

**REPORT OF THE 38TH MEETING
OF THE STANDING COMMITTEE OF THE CONVENTION ON THE
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS**
Bergen, Norway, 19 November 2011

Agenda Item 1: Opening remarks and introductions

1. Mr Mohammad Saud A. Sulayem (Chair) welcomed Standing Committee members, observers, partners, supporters, and the hosts, Norway, and invited the Executive Secretary of CMS to make her opening remarks.
2. Ms Elizabeth Maruma Mrema (Executive Secretary, UNEP/CMS) extended greetings and thanks to the Standing Committee Chair, the representatives of the Host Government, Standing Committee members and other delegates. She especially thanked Norway for their huge contribution in hosting the COP and associated meetings, and welcomed the Secretariats of other MEAs, UNEP, Partners, NGOs and colleagues. The work of the Standing Committee Working Group in screening and amending draft documents had been especially valuable.
3. Ms Mrema went on to summarize the major achievements of CMS since COP9, giving information about Joint Work Plans with other MEAs (CITES, CBD and Ramsar), the budget and Future Shape process, staffing, COP10 preparations, the role of the Standing Committee in reviewing and amending COP documents, and the responsibility of the current Standing Committee to help find members of the new Standing Committee for the next triennium.

Agenda Item 2: Adoption of the Agenda

4. The Chair introduced document UNEP/CMS.StC38/Doc.2 *Annotated Provisional Agenda*. There were no proposals for amendments and the Agenda was adopted.

Agenda Item 3: Adoption of the Report of the 37th Meeting of the CMS Standing Committee

5. The Chair introduced UNEP/CMS.StC38/Inf.2 *Draft Report of the 37th Meeting of the CMS Standing Committee*. No major comments on the report had been received by the Secretariat and none were added in the meeting, which accepted and approved the document.

Actions and decisions

The Standing Committee accepted and approved the Report of the 37th Meeting of the CMS Standing Committee.

Agenda Item 4: Progress report on activities since the 37th Meeting of the CMS Standing Committee

6. Ms Mrema provided a brief oral report, noting that matters relating to this item would be covered in greater detail under Agenda items 5, 7 and 8.

Agenda Item 5: Cooperation with other MEA Secretariats

7. Mr Bert Lenten (Deputy Executive Secretary) summarized activities carried out under the Joint Work Plans with other MEA Secretariats. The new Joint Work Plans for 2012-2014 reflect the CMS Strategic Plan, the CITES Strategic Vision, the Strategic Plan for Biodiversity 2011-2020, the Aichi Biodiversity Target and the Ramsar Strategic Vision.

(a) Joint Work Plan with CITES

8. Mr Lenten summarized the activities under the 2008-2012 Joint Work Plan with CITES. Voluntary contributions from France and Monaco had facilitated the implementation of the Work Plan. Furthermore, France had provided additional support, allowing the employment of a consultant, Véronique Herrenschildt.

9. Activities undertaken included the harmonization of nomenclature for marine and terrestrial mammals, joint work on the Sharks MOU and joint meetings of the CMS West African Elephant MOU and CITES/Monitoring the Illegal Killing of Elephants (MIKE) in 2009 and 2011. Further examples of joint activities were cooperation at the Saiga MOU meetings in 2010, engaging with the traditional Chinese medicine industry to support the Saiga MOU, CITES participation alongside CMS in the Gorilla Technical Committee and enforcement activities, and joint participation at a meeting in 2009 on the Saker Falcon.

10. The process for the new Joint Work Plan was as follows: in August 2011, the CITES Standing Committee commented on a draft Work Plan prepared by the Secretariat, and three CITES Parties (Germany, New Zealand and the USA) provided additional comments. Once the 38th meeting of the CMS Standing Committee had approved the Joint Work Plan, the 62nd meeting of the CITES Standing Committee, to be held in 2012, would be invited to endorse it.

11. The Joint Work Plan for 2012-2014 included the following activities:

- Harmonization of nomenclature for marine turtles;
- Comparison of species lists with one other, and with the IUCN Red List;
- Collaborative input to the Sharks Conservation Management Plan (also with FAO);
- Discussion of collaboration over turtles and other shared marine species;
- Joint fundraising for 12 West African Elephant (*Loxodonta africana*) transboundary projects;
- Collaboration on a third Saiga Antelope (*Saiga tatarica*) MOU meeting and the medium-term International Work Plan for the Saiga Antelope;
- Cooperation on gorilla enforcement issues.

(b) Joint Work Plan with CBD

12. Mr Lenten outlined the history and process for collaboration between CMS and CBD for the period 2012-2014. Cooperation had continued under the auspices of the Biodiversity Liaison Group (BLG), reported in the document UNEP/CMS/Conf.10.28 *Report on Synergies and Partnerships*. Further collaboration had taken place with regard to the CMS Guidelines for National Biodiversity Species Action Plans. A new Joint Work Plan was requested by both CMS COP9 and CBD COP10, and once the comments of 38th meeting of the Standing Committee had been incorporated, CBD COP11 would be invited to approve the Joint Work Plan 2012-2014, which included the following activities:

- Collaboration on bushmeat;
- Promotion of CMS *Guidelines on the Integration of Migratory Species into NBSAPs*;
- Working together on cross-cutting issues such as climate change;
- Collaborative outreach and capacity building.

(c) *Joint Work Plan with Ramsar*

13. Mr Lenten described the history and process for collaboration between the CMS and the Ramsar Convention on Wetlands for the period 2012-2014. CMS, AEWA and Ramsar implemented their first Joint Work Plan during the period 2003-2005 and much had continued to be achieved since then on the Task Forces on Avian Influenza and Wildlife Diseases, development of policy on flyways, a Regional Strategy for the Conservation and Sustainable Use of High Andean Wetlands, and Ramsar Advisory Missions. In addition, CMS COP9 and Ramsar COP10 called for a new Joint Work Programme. Once comments from this 38th meeting of the CMS Standing Committee had been incorporated, Ramsar COP11 would be invited to approve the 2012-2014 Work Plan, which included the following activities:

- Support for national policy initiatives for coordinated implementation of the Conventions;
- Work to further ecological networks in relation to migratory species and wetlands;
- Research and responses to wildlife diseases;
- Proposed GEF project on Dugongs (*Dugong dugon*) in the Western Indian Ocean;
- Joint Advisory Missions;
- Science and policy work, for example, on water, wetlands and migratory species in respect of the economics of ecosystems and biodiversity;
- Collaborative outreach and capacity building.

14. The Chair invited comments from Standing Committee participants.

15. Ms Nancy Cespedes Lagos (Chile) remarked that extensive and intense work would be required of the Secretariat under these Joint Work Plans. She expressed concern that over-ambitious work plans could cause difficulty for Parties which may not have the capacity to respond to frequent communications from the Secretariat.

16. Mr David Morgan (CITES), referring to UNEP/CMS/StC38/Doc.3 *Cooperation between CMS and CITES*, said that cooperation was important for reasons of efficiency and economy, and that the 2012-2014 Joint Work Plan with CITES had been prepared with this in mind. He therefore considered the Plan to be practical, deliverable and not over-ambitious.

17. Mr Morgan then detailed minor amendments to UNEP/CMS/StC38/Doc.3 following its presentation to the 61st CITES Standing Committee in July 2011. He undertook to provide these amendments, relating to five places in Annex 2 of the document, in writing to the CMS Secretariat. Finally, he expressed satisfaction with the expansion of joint working between CITES and CMS, which was producing useful and tangible outputs; he hoped that this would continue.

18. Ms Gunn Paulsen (Norway), expressing the support of Norway for the Joint Work Plans, said effective cooperation could improve efficiency and avoid duplication of work. She added that the appearance of a draft CMS Resolution on climate change and migratory species for consideration by COP10 suggested that the availability of scientific expertise in the United Nations Framework Convention on Climate Change (UNFCCC) could be helpful, and that more formal cooperation with this instrument might be desirable.

19. Mr Lok (Netherlands) expressed the strong support of the Netherlands for cooperation between the Conventions because of the improvements in effectiveness and economic savings that it allowed. He asked whether scientific cooperation was being discussed with the secretariats of other Conventions, particularly with regard to the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES). He also enquired about the workloads of convention secretariats, observing that cooperation usually improved effectiveness but did not necessarily reduce the volume of work to be done. He asked whether it was normal practice for workloads to be reduced through one MEA taking the lead on certain matters on behalf of others, and vice versa.

20. Mr Lenten responded that the Secretariats had learned from the early years of cooperation when over-ambitious work plans had resulted in poor implementation. Nowadays, as explained by Mr Morgan (CITES), work plans were more practical and achievable. Cooperation between the conventions often occurred behind the scenes; for example a CITES staff member was helping with document control at CMS COP10, to be reciprocated by CMS at the next CITES COP.

21. Responding to Mr Lok's question about scientific cooperation, Mr Lenten gave the example of wildlife diseases, where there had been close cooperation with FAO and the World Organization for Animal Health (OIE). He added that the Biodiversity Liaison Group (BLG) met annually and one of the current topics of discussion was cooperation over IPBES.

22. The Executive Secretary added that the BLG now provided a joint forum under CBD for all MEAs to discuss scientific matters of common interest. She mentioned the 2009 Saiga Antelope workshop in China and the recent West African Elephant meeting in Niger undertaken in cooperation with CITES. She went on to explain that IPBES was still at an early stage of development. Finally, she recalled that a decision of CBD COP10, held in Nagoya in 2010, had recognized CMS as the lead partner for CBD's work on migratory species.

23. Ms Marianne Courouble (France) expressed her satisfaction with the Joint Programme of Work between CMS and other MEAs, and welcomed the fact that the objectives were feasible and not over-ambitious. She expressed disappointment that the Annexes of the document were not available in French and stressed the importance of non-English speaking Parties having access to documents in the official languages of the Convention. She asked the

Secretariat to ensure that all the Convention languages were treated equally. She suggested that it would be useful to have a report summarizing the activities already undertaken under the Joint Work Plans. France was interested in supporting joint work between CMS and CITES but needed information on what had already been done. She concluded by expressing the hope that the report on the recent West African Elephant meeting would soon be posted on the website.

24. Mr Lenten responded that the Secretariat was acutely aware of the problem with the backlog of translations. Holding so many back-to-back meetings over the coming days had led to problems of capacity which the Secretariat was working hard to minimize. He promised to work towards establishing a better pool of technical translators to work on CMS documents. He also questioned whether back-to-back meetings were desirable, since they created an unhelpful bottleneck and did not actually result in significant financial savings because there was little overlap of participants in the various meetings.

25. Ms Melanie Virtue (Secretariat), the officer responsible for the West African Elephant MOU, added that Annex 1 of the CITES report included the activities of the last triennium. Responding to Ms Courouble, she said that the West African Elephant meeting report had nearly been completed and would be posted on the CMS website shortly after CMS COP10.

26. Mr Abdul Munaf Qaimkhani (Pakistan) agreed that CMS should consider cooperating more formally with the Intergovernmental Panel on Climate Change (IPCC). As an effective and important Convention, the work of the United Nations Convention to Combat Desertification (UNCCD) in arid and semi-arid regions made it particularly relevant to CMS, and he considered formal cooperation with this Convention to be very appropriate for CMS.

27. In response, and also referring to Ms Paulsen's earlier comment concerning UNFCCC, the Executive Secretary confirmed that there was no formal agreement of cooperation between CMS and either UNFCCC or UNCCD. However, the Conventions shared premises in Bonn and existing *ad hoc* cooperation would continue. The potential for more formal relationships would be re-examined in the light of lessons learned to date, subject to approval by the Standing Committee. If cooperative arrangements were to be formalized, capacity limitations would make a gradual start advisable.

28. Mr Morgan, responding further to Mr Lok's earlier intervention, added that activities under the CMS/CITES Joint Work Plan were normally only implemented if funding was in place. Annex 2 of UNEP/CMS/StC38/Doc.3 included the wording "subject to additional funding", such that the workloads of Secretariat staff would not be increased unreasonably. On the question of inputs to IPBES, Mr Morgan said that the Chairs of scientific subsidiary bodies of the biodiversity MEAs had produced a joint statement at the recent 1st meeting of IPBES, and accordingly were working together at a scientific, if not at a Secretariat, level.

Actions and decisions

The Standing Committee accepted and approved the Joint Work Plans and the Secretariat took note of the discussion.

Agenda Item 6: Process for the election of the new members of the Standing Committee

29. Ms Mrema reminded the meeting that Rule 9 of the Standing Committee Rules of Procedure and CMS Resolution 9.15 dealt with the composition of the Standing Committee.

Resolution 9.15 expanded the composition of the Standing Committee, which now included three regional representatives from Africa, three from Europe, two from Asia, two from South and Central America and the Caribbean, one from Oceania and one (vacant) from North America, as well as one each from the Depositary (Germany) and the hosts of the previous and current COPs. Each had an alternate. A member could only be re-elected once. This meant that the Chair would change after the current meeting because Saudi Arabia had served two consecutive terms on the Committee. Ms Mrema urged the current membership to facilitate the process of electing a new Standing Committee by nominating new members and helping to identify which members were eligible for re-election.

30. The Chair encouraged members to consult and nominate Standing Committee members. He highlighted the importance of second-term members providing continuity, experience and institutional knowledge. The Secretariat would meet Heads of Delegations on Sunday 20 November to discuss this issue among others.

31. Ms Mrema reminded members that the first meeting of the new Standing Committee would take place on the afternoon of Friday, 25 November, immediately after the close of COP10. The main task of this meeting would be to appoint a Chair and Vice-Chair and to arrange the date of the next meeting.

Agenda Item 7: Status of Preparations for CMS COP10

32. Mr Lenten confirmed that everything was ready for the COP. The opening ceremony was scheduled for Sunday, 20 November at 14:00 and would be attended by His Highness Prince Bandar Al-Saud of Saudi Arabia and His Excellency Mr Erik Solheim, the Norwegian Minister for the Environment. The ceremony would be followed by a reception hosted by the Government of Norway. The working sessions of the COP would run from Monday, 21 November to Friday, 25 November, starting at 09:00 each day. There would be plenary sessions on Monday morning, Wednesday afternoon and Friday afternoon, with all other sessions comprising the Committee of the Whole (COW). Working groups are envisaged to discuss the Saker Falcon (*Falco cherrug*), bycatch and marine issues, the process for the development of the new Strategic Plan, and the budget and Future Shape process. The last two were interlinked but the Budget was normally discussed by Parties only and it was not yet clear how the two topics could best be combined. It was possible that this working group would work in parallel with the Plenary and COW sessions.

33. Ms Monika Lesz (Poland) proposed linking the discussions of the Budget and the Future Shape process by starting discussion in an open group, then closing the group for discussion of the Budget.

34. Ms Mrema clarified that the Heads of Delegation meeting would be on 20 November at 20:00 in a room to be announced.

Actions and decisions

The Standing Committee took note of the preparations for COP10.

Agenda Item 8: Key Documents and Draft Resolutions: Handling and Follow-up

35. Mr Lenten stressed that documents relating to the Budget had been produced for detailed discussion during the COP and that the present meeting should only discuss them in

general terms. He explained that the budget was presented in the form of six scenarios showing what could be done with six levels of increase ranging between 0 per cent and 25 per cent. This approach was taken in order to make it clear to Parties what they would get for their money under each scenario.

36. He added that one criticism of the Future Shape process had been that it was unclear where funding would come from at a time when the Convention's resources were already stretched. The Convention had a budget of € six million for three years, for use worldwide. If no substantial increase in the budget was possible, it should be clear what could and could not be done. The 19 MOUs (of which only three were well funded) depended on voluntary contributions. If there was no substantial increase in the budget, it needed to be made clear what would remain unfunded. It was important not to raise false expectations.

37. Mr Biber (Switzerland) responded to Mr Lenten's observations about the Future Shape process by suggesting that it should not only be looked at in relation to the budget. It should be thought of in terms of the future of CMS and activities to improve the conservation status of migratory species. He urged parties to look at the content and not just the cost, and to bear in mind that short-term costs could be offset by long-term savings through increased efficiency.

38. The Chair noted that a report of the present meeting would be drafted and made available as an input to the COP.

Agenda Item 9: Report by the Chair of the Scientific Council on the outcomes of the 17th Meeting of the Council

39. The Chair of the Scientific Council, Mr John Mshelbwala reported on the meeting which had taken place over the previous two days. The report of the meeting would be available within the next day or two as an input to the COP. The meeting had been conducted under considerable time pressure and this had affected the quality of some of the outcomes. Important decisions were made, *inter alia*, on draft Resolutions, the Future Shape process, Marine Debris, the Small Grants Programme, and Critical Sites and Ecological Networks. The reports of the taxonomic and thematic Working Groups had suffered through lack of time. A new Chair, Mr Fernando Spina (Italy) had been elected and the new Vice-Chair was Ms Malta Qwathekana (South Africa).

40. Ms Lesz (Poland) asked where and when the new and amended documents emerging from the Scientific Council would be made available.

41. Mr Lenten responded that revised Resolutions would be annexed to the original draft Resolutions and made available through the CMS website as soon as the Secretariat had finished work on them over the coming days. The amendments to these documents would be made visible as 'tracked changes' so that delegates could easily compare the original and amended texts.

42. Mr Trevor Salmon (UK) asked about the status of documents arising from the Scientific Council meeting and whether they constituted official recommendations of the Council to COP.

43. Mr Lenten responded that holding the Scientific Council meeting immediately prior to the COP was problematic, unlike the situation in AEWA where the Technical Committee met six months before the MOP. The Scientific Council meeting only ended at 20:00 on the Friday of the week before the COP, which would begin at 09:00 on Monday. The documents had yet to be finalized and translated and would be posted on the website, hour by hour, as they became available. The Secretariat was doing all it could to make them available over the weekend prior to the COP.

44. Mr Mshelbwala agreed that a Scientific Council meeting immediately before the COP did not give the Convention the best value; it was not convenient and did not save much money. He recommended that the Scientific Council should meet three or six months before each COP.

Actions and decisions

The Standing Committee took note of the Report of the Chair of the Scientific Council.

Agenda Item 10: Date and Venue of the 39th Meeting of the Standing Committee

45. Ms Mrema announced that the next meeting would be held in the same room as the current meeting, at 17:00, or half-an-hour after closure of COP10 on Friday 25 November.

Agenda Item 11: Any other business

46. Mr Qaimkhani (Pakistan) presented posters produced for World Migratory Bird Day and a documentary film with the theme of bird migration to the Executive Secretary.

47. The Chair thanked Mr Qaimkhani. He then recalled that CMS was seeking a Party willing to host the next COP. He suggested that it would be preferable to hold the COP earlier in the year if possible.

Agenda Item 12: Closure of the Meeting

48. The Chair noted that with the closure of this meeting his term as Chair of the Standing Committee had come to an end. He concluded the meeting with sincere thanks to all those he had worked with over the years and who had supported him in his role.

DRAFT ANNOTATED PROVISIONAL AGENDA
(as at 17 October 2011)

Venue Salem Conference Center, Bergen

Time 09.00 -12.00 hrs

1. Opening remarks and introductions

The Chair will open the meeting followed by welcoming addresses by the Executive Secretary CMS.

2. Adoption of the Agenda

The agenda (doc StC38/1) and annotated agenda (doc StC38/2) will be proposed for adoption.

3. Adoption of the Report of the 37th Meeting of the CMS Standing Committee

The final draft report of the 37th CMS Standing Committee meeting (doc StC38/Inf.2) will be proposed for adoption.

4. Progress report on activities since the 37th Meeting of the CMS Standing Committee

The Secretariat will provide an oral report on its activities since the 37th Meeting.

5. Cooperation with other MEA Secretariats

(a) Joint Work Plan with CITES

(b) Joint Work Plan with CBD

(c) Joint Work Plan with Ramsar

The Secretariat will provide an oral presentation summarizing the content of the three draft joint work plans. The CITES Secretariat will provide an oral update on any comments received from CITES Parties on an earlier draft of the CITES/CMS joint work plan. The Secretariat will invite the Committee to review, make comments and approve the draft joint work plans.

6. Process for the election of the new members of the Standing Committee

The Chair will outline the process for Members and Alternate Members to be nominated and elected by COP. All of the incumbent members except Saudi Arabia can stand for a further term [Refer Rule 9: The term of office of regional members and alternates shall expire at the close of the next ordinary meeting of the COP following the meeting at which they were originally elected. Regional members may not serve more than two consecutive terms of office.]

7. Status of Preparations for CMS COP10

(a) Summary of Preparatory Work

(b) Logistical Arrangements and Procedures

(i) Meeting structure: Committees, Working Groups and Chairs/Vice Chairs

(ii) Conference timetable including Donors' meeting, MEAs roundtable, side events and other meetings

- (iii) COP10 Rules of Procedure**
- (iv) Credentials and Eligibility to Vote**

The Secretariat will orally inform the Meeting on preparations for COP10 (documents UNEP/CMS/Conf.10.1 Provisional Agenda, UNEP/CMS/Conf.10.2 Annotated Agenda, UNEP/CMS/Conf.10.3 Provisional Schedule for COP10 and Associated Meetings, UNEP/CMS/Conf.10.5 Provisional Rules of Procedure, UNEP/CMS/Conf.10.7 Standing Committee Chair's Report, UNEP/CMS/Conf.10.8 Report of the Chair of the Scientific Council).

8. Key Documents and Draft Resolutions: Handling and Follow-up

- (a) CMS Budget 2012-2014**
- (b) Overview of the “Future Shape” of CMS review and proposed options**
- (c) Report of the Standing Committee Chair to COP**

The Secretariat will orally inform the Meeting on the contents of documents relating to the budget (UNEP/CMS/Conf.10.18a Execution of the CMS Budget 2009-2011 and UNEP/CMS/Conf.10.18b CMS Budget 2012-2014), Future Shape (UNEP/CMS/Conf.10.20 CMS Future Shape Phase III), the Trust Fund (UNEP/CMS/Res.10.1 Financial and Administrative Matters and Terms of Reference for the Administration of the Trust Fund) and the CMS Family (UNEP/CMS/Res.10.9 Future Structure and Strategies of the CMS and CMS Family).

9. Report by the Chair of the Scientific Council on the outcomes of the 17th Meeting of the Council

The Chair will orally report on the outcomes of the 17th Meeting of the Council

10. Date and Venue of the 39th Meeting of the Standing Committee

The Committee will be invited to agree to convene its 39th meeting in the same room immediately following the closure of COP10.

11. Any other business

The Chair will invite Parties to raise any other matters related to the Standing Committee.

12. Closure of the Meeting

The Chair will close the meeting after completion of the Agenda items.

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(as at 1 November 2011)

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