September:	ERIC to respond to Working Group comments and submit Final Report
21 September-20 October:	Report to be translated (if report appears to be too long, material will be moved to Annexes)
21 October:	Report sent to Standing Committee
23-24 November:	37th Meeting of the Standing Committee

Run up to COP10 November 2011

90. The final Future Shape report would have to be ready in May 2011 leaving only six months for Phase III to develop the three Options to be tabled at COP10. The final report must be ready by the end of May. Work on the final three options could start as soon as the Standing Committee had given its opinions. The Working Group would have to decide whether to meet face-to-face, through a teleconference.

91. Holding a face-to-face meeting would depend on available funds. If the final report were published in May, then the Standing Committee members would have two months in which to react. The key period would be February-April 2011, when the Working Group would have had time to digest the views of the Standing Committee (given in December after the meeting) and work on the final options. ERIC requested that the Working Group start providing input in January to ensure that Phase II ran to schedule.

Costings and weightings

92. The annexes should include a table with some weighting of the actions, and eventually costings. ERIC would work with the Secretariat over the costs and staffing implications of the options. Weighting or scoring systems needed to be based on robust criteria and ERIC would work on devising a scheme over the next week.

93. The Secretariat requested more detailed hypothetical cases of merging Secretariats so that accurate estimates of the cost implications could be made. The Chair suggested that best available knowledge to provide reasonable estimates should suffice.

Chapter 4 of the Report

94. ERIC requested that the Working Group provide corrections to any terminology that needed to be changed and accurate titles for headings, as some of the options were too complex to be expressed in a single phrase. Mr Biber asked that attention should be paid to providing revised text for passages of the report in square brackets

Closure

95. The Executive Secretary thanked the Chair and the members of the Working Group for their efforts and guidance. The open brainstorming format had been successful although time pressures had meant some items had not been discussed in great detail. The Chair had had no preconceptions of what the outcomes would be, but was satisfied with the progress made, which had been made possible by the constructive input of the participants. The meeting closed at 16:00.

**2nd Meeting of the Intersessional Working Group of the Process regarding
the Future Shape of the CMS (ISWGoFS)
Second Phase of the Process**

**Bonn, 1-2 July 2010
Room No. 2712**

Provisional Agenda and Schedule

THURSDAY 1 July 2010

08:30 – 09:00	Registration of delegates
09:00 – 09:15	Opening remarks by Mr. Olivier Biber, Chairman of the Intersessional Working Group regarding the Future Shape of the CMS Process (ISWGoFS)
09:15 – 09:30	Opening of the Meeting by Ms. Elizabeth Maruma Mrema (UNEP/CMS Executive Secretary)
09:30 – 09:45	Opening remarks by Mr. Mohammad Sulayem, (Chairman of the CMS Standing Committee)
09:45 – 09:50	Adoption of the agenda
09:50 – 10:15	Input on flyways arrangement within the CMS Family
10:15– 11:00	Introduction to the options paper by ERIC
11:00 – 11:30	<i>Coffee break</i>
11:30 – 13:00	Discussion on the proposed options with a view to scope and define them
13:00 – 14:30	<i>Lunch break</i>
14:30 – 15:30	Brainstorm on the options paper including inputs on advantages and disadvantages
15:30 – 16:00	<i>Coffee break</i>
16:00 – 18:00	Continue brainstorm on the options paper
18:00	Close of day 1

FRIDAY 2 July 2010

09:00 – 10:30	Wrap up of the brainstorm with the aim to prioritize the proposed options
10:30 – 11:30	<i>Coffee break</i>
11:30 – 12:00	Continue wrap up of the brainstorm with the aim to prioritize the proposed options
12:00 – 13:00	37th Meeting of the CMS Standing Committee, November/December 2010 Reflection on report on the work of the ISWGoFS in the 2nd phase of the Future Shape Process
13:00 – 14:00	<i>Lunch Break</i>
14:00 – 16:30	Planning of Phase III of the Future Shape Process including further co-operation with the Scientific Council Working Group on Flyways, outlining the programme of work of the ISWGoFS and count-down schedule to COP10
16:30	Close of day 2

List of Participants

Second Meeting of Working Group regarding the Future Shape of CMS (ISWGoFS) 1 – 2 July 2010, Bonn

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