

## **CMS Raptors IGM – October 2007**

### **Report of the Administration Working Group chaired by Gerard Boere**

#### **Text of the Memorandum of Understanding**

Gerard Boere welcomed participants to the Working Group and briefly introduced the three topics to be considered: the draft text of the Memorandum of Understanding (MoU); the proposed geographical scope of the MoU; and, the associated financial issues. He made the general point that all international conservation treaties are important because even though they don't actually affect the species themselves, they do force countries to talk to each other.

South Africa referred back to the plenary session and stated that their preference was for a stand alone Action Plan but recognised that most other Range States were supportive of the MoU route. The representative was willing to accept the view of the majority but wished to record South Africa's concern about the proliferation of such agreements and the resources required to resource them.

Switzerland was not opposed to following the MoU route but explained that the key aim was to find a fast and efficient way to deliver and implement the Action Plan. The representative suggested that the proposal to merge the Raptors agreement with another CMS instrument (for example, the African-Eurasian Waterbirds Agreement – AEWA) had not yet been fully explored.

Germany expressed understanding of the positions articulated by South Africa and Switzerland and believed in the long run that some streamlining of CMS instruments would be the best solution. However, that was a long-term objective and taking account of the need to act rapidly, Germany considered that the MoU route was the best way forward now to deliver raptor conservation.

The United Kingdom (UK) was sympathetic to idea of considering options for future streamlining of CMS agreements to ensure the most effective use of resources. However, the representative explained that the UK did not wish any commitments to be made at this stage for the Raptors initiative to be linked with AEWA or any other CMS instrument. Nonetheless, the UK would be prepared to discuss these issues in the future.

The Chairman confirmed that discussions about the possibility of streamlining various CMS instruments were beyond the scope of the Working Group. He explained that the views of the delegations would be noted in the report but that the Working Group should concentrate its attentions on considering the three issues he'd set out at the beginning, as tasked by the plenary session.

The CMS Secretariat stated that a MoU is a flexible form of agreement within the Convention. It differs from a formal Agreement in that there are no obligatory annual financial contributions required from the parties. A MoU is an instrument of co-operation between states (including non-party states) and can actively facilitate the effective delivery of an Action Plan.

The UK pointed out that an Agreement is a term used for a legally binding agreement between states. Outside of CMS a MoU is not generally considered to be legally binding. However, the key point is the language used in the document. Agreements tend to be expressed using the terms 'agree' and 'shall' whereas the word 'decide' is more appropriate for use in MoUs, which are both morally and politically binding.

France proposed that the future working languages for the MoU should be English and French. This proposal was agreed unanimously by the Working Group.

India requested more information about existing MoUs established under CMS. The Secretariat responded by briefly highlighting the MoUs relating to elephants, small cetaceans, South American grassland birds, flamingos, species of marine turtles, dugongs, the Monk Seal, Saiga Antelope, Siberian Crane, Great Bustard and Aquatic Warbler.

The Chairman noted the need to learn from existing MoUs. He then carefully led the Working Group through the draft document, paragraph by paragraph, collecting, considering and agreeing various amendments to the format and text. A final revised version was agreed unanimously by the Working Group and was later circulated to all delegates for discussions and acceptance in Plenary

### **Geographical scope**

The Chairman introduced the session and referred participants to paper IGM1.

Germany noted that the Cape Verde Islands were included but questioned why the Seychelles and Comores Islands were not.

NatureBureau (authors of the report) explained that the proposed boundaries had been developed for practical reasons with the aim of delivering significant raptor conservation benefits.

BirdLife International suggested that it might be wise to check the actual distribution of migratory raptors before inviting other states to be involved to avoid creating unnecessary difficulties.

Germany and India both proposed that all the range states within the geographic boundary should be invited and that they could then decide for themselves whether or not they wished to be involved. This proposal was agreed unanimously by the Working Group.

A short discussion followed concerning the specific references and/or the names given to certain states or disputed territories. The Chairman concluded that these geo-political issues were not for the Working Group to resolve and suggested that the CMS Secretariat be asked to resolve this. This proposal was agreed unanimously by the Working Group.

### **Financial issues**

The Chairman introduced the issue and referred to two documents: IGM1/6/Rev1 and IGM1/6/Add. These papers presented funding estimates for operating a MoU and Action Plan by means of full United Nations (UN) staffing and non-UN staffing, with examples for both developed and developing countries. In addition, BirdLife International had calculated estimated costs for the same options involving them as a partner organisation. With only an hour of discussion time left, the Chairman recognised that it was unlikely that the Working Group could resolve all the outstanding issues.

The Chairman anticipated that perhaps only 70-75% of funds would be secured in the first triennium. He also pointed out that approximately 5% of the programme costs would be required to hire office space but if the Coordinating Unit was to be hosted in Bonn it would be free of charge because the German government generously funds accommodation for CMS.

The CMS Secretariat confirmed that the estimates had been carefully considered and were realistic but that it was not possible to provide absolute certainty as the figures were predictions. Clearly there were potential savings to be made depending upon the location and staffing of the MoU Coordinating Unit. The level of CMS oversight could also be varied depending on the capacity provided by the Coordinating Unit.

BirdLife International stated that the Addendum paper should not be seen as a formal bid from its organisation, rather a guide of what might be required if the partner organisation route was selected. Estimations were based on BirdLife's experience of employing staff in Africa, Eastern Europe and Brussels. The Birdlife representative noted that non-Government organisations are often able to attract young and enthusiastic staff who are prepared to work for lower salaries, but that they do tend to move onwards and often upwards more quickly.

The UK thanked both the CMS Secretariat and BirdLife International for producing the financial papers. The representative stated that there were too many issues to be addressed by the Working Group in the time available but, subject to the views of the other delegations, an Inter-sessional Working Group could be established to consider the issues in more detail.

Germany suggested that it might be best to exclude the stand-alone options for the Coordination Unit to ensure that there could be staff available at all times (not continually being drawn away at meetings).

Switzerland considered that no real funding decisions could be made by the Working Group and requested more information be provided about the options which could be further considered by delegations when they returned home.

The Netherlands asked if an inter-Governmental body could be staffed by non-UN employees and pointed out that there was no information in the papers about how and from where the necessary funds would be acquired.

The CMS Secretariat stated that if a country provided a Coordination Unit (with oversight from the Secretariat) then those staff would attract salaries at the appropriate national level (not the UN rate). It was pointed out that the estimated costs should be seen as maxima because there may be several ways of reducing

costs depending upon the type and level of contributions received from Range States.

Norway expressed support for the establishment of an Inter-sessional Working Group and the development of associated Terms of Reference. The Inter-sessional Working Group could be tasked to review the options more closely and also to make approaches to potential parties who might be willing to facilitate or host an interim Coordination Unit.

The UK, with the assistance of the Chairman, offered to draft some Terms of Reference for the proposed Inter-sessional Working Group for discussion and acceptance in Plenary. This proposal was agreed unanimously by the Administration Working Group.

NPW – 14 December 2007