

1 CMS Working Group on Flyways: Review 3

2 Proposals for Policy Options for Migratory Bird Flyways Conservation/Management to
3 Feed in to the Future Shape of the CMS.

4 Note: This draft is still a “work in progress” and is still to benefit from a second round of
5 comments from the Migratory Birds Flyways Working group. It may, however, serve to
6 inform the deliberations of the Standing Committee on these issues, and will benefit from
7 consideration and comment by the Standing Committee at this stage.

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Executive Summary

6 Note: The full Executive Summary will be drafted after a further round of consultation with
7 the members of the Flyways Working Group and after receiving comments from the Standing
8 Committee. The following section lifts the key actions from the text as drafted at this stage to
9 provide a rapid overview of the Actions proposed.

10 Threats to Migratory Birds.

11

12 **1 Action: Habitat loss** There is much common ground related to the conservation of
13 habitats involving the work of governments, international conventions and NGOs. In
14 order to maximise this synergy of effort and to share limited resources, CMS should
15 consider a joint initiative with these other bodies to illuminate and bring to greater
16 public attention the nature and scale of the changes that are occurring to those habitats
17 essential for migratory birds.

18

19 **2 Action. Climate change** The Flyways Working group is keen that CMS continues to
20 take action to limit the impact of climate change on migratory bird species. The group
21 notes especially in the context of rapid climate change that it is important to continue
22 to monitor the status of migratory birds and their habitats; and to record any changes
23 in their ecology in some detail.

24

25

26 **3 Action: Bycatch** The issue of bycatch is regarded by the Flyways Working Group as
27 one of the key threats to migratory bird species and is seen as a priority for action by
28 the convention.

29

30 **4 Action: Disease** The Flyways Working group considers it important for the
31 Convention to continue to work on issues related to disease and to ensure that relevant
32 measures are included in agreements to address these issues. Note that many countries
33 are likely to remain interested in disease related issues due to their generally high
34 profile.

35

36

37 **5 Action: Unsustainable use** The Flyways group recognises the importance of CMS
38 tackling the range of issues involved in the unsustainable use of migratory bird
39 species. This can be done via a range of measures at the forthcoming Conference
40 including Resolutions designed to stimulate corrective action.

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42 **6 Action: Alien species** Dealing with alien species is an issue that the Flyways Working
43 Group sees as a priority for future action by CMS.

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Regional priorities

- 7 Action: Americas** The Flyways group suggests that CMS should investigate the feasibility of developing an overarching agreement covering all the Americas; recognising especially the established programme of work in the North. This should initially take the form of a workshop to consider the specific needs and possible mechanisms with all the Parties and other interested countries and organisation in the Region.
- 8 Action: Americas** Given the specific need in relation to Neo-tropical intra-Regional migrants, CMS should review with the Parties in Central and South America, the potential for an agreement covering intra-Regional migrants in the Neo-tropics.
- 9 Action: S E and east Asia** The Flyways Working Group suggests that as with other Regions, the development of an overarching framework agreement would be an essential step in the coordination of conservation action. Other specific action plans could be used to address particular conservation issues in the Region.
- 10 Action: S E and East Asia** The Flyways Working Group suggests that CMS should clarify its relationship with existing agreements and prioritise effort in relation to species using coastal and other threatened habitats such as woodland areas in the Region. This is likely to require a Regional workshop with the Parties to explore the options and possible initiatives. This is likely to require a clear “new start” to building relationships across the Region to ensure that some of the key countries are involved in this work from the outset.
- 11 Action: Pacific** In a similar way to other Regions, an initial workshop to scope out the options; identify possible blockages to progress, and to map out a way ahead would be an important first step in defining the needs for conservation here.
- 12 Action: Central Asian Flyway** The Flyways Group suggests that CMS evaluate, with the Parties in the Region, the potential to develop a new framework agreement for the region or to align with existing agreements, namely AEWA and the Raptor MoU. The Parties should consider also the potential to initiate new agreements to address the key conservation priorities. This is likely to require a Regional level workshop to explore relevant issues.
- 13 Action: Europe and Africa** The Flyways Group stresses that maintaining the work of AEWA and developing the work on the Raptor MoU should be seen as a priority, whilst ensuring the continued activity of the single species MoUs in the Region. Maintaining this level of activity is important whilst developing an overarching approach to agreements in the other Regions of the world. In addition, it has been

1 suggested that the development of new MoUs for single species be limited in future to
2 allow a greater focus on these two wider agreements.

3
4 **14 Action: Europe and Africa** Following the approach suggested for other Regions of the
5 world, CMS should consider the co-ordination of the existing agreements here to form
6 a wider framework, under which the existing MoUs could sit.

7
8 **15 Action: Marine** The Flyways Working Group urges action by CMS to help in
9 developing a coherent conservation framework for marine bird species not presently
10 covered by ACAP. The Group suggests that this could perhaps be achieved by
11 expanding the remit and work of ACAP, rather than initiating any new agreement,
12 and suggest that this option needs to be discussed initially by ACAP, so that the
13 Parties to that Agreement can form a clear view on how to proceed.

14 **Developing an Approach for the Future**

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16
17 **16 Action: Developing the approach for the future** In considering how best to respond to
18 the species focussed priorities outlined here the Flyways Working Group suggests
19 that it is important to build on existing agreements and initiatives for these and related
20 species. Equally, it does not seem practical to develop stand alone formal and strictly
21 legally binding agreements in every case; rather the priority is to develop action plans
22 (that really are effective on the ground), set within a wider, generic legal framework.
23 (See Diagram 1).The Flyways Group suggest that this mechanism could provide an
24 approach that streamlines the use of resources by governments and that opens to way
25 for more rapid conservation action in future.

26
27 **17 Action: Coordination** The Flyways Working Group considers that Option 2 (Wider
28 coordination) is the only high level option that will allow the Convention to fulfil its
29 remit over the coming triennium and beyond. It is also the only way to ensure global
30 level coverage by agreements designed to steer conservation action on priority species
31 and issues.

32
33 **18 Action: Regional framework agreements** The Flyways Working Group suggests that
34 CMS consider this new approach; with Regional framework agreements supported by
35 action plans focussing on the most urgent habitat and species conservation need in
36 each Region of the world.

37
38 **19 Action: Guidelines for new agreements** The Flyways Working group suggests that the
39 guidelines presented in 6.2.1 are useful in assisting in the evaluation of any new
40 agreement, and could be adopted by CMS as a guide to aid Parties in such
41 deliberations.

1 **20 Action: Future Resolutions** The Flyways Working Group recommends that a
2 resolution/recommendation aimed to take forward the approaches outlined in this
3 report is developed for the next CMS CoP. Ideally this should be proposed jointly by
4 Parties from each of the flyways of the world, so that the truly global nature of the
5 issues are immediately obvious to the Conference of the Parties.

6
7 **21 Action: Timescales for implementation** The Flyways Working Group suggests that the
8 set of initiatives (6.3.1-6.3.3) would help develop a global approach to the
9 conservation of migratory birds. It recognises that this would, of necessity need to be
10 completed over the medium term and stresses that it is important to address the
11 geographical and species gaps identified in this and previous reviews.

12
13 **22 Action: Indicators** Importantly, there is a need to harmonise the use of indicators
14 across the work of all the international Conventions and CMS should examine the
15 new CBD indicator set following the agreement of the new CBD strategic plan,
16 targets and associated indicators to ensure a degree of harmony with them.

17 18 **INTRODUCTION**

19 **1.1 Background and the approach used**

20
21 This review, commissioned by the Convention on Migratory Species, and working with the
22 Flyways Working Group, aims to identify the priorities for action in relation to flyway
23 agreements for migratory birds under the Convention. It builds on the two earlier Reviews in
24 this series that examined current arrangements and considered knowledge gaps as well as
25 conservation priorities.

26
27 **Review 1** “A review of CMS and non-CMS existing administrative/management instruments
28 for migratory birds globally”.

29
30 Presented to the 2010 meeting of the Scientific Council as UNEP/CMS/ScC 16/Doc 10
31 Annex 1a and 1b

32
33
34 **Review 2** “Review of Current Knowledge of Bird Flyways, Principal Knowledge Gaps and
35 Conservation Priorities”

36
37 Compiled by Jeff Kirby, June 2010

38
39 Presented to the 2010 Meeting of the Scientific Council as UNEP/CMS/Sc C. 16/Doc 10
40 Annex 2a and 2b

41
42 The implementation of the review should be seen alongside the outcome of the parallel
43 review process looking at the “Future Shape” of the Convention.

44
45 This review firstly seeks to identify the “ideal” situation in terms of flyway management and
46 then looks at the practicalities and realities faced by flyway agreements at present.

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The Terms of Reference for this review are presented in Annex 3.

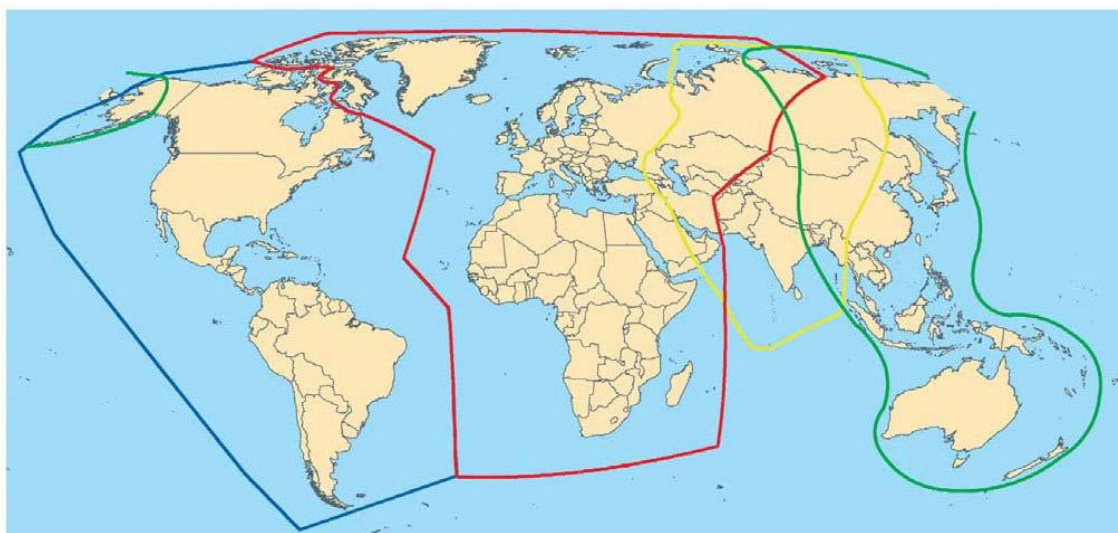
2 THE MAJOR FLYWAYS OF THE WORLD (FROM REVIEW 2); HOW WE VIEW FLYWAYS TODAY.

2.1 Flyways

There has been considerable work done over recent decades to define and describe the major flyways of the world. Whilst the migration of many bird species does follow a number of recognisable pathways, there is a vast array of routes used by different species. In describing the overall pattern of these movements there inevitably has to be some generalisation and degree of “overview” adopted to allow governments and others to plan and manage conservation actions to help the species concerned.

The two maps below illustrate that essentially the same classification of global flyways can be presented at various scales of migration activity. The simpler presentation is seen in the first map, indicating that there can be considered to be four major flyways at the global level. It should be noted that the movements of truly marine species, such as Albatrosses, differing significantly from this pattern.

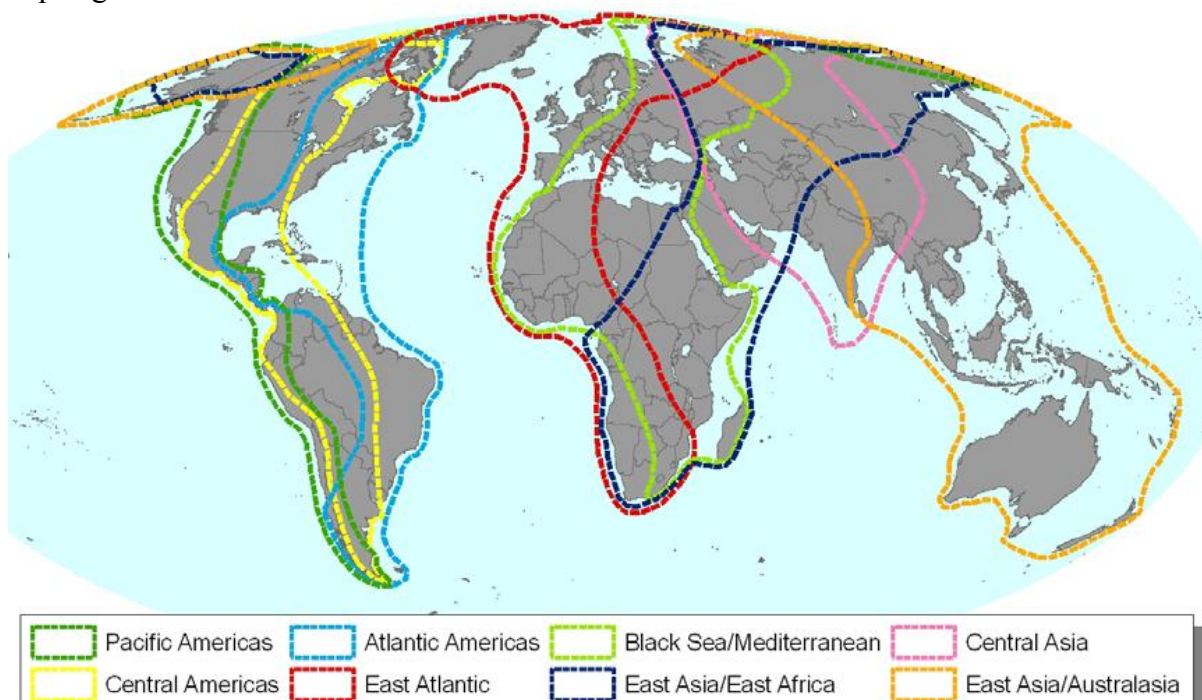
Map 1: Aggregation of flyways for migratory waterbirds. The map delineates the principal global flyway aggregations as proposed by Stroud et al. 2006. The four regional aggregations are considered here for simplicity as Americas, Africa–Eurasia, Central Asia and East Asia – Australasia. The latter two are sometimes combined as (‘Asia – Pacific’). Source: Stroud *et al.* 2006. Note that this style of presentation is based on the need for administrative simplicity rather than revealing the true complexity of the systems involved, for example, showing the patterns of east-west migration across Europe.



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1 Stroud D.A., G.C. Boere, C.A. Galbraith & D. Thompson. 2006. Waterbird conservation in a new millennium – where from and where to? In: *Waterbirds Around the World*. Eds G.C. Boere, C.A. Galbraith & D.A. Stroud. The Stationery Office, Edinburgh, UK. p. 30–39.

1
 2 Map 2 Presents a finer breakdown, and involves the recognition of eight overlapping flyways,
 3 which may prove useful for finer scale analyses of bird migration knowledge and
 4 conservation initiatives (BirdLife International, unpublished). This is the more detailed level
 5 of flyway definition adopted for Review 2, although recognizing that even this does not
 6 portray the full complexity of flyways omitting, for example, intra-tropical flyways and those
 7 of pelagic seabirds”.



8
 9
 10 In practical terms it is important that CMS works to one overarching map to illustrate the
 11 major flyways, (Map 1), and used others (such as Map 2) for finer grained analysis of
 12 migration patterns.

13
 14 Note also that in addition to the four main flyways presented in Map 1 there is a case for the
 15 addition of a fifth, (and a ninth covering the same are in Map 2) covering the main Pacific
 16 Ocean, as seen in Review 1 of this series. This is a relatively poorly understood Region,
 17 requiring considerable further study.

18
 19 **2.2 Species status**

20
 21 Importantly, Review 2 reported on an analysis of status and trends that was carried out for a
 22 total of 2,274 CMS-defined migratory species (23% of the world’s birds).The review noted
 23 the whilst migratory birds are found in all regions of the world, the Americas and Asian
 24 regions stand out as being of particular significance with more than 1,000 species each.

25
 26 At a global level, 14% (317) of the included species were reported as being currently
 27 considered threatened or near-threatened according to the IUCN Red List. Additionally, since
 28 1988, 53 species have deteriorated in status (sufficiently to be listed in higher categories of
 29 extinction risk on the IUCN Red List) while only nine species have improved (sufficiently to
 30 be moved to a lower risk category). It could be argued, therefore, that listing of species on
 31 CMS appendices (these being species identified as deserving of specific attention) does not,
 32 appear to have resulted in any short-term improvement in overall status. Clearly, the follow

1 up to such listing, which should be a trigger for action through the development of
2 agreements and conservation work on the ground, needs to be pursued vigorously in future.

3
4 Review 2 reported also that there is increasing evidence of regional declines, although
5 regional and taxonomic differences exist. Population trend data showed that more Nearctic–
6 Neotropical migrants have declined than increased in North America since the 1980s, and
7 more Palearctic–Afrotropical migrants breeding in Europe declined than increased during
8 1970–2000. The East Asia–Australasia region, however, had the highest proportion of
9 threatened migratory waterbirds (20%); Africa–Eurasia, Central Asia and East Asia–
10 Australasia having the highest proportions of threatened soaring birds (c.30% each); and the
11 Americas, Africa–Eurasia and East Asia–Australasia the highest proportions of threatened
12 seabirds (c.30%). On a flyway scale, the East Asia–Australasia flyway has the highest
13 proportion of threatened migratory waterbirds (19%), and the highest proportions of
14 threatened soaring birds (24–34%) was recorded for the Black Sea–Mediterranean, East
15 Asia–East Africa, Central Asia and East Asia–Australasia flyways.

16
17 In addition, an overview of regional status of the included migratory species can be gained
18 from IUCN Red List categorisation. Some regional differences are apparent, notably with the
19 East Asia–Australasia region having the highest proportion of *threatened* migratory birds in
20 all categories: seabirds (31%), soaring birds (31%), waterbirds (20%) and, along with the
21 Americas, landbirds (9%). The East Asia–Australasia region also has the highest *overall*
22 number of species in all categories apart from waterbirds and seabirds, where the Americas
23 have more. Africa–Eurasia also has a high number of soaring birds and seabirds and a high
24 proportion of threatened ones, with fewer soaring birds in the Americas, and fewer seabirds
25 in Central Asia.

26
27 It is important to note also that data on the migration of Passerine species is deficient for
28 many Regions of the world, with the possible exceptions of North America and Europe.
29 These Regions have effective breeding bird monitoring and have published excellent atlases
30 based on extensive ringing studies. Overall, however, the lack of information is a significant
31 gap in knowledge that is preventing a more comprehensive assessment of the needs of these
32 species.

33
34 Additionally, the newly published State of the World's Waterbirds 2010 (Wetlands
35 International 2010) provides a new waterbird index that reviews the status of waterbirds at a
36 population level and demonstrates globally that the balance between increasing and
37 decreasing populations has improved modestly, by about 5%, between 1976 and 2005. The
38 situation is still very serious, with over 47% of populations decreasing or extinct in 2005
39 compared with 53% in 1975.

40
41
42 These and other data reported in Review 2 indicate that a significant proportion of migratory
43 birds are presently at high risk and have an unfavourable conservation status.

1
2 **3 THE COVERAGE OF EXISTING CMS AND NON-CMS INSTRUMENTS AND**
3 **FRAMEWORKS (FROM REVIEW 1) WHAT'S HAPPENING NOW.**

4
5 **3.1 Existing coverage**
6

7 Note that the Summary Table and Annex 1 from Flyway Review 1 presented an overview of
8 all the Existing CMS and non-CMS instruments.
9

10 **3.2 Gaps in Geographical Coverage**
11

12 Given the considerable effort over recent years many parts of the world are covered by one or
13 more agreements under CMS or via other arrangements. Review 1 has effectively examined
14 these and presented a summary of occurrence in the Annex to its final report.

15 In summary, Review 1 noted that geographical coverage (on paper) is **strongest** in:

- 16 • Africa – Eurasia (particularly Eurasia);
17 • Americas (particularly North America);
18 • East Asia – Australasia.
19

20 In these regions there is an established flyways-based approach to bird conservation that can
21 be traced back over the course of 30 to 50 years.
22

23 Review 1 noted also that geographical coverage (on paper) is **weakest** in the following
24 regions:

- 25 • Central Pacific;
26 • Central Asia (there is a CMS Action Plan for waterbirds that has yet to be implemented;
27 there is also substantial species and geographical overlap with the Agreement on the
28 Conservation of African-Eurasian Migratory Waterbirds (AEWA) and the CMS
29 Memorandum of Understanding (MoU) on Migratory Birds of Prey in Africa-Eurasia);
30 • Pelagic (open ocean) flyways in the Atlantic Ocean, Pacific Ocean, Indian Ocean and
31 Southern Ocean.
32

33 **3.3. Coverage of species groups**

34 Review 1 noted that coverage (on paper) is **strongest** for:

- 35 • Waterfowl (Anatidae);
36 • Shorebirds/waders (Scolopacidae);
37 • Other migratory waterbirds such as divers (loons), grebes, cranes, herons etc;
38 • Nearctic-breeding passerines and other landbirds that migrate to the Neotropics for the non-
39 breeding season;
40 • Raptors (particularly in Africa-Eurasia).
41

42 And that coverage of species groups (on paper) is **weakest** for:

- 43
44 • Passerines (particularly in Africa-Eurasia and Asia-Pacific, though coverage is good for
45 Nearctic-breeding migratory passerines in the Americas);

1 • Other landbirds (with some exceptions e.g. certain species covered through bilateral treaties
2 in the Americas and Asia – Pacific regions; also the CMS MoU on African-Eurasian birds of
3 prey and CMS MoU on Middle European population of Great Bustard *Otis tarda*);

4 • Inter-tropical and intra-tropical migrants in all regions;

5 Note “Inter-tropical and intra-tropical migrants” generally belong to different species groups
6 (waterbirds, soaring birds, landbirds). As flyway classifications tend not to distinguish
7 between inter- and intra-tropical migrants, there is, consequently, little data about their
8 coverage. Some species are, however, partly covered by existing agreements. For example,
9 AEWA covers intra-tropical migratory waterbirds, and the same is true for birds of prey. It
10 appears that Inter-tropical and intra-tropical migrant landbirds are in particular need of further
11 study to clarify their patterns of migration.

12 13 **3.4 Priorities to fill the gaps in coverage**

14
15 Based on the above analysis some clear priorities for action are apparent. Priorities are
16 addressed in terms of the Regions of the world in a systematic way in section XXXXX
17 below. At this stage, however, it is possible to highlight the following areas as in particular
18 need of further conservation work on the ground to address declines in populations.

19
20 1 At the Regional level it is clear that S E Asia is a key area for rapid action given the number
21 of declining species and the rapid destruction of habitats seen there. For example, whilst the
22 waders of the EAAF do not show up as gaps from this analysis, the scale and urgency of the
23 problem suggests that consideration should be given to additional measures for this flyway
24 (though probably not required for seabirds at this stage).

25
26 2 There is an urgent need for dedicated measures to focus attention on the declines in the
27 African-Eurasian long-distance sub-Saharan landbird migrants.

28
29 3 It is important to clarify the best approach for CMS to adopt in assisting conservation action
30 in the Central Asian Flyway This should, for example, cover landbirds such as Floricans as
31 well as waterbirds..

32
33 4 It is important to consolidate the approach to be used in south and central America, and
34 especially to explore whether a “whole of the Americas “ approach can be developed to
35 migratory birds by clarifying the views of the countries involved in developing such an
36 approach.

37
38 5 It is important to clarify the conservation need and biogeographical approach to be used in
39 the Pacific region. This large area of ocean and islands tends at present to fall between the
40 work in SE Asia and the work in the Americas.

41
42 6 As regards seabirds, there is a clear case for further action to assist their conservation in
43 addition to the good work currently undertaken by ACAP.

44
45 7 Landbirds (incl. Passerines) are less covered group (at least in Palaearctic) and
46 consideration should be given to their conservation. Among them, grassland birds are
47 especially threatened, facing long-term decrease. In relation to these species it is worth
48 considering whether a habitat or even landscape-oriented instrument could be developed.

49

1 **4 THE KEY PRESSURES IMPACTING ON MIGRATORY BIRDS.**

2 **Key Pressures.**

3 Review 2 reported on an analysis of the main threats to migratory species, evaluated as
4 threatened and near-threatened on the 2010 IUCN Red List, and highlighted that important
5 threats include land-use change, illegal hunting and taking, non-native species, diseases,
6 pollution, climate change, natural system modifications, infrastructure development, human
7 disturbance, fishing, energy production and distribution.

8
9 The Review stressed that some specific threats highlighted are of particular significance for
10 migratory birds including: wind turbine developments; power line collisions and
11 electrocutions; illegal trapping and shooting; reclamation of wetlands; and pollution,
12 overfishing and the by-catch of seabirds during long-line and trawl fishing operations. These
13 threats are identifiable and will need continued effort to address specific impacts on particular
14 species.

15
16 The Review stressed also the continuing need for robust information on the status, trends,
17 distribution and ecology of key species, and for further systematic collection of information
18 on the wide variety of threats to migratory birds.

19
20 These various pressures may act separately, or increasingly cumulatively, at any or all stages
21 of the migration cycle. They have the potential to limit the numbers of particular species and
22 to lead to alteration of migration routes or to the timing of migration activity itself.

23 The Convention and its daughter agreements has a long history of addressing these issues
24 through active work on the ground and through the development of recommendations and
25 resolutions at the Conference of the Parties, leading to new agreements designed to provide
26 guidance to governments and others about the priorities for action. Based on the earlier
27 Reviews in this series it is important that the following key issues are addressed in any new
28 agreement and addressed at future CoPs in relation to the wider flyways work of the
29 Convention.

30 **4.1 Habitat loss, fragmentation and reduction in quality.**

31 This is a major and increasing problem for migratory birds in many Regions of the world. In
32 many cases the changes are the result of multiple pressures acting on the environment,
33 including human population growth and related developments, as well as alterations induced
34 by climate change. The resultant changes seen in the reducing availability of suitable habitats
35 for many species are now a major problem and is threatening the numbers and distribution of
36 species, compared to even a few decades ago. Importantly, the rapid rate of change may be
37 one of the key factors here, with the speed of habitat destruction leaving little time for
38 migratory species to adapt to the new situation.

39 Flyways Review 2 highlighted the situation in relation to the fragmentation of habitats as:

1 “.....*landscape-scale conservation is key to the protection of migratory birds. To facilitate*
2 *migratory movements, it is vital to find ways to improve the connectivity of habitats critical to*
3 *population survival currently and in the future*”

4 Recent work by a variety of non government organisations to identify key areas for migratory
5 birds has been particularly important in this regard, including the work from Birdlife
6 International identifying “Important Bird Areas, and by Wetlands International in relation to
7 the “Critical Sites Network”. These initiatives are helping Governments to focus their
8 conservation and management efforts in these key areas, and can play an important role in
9 future conservation efforts. It is important in this context to recognise the key role that
10 habitats that may only be used infrequently by species, can have in their overall survival. Use
11 of particular areas in periods of poor weather, for example, may occur only periodically but
12 can make an important contribution to the overall survival of species during migration.
13 Taking a holistic view of habitat requirements is therefore important in assessing the required
14 nature and extent of any site network.

15 **Action:** There is much common ground related to the conservation of habitats involving the
16 work of governments, international conventions and NGOs. In order to maximise this
17 synergy of effort and to share limited resources, CMS should consider a joint initiative with
18 these other bodies to illuminate and bring to greater public attention the nature and scale of
19 the changes that are occurring to those habitats essential for migratory birds.

20 The Flyways Working Group considers habitat destruction to be perhaps the most important
21 and urgent issue to address, requiring a new initiative from CMS, where the focus over
22 recent times has tended to be on the relatively more tractable issues to do with reducing
23 direct mortality to migratory species, such as collisions, hunting, by catch and invasive
24 aliens. It has been suggested that CMS has a key role to play, especially through scaled up
25 collaborations to address the cause of change to habitats. For example, CMS could seek to
26 effect mainstreaming of the requirements of migratory birds into land use decisions that
27 balance food security needs, development and conservation, through the relevant UN
28 Institutions, including UNCCD and especially FAO, where activities regarding sustainable
29 management of agriculture, forestry, fisheries and natural resources may all provide the
30 potential for valuable collaboration. Topics where collaboration would be merited could be
31 further defined in a CMS/FAO Memorandum of Cooperation, further to CMS Resolution 9.6.
32

33 One example where this approach may be applicable is in the Sahel zone; for example to
34 counter the replacement of indigenous forests with non-indigenous tree plantations which
35 appears to be a factor in the decline being experienced by African-Eurasian migrant
36 landbirds.

37 **4.2 Climate Change.**

38 Considerable uncertainties remain about the exact rate of change that can be expected, or the
39 particular impacts that any one country might experience, as a consequence of climate
40 change, however, the impact on the status and behaviour of migratory bird species is

1 progressively becoming apparent. . The Convention has, over recent years addressed the issue
2 via a number of Resolutions and has created a “Climate Change and Migratory Species”
3 Working Group.

4 There are several ways that climate change has already impacted on migratory bird species
5 including changing the timing of migration, altering the availability of key food supplies,
6 changing the distribution and “quality” of habitats along migration routes and potentially
7 altering the routes of migration per se. For example, as desertification continues in several
8 parts of the world, species migrating across these areas will need to adapt to the changing
9 conditions.

10 The Flyways Group has suggested that it remains important for the Convention to continue
11 to address climate change issues. It is important also to ensure that effective consideration of
12 the impacts of climate change is included in the work of the agreements, and that any new
13 agreement addresses the issue. In helping to tackle the effects of Climate Change CMS will
14 necessarily need to seek new partnerships with other International Conventions to consider
15 how to assist species to adapt to climate change. For example, this would be useful in the
16 identification of a network of critical sites along the world’s flyways. One recent piece of
17 evaluation work by Birdlife International has, for example, revealed that such a network will
18 remain vital to allow species to adapt to climate change.

19 **Action.** The Flyways Working group is keen that CMS continues to take action to limit the
20 impact of climate change on migratory bird species. The group notes especially in the context
21 of rapid climate change that it is important to continue to monitor the status of migratory
22 birds and their habitats; and to record any changes in their ecology in some detail.

23 **4.3 Bycatch**

24 Bycatch remains an important issue in many Regions of the world and is a major threat to
25 many species, especially in the marine environment. This is especially concerning as many of
26 the species affected have a very low level of productivity and recruitment into their
27 populations. The full effects of such impact on the populations could therefore take some
28 considerable time to become obvious as the lack of recruitment into the breeding population
29 becomes obvious over the years. Their populations may also take a considerable time to
30 recover from any impact from bycatch which has the potential to kill large numbers of birds
31 over relatively short timescales. It is important that any new agreement covering such
32 species in the marine environment should include measures to tackle bycatch as a priority.

33 ACAP has lead the way in tackling this issue over recent years and it is important that the
34 expert advice of the ACAP Seabird Bycatch Working Group (which contains best-practice
35 recommendations applicable to most longline and trawl fisheries worldwide) is applied
36 throughout the coastal and high seas areas where seabirds are under threat.

37 In addition, it is important to mention the threat from gill-nets; the main fishing gear not
38 currently addressed by ACAP (or any other body). These are recognised to pose very
39 substantial threats to seabirds in coastal waters in many areas. This is exacerbated by their

1 prevalence in artisanal fisheries and the likely increase in their use worldwide, due to
2 economic drivers.

3 Whilst work on bycatch tends to focus in the marine environment this seems to be an issue
4 that has not been fully appreciated in some other instances in different habitats. For example,
5 *Aythya fuligula* that winters in Naujan Lake in the Philippines is a bycatch in the lake's tilapia
6 fishery. The diving ducks prefer the part of the lake where fishing takes place to catch large
7 tilapia, getting entangled in the fishing nets.

8 **Action:** The issue of bycatch is regarded by the Flyways Working Group as one of the key
9 threats to migratory bird species and is seen as a priority for action by the convention.

10 **4.4 Disease**

11 A wide range of diseases have the potential to impact directly on the populations of migratory
12 bird species. In addition, and importantly, disease outbreaks such as avian flu in wild bird
13 populations have the potential to cause considerable concern in the general public, sometimes
14 facilitated by misleading or alarmist media coverage. The potential for disease outbreaks to
15 have a significantly negative impact on the public perception of migratory birds is therefore
16 of considerable concern.

17 The Convention played a leading role, along with FAO, in the development and operation of
18 the Task Force on Avian Flu. This demonstrated the value that CMS can add to such high
19 profile initiatives, where it has usefully tackled both scientific issues and the wider
20 dissemination of knowledge and information to governments and more widely.

21 **Action:** The Flyways Working group considers it important for the Convention to continue to
22 work on issues related to disease and to ensure that relevant measures are included in
23 agreements to address these issues. Note that many countries are likely to remain interested in
24 disease related issues due to their generally high profile.

25 **4.5 Unsustainable use.**

26 Many populations of migratory species are used by the human population in a great variety of
27 ways around the world. This ranges from consumptive to non-consumptive use. This has,
28 historically been an area of considerable activity for the conservation movement at large and
29 many large NGOs and other bodies are involved in dealing with the issue. Perhaps the key
30 step for CMS at present is to identify its particular contribution to these sometimes wide –
31 ranging debates. That said, the following issues are suggested as deserving CMS attention at
32 the present time.

33 **4.5.1 Capture for food**

34 Migratory birds provide a valuable food supply for many populations around the world. In
35 many cases traditional harvesting has served to bring the human population into a close and
36 durable relationship with the populations of wild birds. The nature and level of harvesting is,
37 however, the key factor in determining the sustainability of such situations and this in turn

1 may relate to the size of the human population concerned. What was a sustainable activity
2 twenty years ago may no longer be so, given an increase in the level of harvesting or a
3 decline in the bird species populations concerned. For example, capture for food may force
4 species such as Spoon-billed Sandpiper *Eurynorhynchus pygmeus* to extinction within just a
5 few years.

6 4.5.2 Capture for trade formal/informal Legal/illegal

7 Capture as part of the trade in wild birds is still practiced in many parts of the world. Whilst
8 this may contribute to the economy of some areas, there is little evidence that most of this
9 activity is actually practiced in a sustainable way. Importantly, there is a need for systematic
10 and objective monitoring of the populations concerned to either prove or disprove the
11 sustainable nature of such trade. This is particularly important at the present time in relation
12 to the “take” of migratory birds of prey from the wild, where differing interpretations are
13 possible concerning the implications of the number of birds taken, and the sustainability of
14 the practices.

15 4.5.3 Recreational shooting.

16 Recreational shooting is generally well managed in most countries and the shooting
17 community plays an important role in the management of species in many cases. This can be
18 via habitat management or setting “bag limits”, for example. There are some excellent
19 examples of the conservation and shooting communities working together on research and on
20 practical action to benefit migratory species. It is important, therefore, when problems of
21 potentially unsustainable use arise, that these are investigated jointly between the shooting
22 and conservation communities and corrective action taken. Such a situation may be arising in
23 some parts of East Asia at present and require further action as part of any new agreement in
24 the area.

25 4.5.4 Tourism? Possible problem in some areas

26 4.5.5 Lead shot –to follow

27 **Action:** The Flyways group recognises the importance of CMS tackling the range of issues
28 involved in the unsustainable use of migratory bird species. This can be done via a range of
29 measures at the forthcoming Conference including Resolutions designed to stimulate
30 corrective action.

31

32 4.6 Alien Species

33

34 Alien species are found in habitats around the world and the implications for many migratory
35 species is only now becoming clear, thanks to detailed studies. Research has shown the
36 potential for hybridisation between native and alien species; enhanced competition for
37 resources and predation from introduced species, e.g. introduced alien mammals feeding on
38 native seabird species. In many cases these impacts are severe and threaten important habitats
39 as well as the migratory species directly.

1

2 **Action:** Dealing with alien species is an issue that the Flyways Working Group sees as a
3 priority for future action by CMS.

4

5 **5 PRIORITIES FOR THE DEVELOPMENT OF CMS INSTRUMENTS; (THE**
6 **“WHAT TO DO” QUESTION).**

7

8 **5.1 The role of CMS**

9 It is important in considering the priorities for CMS to recognise where CMS sits in terms of
10 wider conservation action, and to review what options there are for the maintenance of
11 existing agreements, and for the development of new ones.

12 The involvement and active support of Parties is fundamentally important to the work of the
13 Convention. If any new agreements are to be developed then, as with earlier initiatives, the
14 sponsorship of the development work by a Party, or Parties, is important. Similarly, the active
15 support by Non-Government Organisations can be very significant in terms of the supply of
16 data and information, personnel and expertise, as well as in generating wider political support
17 for, and participation in, the initiative.

18 Whilst the wider conservation “landscape” has numerous types of agreements between
19 countries; countries and non-government organisations or between international bodies, it is
20 important to note that CMS was created to assist the conservation of migratory species and
21 that it has established itself over the years in terms of initiating and managing large, and at
22 times complex inter-governmental agreements. Clearly, this is a key role that the international
23 community now expects CMS to fulfil. Indeed, it is not easy to see any other way that such
24 conservation focused agreements could be initiated and managed effectively.

25 **5.2 Geographical Priorities**

26 Review 1 in this process has considered the current situation in relation to the number and
27 type of agreements for each Region of the world. The following section outlines the
28 suggested priorities for action based on this review and from the perspective of CMS activity
29 in each Region.

30 Note that it will be important in developing this work over the coming months to link closely
31 to the options being developed by the “Future Shape” group.

32 **5.2.1 Central and South America**

33 This Region has seen some considerable activity in developing agreements in recent times
34 and there are a number of MoUs in operation at present. These cover Ruddy headed goose,
35 *Chloephanga rubidiceps* Andean flamingo *Phoenicopterus andinus* and Grassland birds. In
36 addition, a number of intra-Regional migrant species could benefit from the development of
37 new agreements to focus effort on their conservation needs.

38 Flyways relating to species in North of America are very well organised and have historically
39 led the way in terms of population management and in developing linkages between staging

1 areas on flyways. The potential to develop stronger linkages from the flyway work in North
2 America to migratory species in South America could be explored further to achieve a new
3 overarching agreement covering the whole range of species in both regions. It is notable that
4 there are no really significant CMS activities in Central America. This is a significant gap in
5 terms of developing a holistic approach to conservation management in this Region.

6 **Action:** The Flyways group suggests that CMS should investigate the feasibility of
7 developing an overarching agreement covering all the Americas; recognising especially the
8 established programme of work in the North. This should initially take the form of a
9 workshop to consider the specific needs and possible mechanisms with all the Parties and
10 other interested countries and organisation in the Region.

11 **Action:** Given the specific need in relation to Neo-tropical intra-Regional migrants, CMS
12 should review with the Parties in Central and South America, the potential for an agreement
13 covering intra-Regional migrants in the Neo-tropics.

14 **5.2.2 South east and East Asia;**

15 There is an urgent need for CMS to clarify what new approaches and agreements are needed
16 in this Region and, working with Parties, to take action to help ensure the conservation of
17 threatened species. The Region holds key biodiversity interest, with major areas of habitat
18 supporting numerous migratory bird species. There are, however, significant pressures
19 operating on many sites leading to a relatively rapid reduction in biodiversity of these areas.
20 For example, there are major development pressures especially along many coastal areas and
21 on many terrestrial ecosystems including areas of forest, scrub forest and grasslands in
22 particular.

23 There have been several recent initiatives, especially related to the conservation of water
24 birds that have helped to focus attention on the wider conservation issues in this Region. It is
25 important for CMS to be clear about its relationship to these non-binding agreements and to
26 develop a forward timetable for action, ideally in partnership with them. This is important
27 given the perilous state of some species populations. Annex 2 provides a list of threatened
28 waterbirds in the Region; illustrating the point that there are many species in need of urgent
29 action.

30 **Action:** The Flyways Working Group suggests that as with other Regions, the development
31 of an overarching framework agreement would be an essential step in the coordination of
32 conservation action. Other specific action plans could be used to address particular
33 conservation issues in the Region.

34 **Action:** The Flyways Working Group suggests that CMS should clarify its relationship with
35 existing agreements and prioritise effort in relation to species using coastal and other
36 threatened habitats such as woodland areas in the Region. This is likely to require a Regional
37 workshop with the Parties to explore the options and possible initiatives. This is likely to
38 require a clear “new start” to building relationships across the Region to ensure that some of
39 the key countries are involved in this work from the outset.

1 **5.2.3 The Pacific Region**

2 The Pacific region has historically been rather overlooked in terms of developing agreements
3 to assist in the conservation of migratory wild birds. As part of the development of a series of
4 overarching agreements at the global level, it will be necessary to clarify how best to include
5 the requirements of this Region. In theory there are options for a stand-alone approach for the
6 region or to associate with one of the abutting Regions where framework agreements may be
7 developed in due course.

8 **Action:** In a similar way to other Regions, an initial workshop to scope out the options;
9 identify possible blockages to progress, and to map out a way ahead would be an important
10 first step in defining the needs for conservation here.

11 **5.2.4 Central Asia**

12 There is an urgent need to address the key conservation requirements of this Region.
13 Historically, the Regional has been home to one of the earliest single species MoU; for the
14 Siberian Crane *Grus leucogeranus*, however, it has rather tended to fall between the
15 initiatives covering Europe and the Middle-east, and those of East Asia/Australasia. For
16 example, it has long been recognised that there is a need to develop an agreement relating to
17 water birds in the Region, building on the CMS Action Plan of 2006, yet this has still to
18 finally come to fruition. Similarly, the work to develop the MoU relating to Raptors revealed
19 the intricacies of determining the geographic scope of agreements abutting this Region. There
20 remains a clear need for action to help join up the efforts of governments along the flyways
21 within the Region. This work could take several forms but it is important at the outset to
22 clarify the relationship with existing agreements drawn up primarily for implementation in
23 Europe, the Middle East and Africa, namely AEWA and the MoU on Raptors. There is scope
24 to integrate effort here, but alongside this is the need to retain a degree of autonomy
25 regarding the implementation “on the ground” of any combined agreement within the Region.
26 The model suggested in Section six below seems applicable here with an overarching
27 agreement and specific action plans, possibly with discrete funding, to assist in retaining a
28 clear focus on implementation in the Region.

29 **Action:** The Flyways Group suggests that CMS evaluate, with the Parties in the Region, the
30 potential to develop a new framework agreement for the region or to align with existing
31 agreements, namely AEWA and the Raptor MoU. The Parties should consider also the
32 potential to initiate new agreements to address the key conservation priorities. This is likely
33 to require a Regional level workshop to explore relevant issues.

34 **5.2.5 Europe and Africa**

35 There are several agreements presently active in the Region. The largest of these, involving
36 63 Parties is the African, Eurasian Waterbird Agreement, and the second largest being the
37 relatively new MoU on the Conservation of Raptors having 29 Parties. There a number of
38 other single species MoUs related to the Aquatic warbler, *Acrocephalus paludicola* the Great
39 Bustard *Otis tarda* and to the Slender-Billed Curlew *Numenius tenuirostris*. These

1 agreements have, over recent years made a significant contribution to the conservation of the
2 species involved. Note also that the 16th meeting of the CMS Scientific Council proposed the
3 creation of an MoU covering grassland passerines, (larks and pipits), in Southern and Eastern
4 Europe has been proposed.

5 One key priority in relation to the existing agreements is for the MoU on the conservation of
6 Raptors to be fully implemented. The initial sponsorship of the development of the MoU by
7 the governments of the UK and the United Arab Emirates has been fundamentally important
8 in focussing attention on the conservation needs of these species. In addition, the
9 considerable support from the government of the United Emirate in hosting the Secretariat of
10 the MoU has been instrumental to the progress so far. The imperative now must be to
11 organise the first MoP and to raise the profile of the work needed to fully implement the
12 agreement.

13 As mentioned above, AEWA is the largest and most established Agreement in the CMS
14 family, hence its continued implementation, delivery on the ground and future funding is of
15 key importance to the Convention overall. Maintaining momentum of the work has, therefore
16 to be seen as a priority.

17 Finally, note that there are two issues that require further investigation and clarification to
18 provide the context for any future agreements in the region, namely to clarify the nature and
19 extent of East-West migration, and to clarify the conservation needs of intra-African
20 migratory bird species.

21 **Action:** The Flyways Group stresses that maintaining the work of AEWA and developing the
22 work on the Raptor MoU should be seen as a priority, whilst ensuring the continued activity
23 of the single species MoUs in the Region. Maintaining this level of activity is important
24 whilst developing an overarching approach to agreements in the other Regions of the world.
25 In addition, it has been suggested that the development of new MoUs for single species be
26 limited in future to allow a greater focus on these two wider agreements.

27 **Action:** Following the approach suggested for other Regions of the world, CMS should
28 consider the co-ordination of the existing agreements here to form a wider framework, under
29 which the existing MoUs could sit.

30 **5.2.5 Marine**

31 The development of the Agreement on the Conservation of Albatross and Petrels (ACAP)
32 was a key step in broadening the scope and activities of the Convention. Tackling the issue of
33 bycatch and developing an Agreement that encompassed large parts of the world's oceans
34 was a major achievement. This was made possible only due to the active support and
35 resources provided by the governments of Australia and South Africa, along with the
36 assistance of others. The Agreement has been extremely effective, by working with partner
37 NGOs and other bodies to highlight the plight of these threatened species. As with AEWA its
38 continued implementation and delivery should be seen as a priority for the Convention. From
39 the analysis presented in the earlier Reviews in this series, consideration now needs to be

1 given to the conservation needs of those migratory marine bird species (e.g. frigate birds,
2 terns, boobies and skuas), not already covered in ACAP.

3 In developing action for marine species the obvious step would be to build on the work of
4 ACAP to cover the remaining priority species rather than develop another new agreement,
5 with all the complexities of initiation that would bring. There are also real opportunities to
6 develop a closer synergy with FAO and others on marine issues. In order for this approach to
7 be fully effective it would be important also for other countries such as the USA to ratify the
8 Agreement and for there to be more interaction with fisheries management organisations.

9 In addition, ACAP's progress on issues away from breeding sites is very seriously limited by
10 the absence of the main fishing range states (except Spain) and, for breeding range state
11 Parties, by the lack of representation by the authorities responsible for fisheries management.
12 Clearly, getting these range states and organisations to be part of discussions would be an
13 important step.

14 **Action:** The Flyways Working Group urges action by CMS to help in developing a coherent
15 conservation framework for marine bird species not presently covered by ACAP. The Group
16 suggests that this could perhaps be achieved by expanding the remit and work of ACAP,
17 rather than initiating any new agreement, and suggest that this option needs to be discussed
18 initially by ACAP, so that the Parties to that Agreement can form a clear view on how to
19 proceed.

20 **5.3 Species Priorities**

21 Review 2 considered the issue of species coverage in detail and highlighted that;

22
23 *“with 14% of migratory bird species considered globally threatened or near-threatened,*
24 *nearly 40% declining overall, and extinction risk increasing (including for those species*
25 *specifically listed on CMS appendices and related agreements), continuing effective*
26 *implementation of existing conservation efforts under CMS auspices remains an urgent*
27 *priority”.*

28
29 This is an important finding and is an important steer in relation to future priorities for action.

30
31 *In relation to reviewing CMS species selection* Review 2 went on to state that with nearly 800
32 migratory bird species (35% of the total considered in Review 2) explicitly covered by
33 different elements of the Convention, there is already considerable taxonomic coverage. The
34 Review did, however, suggest that additional consideration should be given to selected
35 species with the highest extinction risk not currently listed on the Appendices or CMS
36 instruments. The Review noted also that specific consideration should be given to declining
37 species or groups of species that would complement or add to existing initiatives where CMS
38 is well placed to extend its current remit. Species should only be chosen after careful review
39 and ideally chosen as flagships whose conservation will address wider issues. Again this
40 gives an important steer on future priorities for action.

41
42 Review 2 noted also that there was already good geographical coverage for many migratory
43 species, however, for CMS; the East Asia–Australasia region deserves particular attention on

1 account of the high proportion of threatened migratory bird species (waterbirds, soaring birds
2 and seabirds) found there.

3
4 The following overview Table, showing the relative coverage for species groups was
5 produced as part of Review 2
6

Selected species groups not currently listed on CMS appendices or other instruments Species Group	Region	Total number species	Number (%) declining	Number (%) threatened or near-threatened
Petrels, shearwaters ¹	Global	74	38 (51%)	27 (37%)
Waterbirds ²	East Asia– Australasia	61	23 (38%)	15 (25%)
Storks / Ibises ²	East Asia	8	5 (63%)	5 (63%)
Bustards / Floricans	Africa–Eurasia, C. Asia, E. Asia	4	4 (100%)	4 (100%)
Pigeons / Parrots	East Asia– Australasia	65	22 (34%)	11 (17%)
Pigeons / Parrots	Americas	61	25 (41%)	15 (25%)
Passerines ³	Americas	434	133 (31%)	25 (6%)
New world ³ warblers	Americas	50	22 (44%)	4 (8%)
Passerines	Africa–Eurasia	188	64 (34%)	3 (2%)
Passerines	Central Asia	125	46 (37%)	0 (0%)
Passerines	East Asia– Australasia	315	93 (30%)	10 (3%)
Larks	Africa–Eurasia, C. Asia, E. Asia	33	15 (46%)	0 (0%)

7
8
9 Drawing from the table above and from the earlier reviews more generally, it is clear that
10 under the aegis of CMS waterbirds have good coverage under AEWa only, and are not yet
11 covered effectively in the other Regions.

12 Similarly raptors are effectively covered under the MoU but are not covered in the other
13 Regions of the World

14 Passerines have been somewhat neglected, probably due to the relative lack of data for
15 species in many Regions. This picture of data deficiency is not, of course true in all regions
16 and in Europe and North America some key studies have been undertaken on the migration of
17 passerine species. Further analysis of the data and information derived from these studies
18 may prove valuable context for any future agreements covering these species.

19 As noted above in the “Regional” section of this report seabird species not currently covered
20 by ACAP are viewed as a priority for conservation action by the Flyways Group.

1 **Action:** In considering how best to respond to the species focussed priorities outlined here
2 the Flyways Working Group suggests that it is important to build on existing agreements and
3 initiatives for these and related species. Equally, it does not seem practical to develop stand
4 alone formal and strictly legally binding agreements in every case; rather the priority is to
5 develop action plans (that really are effective on the ground), set within a wider, generic legal
6 framework. (See Diagram 1).The Flyways Group suggest that this mechanism could provide
7 an approach that streamlines the use of resources by governments and that opens to way for
8 more rapid conservation action in future.

9

10 **6 OPTIONS FOR CMS INSTRUMENTS FOR MIGRATORY BIRDS.**

11

12 Given the pressures currently facing migratory bird species it is timely to review how best to
13 take action to improve their conservation status. The reality is, however, that governments
14 have increasingly limited resources for this work and are likely to be wary of entering tightly
15 fixed legal agreements that may commit them in ways that are difficult to fully cost into the
16 future. In considering the way forward for agreements under the auspices of CMS it is
17 therefore necessary to examine the high level options for action, and to outline the factors for
18 consideration in the early, developmental stages of any new agreement that might be
19 proposed.

20

21 **6.1 High level policy options:**

22 The following three options for future action are not mutually exclusive; rather they
23 represent stages along a continuum of activity. They do, however, help clarify the possible
24 approach from CMS to agreements in the future. In considering these options it is important
25 to identify both the theoretically ideal position in terms of taking forwards agreements, and
26 the needs from a practical viewpoint, e.g. to identify what resources are actually available for
27 this work.

28 **OPTION 1: CONTINUE AS NOW**

29 Do nothing (new); leave the situation as now, with a few large agreements and a number of
30 smaller, more specific MoUs functioning effectively. Focus on the delivery of existing
31 agreements on the ground, whilst progressing with new agreements only where a clear
32 priority need has been identified and the Parties to the Convention have committed to
33 resources to support its development.

34 **OPTION 2: WIDER CO-ORDINATION**

35 Consolidate the leading position and status of the Convention by using resources more
36 efficiently and effectively to develop the global coverage and co-ordination of agreements.
37 Develop new overarching Regional agreements by proactively filling the gaps in the present
38 flyway agreement coverage, such as in South America and in Central Asia and underpin this
39 with a series of flexible action plans, focused on the most important conservation priorities in

1 each Region. Further develop the integration and coordination of effort between existing
2 agreements to ensure their continued delivery across common themes.

3 **OPTION 3: SCALE BACK**

4 Cease the development of new agreements and integrate existing agreements to increase the
5 efficient use of resources, especially personnel within the various secretariats. Specifically,
6 do not start any new agreements over the coming triennium.

7 **Action:** The Flyways Working Group considers that Option 2 (Wider coordination) is the
8 only high level option that will allow the Convention to fulfil its remit over the coming
9 triennium and beyond. It is also the only way to ensure global level coverage by agreements
10 designed to steer conservation action on priority species and issues.

11

12 **6.2. Developing a new approach**

13

14 If Option 2 above is to be implemented over a reasonable timescale, then a simpler and easy
15 to administer system of agreements would need to be put in place. Historically CMS has
16 developed legal agreements for either single species or groups such as waterbirds or raptors.
17 A key issue to consider for the future is whether this approach remains effective, given the
18 level of problems faced by species around the world; the increasing rate of negative changes
19 to important habitats and species, as well as the growing problem of resource constraints
20 faced by governments. Alternatively, in future it may be desirable to develop a series of
21 common legal framework agreements covering all migratory bird species in a particular
22 Region of the world. These overarching agreements could be supplemented with action plans
23 focussing on the particular conservation requirements of key groups in the region. Whilst a
24 radical step, this could have the benefit of dramatically speeding up the creation of action
25 plans, and so lead to a greater level of action on the ground within reasonable timescales; and
26 may help minimise the administrative burden on the governments concerned, since they
27 would potentially have to deal with only one legal agreement rather than multiple smaller
28 scale arrangements as now. Clearly, the balance between the present situation, and any
29 general agreement along with specific action plans, would need to be evaluated more fully
30 before this step could be put into practice. It is worth noting, however, that this option
31 introduces greater scope to develop a wide range of partnerships in the development and
32 implementation of action plans designed to tackle the range of urgent habitat and species
33 issues noted earlier in this report. The following outlines the potential advantages and
34 disadvantages of this approach:

35 **TABLE 1 POTENTIAL ADVANTAGES AND DISSADVANTAGES OF OVERARCHING**
36 **REGIONAL AGREEMENTS AND ACTION PLANS**

37 ***Potential Advantages***

38 *1 Relatively simple overarching agreement*

39 *2 Common formats across Regions*

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- 1 3 *Simpler for countries to work with-only one agreement that is legally binding*
- 2 4 *Lower administrative and management costs*
- 3 4 *Relatively quick to put in place- to recognise the urgency of the situation*
- 4 5 *Common text to include the “threats” to species listed in section four of this report*
- 5 6 *Fill the obvious gaps in coverage and helps facilitate global level coordination*
- 6 7 *Action plans focussed on really key priorities for action*
- 7 8 *Action plans flexible and adaptable to individual situations*
- 8 9 *Increases participation and opens the way for better partnerships at the action plan level*
- 9 *with NGOs, other Conventions and Governments.*
- 10 10 *Gives CMS a “new” initiative that will generate wider interest*
- 11 11 *Allows the development of an agreement that will cover all bird species, so helping bring*
- 12 *attention to otherwise neglected groups*
- 13 12 *Facilitates the participation of non-Parties*
- 14 13 *Develops a truly Regional approach for CMS*
- 15 14 *Enables issues common to many groups of species to be tackled across the board, e.g.*
- 16 *habitat change or unsustainable use.*
- 17 **Potential Disadvantages**
- 18 1 *Overarching agreements may be too simple*
- 19
- 20 2 *Overarching agreements may be too general and lack focus, by trying to relate to too*
- 21 *many species or issues*
- 22
- 23 3 *Regional approach could go too far and the Convention lose its overall ability to*
- 24 *coordinate activity*
- 25
- 26 4 *Real differences may develop between Regions to the detriment of delivery*
- 27
- 28
- 29 5 *Administrative burden may be much greater than envisaged after the set-up phase*
- 30
- 31
- 32 6 *Parties may not “buy in” to the action plans leading to limited delivery overall*
- 33
- 34
- 35 7 *Action plans may be too flexible and lack any real substance*

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8 *Co-ordination between regions may not actually occur as a result*

9 *May need the creation of a global co-ordination meeting, held periodically to ensure that work is effective.*

10 *May be seen as getting in the way of delivery from the existing Agreements and MoUs and raises questions about their future status.*

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Action: The Flyways Working Group suggests that CMS consider this new approach; with Regional framework agreements supported by action plans focussing on the most urgent habitat and species conservation need in each Region of the world.

6.2.1. Developing new agreements

Review 1 has examined and summarised the existing coverage of agreements from both a geographical and species perspective. It is clear from the conclusions of that Review that each flyway-based conservation instrument has its own strengths and weaknesses related to the core purpose that it seeks to address. Whilst it is difficult to draw any clear conclusions about the value of one agreement compared to another, Review 1 highlights the following points for consideration in developing any agreement:

- Which flyway and which migratory bird species/populations would the proposed instrument address?
- What are the main threats and pressures adversely affecting the conservation status of those species/populations?
- How and why would the proposed new instrument constitute the best possible framework for implementing the required conservation measures effectively and sustainably? (I.e. why would it be better than an alternative approach?)
- What is the broad geopolitical context? Is there a tradition of working through legally binding treaties or a more flexible voluntary partnership approach? Are there specific political factors involved that would make it difficult for key range states to join a legally binding agreement? For example, does the flyway include developing countries for whom a species-led approach to conservation may be less relevant than an approach based on the maintenance of multiple ecosystem services that provide tangible economic benefits (with conservation of migratory bird species a more indirect benefit)?
- Is there a strong reason to believe that an additional instrument would really enhance the conservation of migratory birds and their habitats? Could those same benefits be met or exceeded by strengthening existing instruments? Is there scope for enhanced cooperation and synergy between existing instruments? How could this be realised in practice?

1 **Action:** The Flyways Working group suggests that the guidelines presented in 6.2.1 are useful
2 in assisting in the evaluation of any new agreement, and could be adopted by CMS as a guide
3 to aid Parties in such deliberation

4 **6.3 Identifying priorities and a planning for action:**

5
6 In developing any new approach it is important to examine the reasons why the present way
7 of working has been developed, so that change is not simply introduced for its own sake.

8 It is clear that the main Convention is too “big” to tackle all the detailed issues and threats
9 that are common to some migratory birds, hence the development of the present Agreements
10 and MoUs, each allowing greater focus on particular conservation problems. Moving to a
11 system of overarching Regional level agreements does of course have risks in that the larger
12 and more general these agreements become there is a danger of losing focus and of reducing
13 the ability to get coherent scientific and technical advice on specific problems. This has,
14 however, to be balanced by the opportunities it could create to tackle in a practical and
15 holistic way some common problems that span species groups such as habitat destruction or
16 the problems of alien species, for example. The route to maintaining focus lies in the
17 development of action plans, designed to address specific issues and to carefully target
18 resources on the priority problems that have been identified.

19 In developing the proposed way of working it is important to consider what this will mean in
20 practice for the existing Agreements and MoUs. In tackling the issues impacting on migratory
21 birds covered in Section four above, it is important to consider what a plan of action would
22 look like? The following section presents complementary “lines” of activity for the future
23 maintenance and development of agreements:

24 **6.3.1 Initiative 1: Maintaining and developing existing agreements**

25 1.1 Maintain the emphasis on the implementation of AEWA and ACAP, (Noting that both
26 these Agreements have their own MoP and funding streams), as these are key delivery
27 mechanisms for the Convention.

28 1.2 Support the work of the MoU on Raptors and encourage the holding of the First Meeting
29 of the Parties as soon as possible. Facilitate the work of the agreement and begin
30 conservation work on the ground across the full extent of the agreement area. Priority
31 should be given to capacity building in developing countries within the agreement area.

32 1.3 Continue to support the work of the other existing smaller (in terms of Parties) single or
33 multiple species MoUs.

34 **6.3.2 Initiative 2: Developing global co-ordination**

35 If the need to develop a global coordination is accepted, then this would lead to the following
36 actions:

37 2.1 In order to achieve global coverage it is essential that several large countries assist in the
38 development of this approach. The addition of Brazil, China, Russia and the USA would

- 1 allow a much greater geographical “reach” and would allow substantial additional scientific
2 and conservation resources to be deployed.
- 3 2.2 Achieving a more comprehensive review of species to be listed on the Appendices to
4 CMS is a key building block for global co-ordination.
- 5 2.3 Develop a new agreement covering migratory birds in South America, possibly sharing
6 secretariat and resources with the existing MoUs within the Region.
- 7 2.4 Develop formal links to the non- CMS arrangements covering North America.
- 8 2.5 Establish a clear way forward for flyway management in the SE Asian and Australasian
9 Flyway to encompass non waterbird species, building on the effective groundwork already
10 established by others. .
- 11 2.6 Continue the existing collaboration with the EAAFP and consider how to enhance
12 implementation on the ground.
- 13 2.7 Consider the need for an agreement covering species in the “Pacific”
- 14 2.8 Establish the view of the Parties in relation to the need to conclude the drafting of the
15 Central Asian Flyway Agreement.
- 16 2.9 Develop a plan of action for the “non-ACAP seabirds” and consider the relationship of
17 this group to the work already underway in ACAP. This could be discussed at the next
18 meeting of ACAP in order to develop an informed view of the detailed issues involved.
- 19 **6.3.3 Initiative 3: Developing Action Plans and the provision of information and data**
- 20 Noting that initiatives 1 and 2 above are ‘big’ initiatives, potentially dealing with multi-
21 species groups covering very large geographical areas, delivery on the ground will still
22 require to be focussed and coordinated via shared Action plans, set within this common
23 Regional framework. These Action plans would be the main means to ensure that
24 conservation action was effective, and could deal with a wide range of issues ranging from
25 those affecting only a small number of species to larger issues, e.g. habitat loss in a Region,
26 that will affect many threatened species. The development of Action plans should be
27 prioritised according to the guidelines outlined in section 6.2.1 of this report.
- 28 A number of species groups are under represented on the Appendices of the Convention. It is
29 important that data and information is made available for these groups, so that a better
30 assessment of their population status can be made. This is particularly true for the Passerines,
31 where the migration patterns may be complex and the ecology of many threatened species is
32 not fully known. CMS should encourage the collection and use of data on such species and
33 where possible countries should be encouraged to publish migration atlases and other relevant
34 information.
- 35 **Action:** The Flyways Working Group suggests that the above set of initiatives (6.3.1-6.3.3)
36 would help develop a global approach to the conservation of migratory birds. It recognises

1 that this would, of necessity need to be completed over the medium term and stresses that it is
2 important to address the geographical and species gaps identified in this and previous
3 reviews.

4 **6.4 Mechanisms for Action**

5 **6.4.1 Linking to other government led initiatives**

6 Annex 2 presents a calendar of major meetings. It is important in developing the actions
7 outlined here that the main bodies of the Convention see and agree with the proposals. The
8 CMS Scientific Council, Standing Committee and CoP all have a key role to play in the
9 development and approval of future actions. In addition, given that many of the pressures on
10 migratory birds, such as climate change and habitat destruction are also pressures on the
11 human population, there is a need, and perhaps an opportunity, to mainstream flyways work
12 alongside other initiatives from governments e.g. climate change monitoring and adaptation
13 strategies, and sustainable development initiatives. These concepts could be incorporated into
14 a resolution/recommendation for the next CMS CoP. Indeed some members of the Flyways
15 group has already briefly considered this approach with the ideal being a draft
16 resolution/recommendation being taken to CoP by representative Parties drawn from each of
17 the major Flyway Regions of the world. In addition, this Report could be discussed, as
18 appropriate at each of the CMS family meetings noted in Annex 1

19 **Action:** The Flyways Working Group recommends that a resolution/recommendation aimed
20 to take forward the approaches outlined in this report is developed for the next CMS CoP.
21 Ideally this should be proposed jointly by Parties from each of the flyways of the world, so
22 that the truly global nature of the issues are immediately obvious to the Conference of the
23 Parties.

24 **6.4.2 Indicators**

25 The “health” of migratory bird populations can act as an ecological indicator of the wider
26 state of the environment, hence the potential relevance of these species to these other
27 government led programmes. This link still remains to be made in many cases, however.
28 There is therefore a clear need for the development of thinking in this area, and for new ideas
29 on how to develop the link from the science of migratory bird ecology to wider policy
30 formation, through to action on the ground. It is essential, of course, that effective monitoring
31 of the species and habitats is supported in order to provide the data and information essential
32 to track the status of indicator species and habitats.

33 **Action:** Importantly, there is a need to harmonise the use of indicators across the work of all
34 the international Conventions and CMS should examine the new CBD indicator set following
35 the agreement of the new CBD strategic plan, targets and associated indicators to ensure a
36 degree of harmony with them.

37 **6.4.3 Working in partnership.**

1 A number of other international Conventions and bodies have a keen interest in the
2 management of flyways, either from a species or habitat perspective, or both. Obvious
3 partners for CMS in any new work include the Ramsar Convention, the Convention on
4 Biological Diversity, CITES, CAFF AND CCAMLR. Importantly, the new
5 Intergovernmental Panel on Biodiversity and Ecosystem Services (IPBES) could have a key
6 role to play in highlighting the plight of migratory species and in illustrating the value of
7 monitoring their populations as explained above. Similarly, many of the issues covered here
8 such as climate change or zoonosis present a common problem to other bodies. Working in
9 partnership with UNCCD, FAO and other internal UN groupings on these, and other issues,
10 will be significant in future.

11 In taking any new initiative forward, the support of many non-governmental organisations
12 such as Birdlife International, IUCN, Wetlands International, FACE, WWF, and WCS as
13 well as various hunting organisations will be important. CMS should therefore plan to
14 strengthen work in partnership with these and with others in developing the work. CMS can
15 achieve its objectives in a cost effective way by finding creative ways to support and resource
16 the work of these partners.

17 **6.5 Issues of profile**

18 In a world where there are multiple conservation initiatives from governments and a range of
19 international bodies and organisations it is important that any new work related to flyway
20 management “stands-out” and has an obvious profile with decision makers and with others.
21 Work to achieve this should be included in any forward plan of activity.

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2 TABLES AND ANNEXES

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4 Annex 1

5 Timeline for major meetings - listed by parent Convention

6 CMS

7 23-24 November 2010 37th Standing Committee meeting. Bonn Germany.

8 17-18 November 2011 17th Scientific Council meeting. Bergen, Norway.

9 19 November 2011 38th Standing Committee meeting. Bergen, Norway.

10 20-25 November 2011 10th Conference of the Parties. Bergen, Norway.

11 25 November 39th Standing Committee meeting. Bergen, Norway.

12 AEWA

13 AEWA Technical Committee meeting 10th meeting – summer 2010 (June-September),

14 May 2012 Meeting of the Parties. La Rochelle, France.

15 ACAP

16 Information to follow

17

18 Ramsar

19 14-18 February 2011 Scientific and Technical Review panel. Gland, Switzerland.

20 16-20 May 2011 Standing Committee meeting. Gland, Switzerland.

21 Spring 2012 11th Conference of the Parties. Bucharest, Rumania.

22

23 CITES

**24 19 May 2011 Deadline for the submission of documents for the 25th meeting of the Animals
25 Committee.**

**26 16 June 2011 Deadline for the submission of documents for the 61st meeting of the Standing
27 Committee.**

28 18-22 July 25th 2011 meeting of the Animals Committee. Geneva Switzerland

VERSION 16 NOVEMBER 2010

- 1 15-19 August. 2011 61st meeting of the Standing Committee.
- 2 1012/1013 Next Conference of the Parties.
- 3 Convention on Biological Diversity
- 4
- 5 **TIMELINE BY DATE: Grouping all relevant meetings by date.**
- 6 **2010**
- 7 18-29 October 2010 CBD 10th Conference of the Parties. Nagoya, Japan.
- 8 23-24 November 2010 CMS 37th Standing Committee meeting. Bonn Germany.
- 9
- 10 **2011**
- 11 14-18 February 2011 Scientific and Technical Review panel. Gland, Switzerland.
- 12 16-20 May 2011 Standing Committee meeting. Gland, Switzerland.
- 13 19 May 2011 CITES Deadline for the submission of documents for the 25th meeting of the
- 14 Animals Committee.
- 15 16 June 2011 CITES Deadline for the submission of documents for the 61st meeting of the
- 16 Standing Committee.
- 17 18-22 July 25th 2011 CITES meeting of the Animals Committee. Geneva Switzerland
- 18 15-19 August. 2011 CITES 61st meeting of the Standing Committee.
- 19 17-18 November 2011 CMS 17th Scientific Council meeting. Bergen, Norway.
- 20 19 November 2011 CMS 38th Standing Committee meeting. Bergen, Norway.
- 21 20-25 November 2011 CMS 10th Conference of the Parties. Bergen, Norway.
- 22 25 November 39th CMS Standing Committee meeting. Bergen, Norway.
- 23
- 24 **2012**
- 25 Spring 2012 Ramsar 11th Conference of the Parties. Bucharest, Rumania.
- 26 May 2012 AEWa Meeting of the Parties. La Rochelle, France.
- 27 1012/1013 CITES Next Conference of the Parties.
- 28

1 **Annex 2 Threatened waterbirds in the East Asian-Australasian Flyway (EAAF)**

2 1. Emphasising the importance of the EAAF is appropriate given that, of the 34 threatened
3 waterbirds in the Flyway, there are already 12 globally threatened birds, including the
4 critically endangered spoon-billed sand, dependent on the rapidly diminishing intertidal
5 habitats, especially those under threat in the Yellow Sea. By 2014 this list could have
6 doubled to include 24 waterbirds with the addition of as many as 12 wader species,
7 probably starting with red knot (see list below) as destruction of the Yellow Sea intertidal
8 zone continues apace. The EAAF intertidal waterbirds may well have become the most
9 urgent avian global conservation priority besides seabirds (albatrosses, petrels,
10 shearwaters).

11

- 12 1. Spoon-billed Sandpiper (CR)
- 13 2. Spotted Greenshank (EN)
- 14 3. Eastern Curlew (VU)
- 15 4. Great Knot (VU)
- 16 5. Asian Dowitcher (NT) (obligate intertidal, small global population, most winter
17 in Sumatra)
- 18 6. Black-tailed Godwit (NT) (melanoides - subspecies endemic to EAAF, also
19 use rice fields)
- 20 7. Eurasian Curlew (NT) (orientalis, obligate intertidal)
- 21 8. Grey Plover
- 22 9. Greater Sand Plover
- 23 10. Lesser Sand Plover
- 24 11. Bar-tailed Godwit
- 25 12. Whimbrel
- 26 13. Terek Sandpiper
- 27 14. Common Greenshank
- 28 15. Red Knot
- 29 16. Curlew Sandpiper
- 30 17. Eurasian Oystercatcher subspecies (possibly distinct species, obligate intertidal)
- 31 18. Sharp-tailed Sandpiper? (some inland)

- 1 19. Pacific Golden Plover? (some inland)
- 2 20. Black-faced Spoonbill (EN)
- 3 21. Oriental White Stork (EN)
- 4 22. Chinese Egret (VU)
- 5 23. Saunders's Gull (VU)
- 6 24. Relict Gull (VU)

7

8 Annex 3

9 TERMS OF REFERENCE FOR REVIEW 3

10

11 Review 3 – Proposals for policy options for migratory bird flyway conservation/ management
12 to feed into future shape of the CMS.

13

14

15 Background

16 The Flyway Working Group has generated two reviews that (a) provide a review of CMS and
17 non-CMS existing administrative/ management instruments for migratory birds globally, and
18 (b) provide an overview of scientific/technical knowledge of bird flyways and major gaps and
19 conservation priorities. Based on these reviews, the Working Group has been mandated to
20 provide proposals for policy options for migratory bird flyway conservation and management
21 to feed into the ongoing review and planning for the future shape of the CMS family of
22 international instruments for bird conservation .

23

24 The consultant will be responsible for:

- 25** 1) Undertaking a desk study - an analysis of the two recently produced FWG
- 26** reviews (#1 and #2),
- 27** 2) Communicating/conducting interviews of key persons/agencies/organisations
- 28** involved with the major key flyway instruments,
- 29** 3) Producing the draft review, as per the draft table of contents
- 30** 4) Finalising the review, through two rounds of consultation, as per the work plan

31

32 Proposed process:

- 33** 1) Production of the first draft review
- 34** 2) Circulating of the first draft review to the Working Group for comment/review,
- 35** 3) Revising of the first draft review to incorporate comments,

- 1 4) Circulating of the second draft review to the Working Group and other experts,
2 and
3 5) Production of the final review
4
- 5 Outputs
6 Production of a written review, as per the table of contents and timeline below.
7
- 8 Draft table of contents
- 9 • Executive summary
10 • Briefly outline/describe major flyways for different migratory bird groups (from
11 review 2)
12 • Summarize coverage of existing CMS and non CMS instruments/frameworks (from
13 review 1)
14 • Outline the key ecological pressures impacting on migratory birds, including climate
15 change, habitat loss and fragmentation, as well as unsustainable use and by-catch.
16 • Propose priorities for development of CMS instruments to cover major flyways,
17 species groups, species/populations and CMS Appendix I and II listed species.
18 • Propose suitable options for CMS instruments for migratory bird conservation
19 (different instruments may be required to deal with different flyway regions,
20 species groups and species), including potential mechanisms for implementation
21 (such as strong partnerships arrangements with other IGOs, NGOs, etc).
22
- 23 Reporting deadline
- 24 Final review see table for preliminary steps
25
26
27
28

1 **Proposed Schedule**

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	2010			2011	
	Sep	Oct	Nov	Jan	Feb
Finalise agreement	27				
Finalise Terms of Reference		6			
Produce the first outline draft review and send it to Flyway Working Group (FWG)		12			
Responses of first comments from the FWG on 1st draft		29			
Submission of the draft version to CMS for presentation to the 37 th Meeting of the CMS Standing Committee			15		
Presentation to the 37 th Meeting of the Standing Committee			23-24		
2 nd draft sent to the FWG, CMS Scientific Council and other experts for comments			26		
Responses of final comments from FWG, SC and others					15
Finalisation of the Report					27

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1 **Diagram 1**

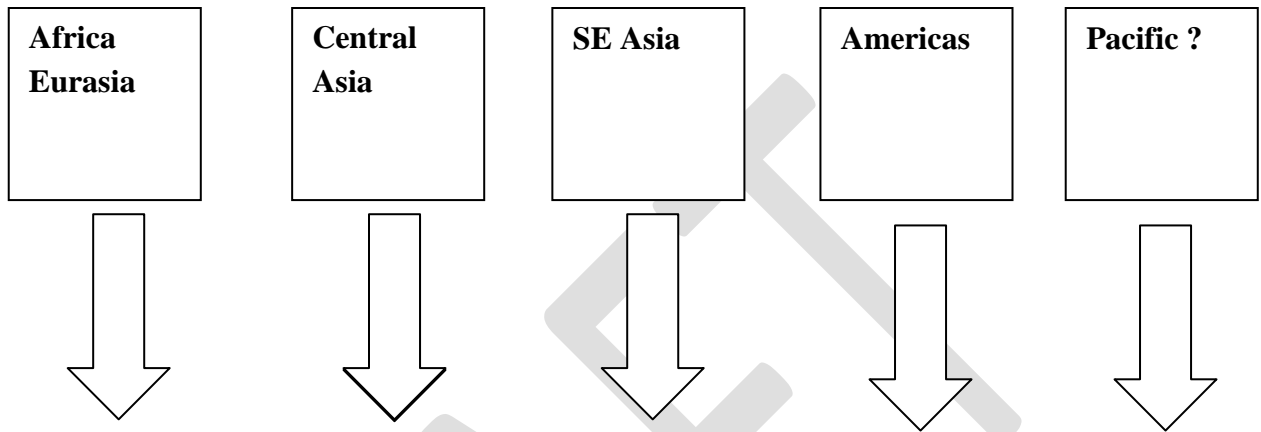
2 **SCHEMATIC DIAGRAM OF A NEW AGREEMENT FRAMEWORK**

3

4 **Level 1 Series of five overarching Legal Agreements: Provide the overall approach**

5

6



13 **Level 2 Series of Adaptable Action Plans focussing on priority species and issues.**

14

