



CONVENTION ON MIGRATORY SPECIES

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MEETING TO NEGOTIATE THE
INSTITUTIONAL AND LEGAL FRAMEWORK
FOR THE CENTRAL ASIAN FLYWAY
Abu Dhabi, 12-13 December 2012
Agenda Item 5.0

DEVELOPMENTS SINCE LAST MEETING (NEW DELHI 2005)

(Prepared by the Secretariat)

Introduction

1. The Central Asian Flyway (CAF) covers a large continental area of Eurasia between the Arctic and Indian Oceans and the associated island chains. The Flyway comprises several important migration routes of waterbirds, most of which extend from the northernmost breeding grounds in Russia (Siberia) to the southernmost non-breeding (wintering) grounds in West and South Asia, the Maldives and the British Indian Ocean Territory. The birds on their annual migration cross the borders of several countries. Geographically the flyway region covers 30 countries of North, Central and South Asia and the Trans-Caucasus.
2. The CAF overlaps with the area of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA), which was concluded in 1995, in The Hague, the Netherlands. Sixteen out of the thirty countries encompassed by the CAF are also located in the AEWA Agreement Area.
3. The CAF covers at least 279 populations of 182 migratory waterbird species, including 29 globally threatened and near-threatened species, which breed, migrate and winter within the region¹. Of those populations, over 50 per cent (145 populations) are covered by AEWA. Many waterbird populations are declining rapidly and the wetlands, grasslands and other habitats upon which they depend are seriously threatened along the CAF due to uncontrolled hunting, habitat degradation, unsustainable water management, and lack of law enforcement and conservation capacities.
4. There is an urgent need for science-based and internationally co-ordinated conservation measures, ensuring the survival of species and their habitats as well as sustainable benefits to people. In order to address those needs and to identify coordinated actions to conserve those species, CMS convened two meetings of range states (Tashkent 2001, New Delhi, 2005) with technical and logistical support of Wetlands International, the second of which broadly agreed on the content of the CAF Action Plan to Conserve Migratory Waterbirds and their Habitats.

¹ Source: Central Asian Flyway Action Plan to Conserve Migratory Waterbirds and their Habitats (CMS 2005)

5. It is the purpose of this paper to provide a brief background of the CAF process since the last meeting in New Delhi (June 2005), and provide information about the recent decisions taken by CMS Parties, that are relevant for the further development of the CAF framework, as well as about relevant outcomes of the 5th Meeting of the Parties to AEWA, which took place in May 2012.

Outcomes of the Meeting to Conclude and Endorse the Proposed CAF Action Plan to Conserve Migratory Waterbirds and their Habitats, New Delhi June 2005

6. The main objective of the CAF meeting in New Delhi in 2005 was to finalize and adopt the Central Asian Flyway Action Plan to Conserve Migratory Waterbirds and their Habitats as well as options for a legal framework under which the Action Plan would be implemented. Other issues discussed included the identification of selected implementation activities and interim coordination mechanisms for the implementation of the CAF Action Plan. The Action Plan has been developed with technical support of Wetlands International.

7. As the report of the 2005 New Delhi meeting (CAF3/Inf.4) as well as the meeting declaration (CAF3/Inf.4 Annex I) note, the 23 delegations were nearly unanimous in their preference for a legally binding instrument and for the Action Plan to be integrated with AEWA. Only three delegations expressed a preference for the Action Plan to be linked to a non-binding memorandum of understanding.

8. However, most of the 23 delegations present were not able to express an official position because they had not the necessary credentials to speak on behalf of their Governments. While the conclusions of the meeting provided clear guidance for exploring the AEWA-linked option in more depth, it was noted that an official view was still awaited and most of the Range States still had to confirm their position at the Government level. Therefore, no official or formal decision could be taken at the time of the meeting.

9. The draft CAF Action Plan was also discussed and amended during the meeting. It was however not finally approved due to one missing piece of information from the Russian Federation regarding the populations of waterbirds. It was therefore agreed that the outstanding information would be provided to the CMS Secretariat after the meeting and that the Action Plan would then be circulated to the Range States for final review and comment. In January 2008, the CAF Action Plan was finally adopted.

10. Later in the same year, in December 2008, the 9th Meeting of the Conference of the Parties to CMS (COP9) adopted Resolution 9.2, which called for the CAF Range States to meet again in order to “*explore the possibility of the preparation of a CMS instrument or extending an existing instrument, either legally binding or non-binding, under Article IV of the Convention concerning the conservation of these species and requests the Secretariat to involve the relevant regional Agreements, in particular the Secretariat of the AEWA in the view of a possible close collaboration with the AEWA using all available synergies.*”

11. Until recently, lack of funding prevented the Secretariat from convening a negotiation meeting of the CAF Range States to reach a formal decision on the legal and institutional framework. But with support from the German government, strengthening Secretariat staff capacity on Central Asian issues through the provision of a Junior Professional Officer as well as through additional funding for the meeting, it has become feasible to convene this third CAF meeting in conjunction with the First Meeting of Signatories to the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia (Raptors MOU).

The CMS Future Shape Process and the Scientific Council Working Group on Flyways

12. CMS COP9, through Resolution 9.13, launched an intersessional process on the future strategies and structure of CMS and the CMS Family. This Future Shape Process concluded at the 10th Meeting of the Conference of the Parties (COP10), in November, 2011, with the adoption of Resolution 10.9, which outlines a set of prioritized activities to strengthen the Convention's contribution to the worldwide conservation, management and sustainable use of migratory species over their entire range.

13. The following activities, annexed to Resolution 10.9, are of particular relevance with regard to the further development of CAF:

- **“Activity 12:** *Actions to prioritize the growth of CMS and the CMS Family, including (1) the creation of criteria against which to assess proposed new potential agreements; (2) developing a policy where implementation monitoring must be a part of any future MoUs; and (3) extending the scope of existing Agreements/MoUs rather than developing new Agreements/MoUs”.*
- **“Activity 15:** *Enhanced collaboration between CMS agreements via Secretariats or via merger of agreements based on either geography/ecology or on species clusters, including (1) cooperation and coordination between agreement Secretariats, programmes and projects based on species clustering, thematic issues or geography, if appropriate; and (2) seeking opportunities to develop synergistic relationships either based on geography or species clustering”.*

14. In addition, Resolution 10.10 (Guidance on Global Flyway Conservation and Options for Policy Arrangements) reiterated the need to build on existing achievements, in particular the CAF Action Plan for waterbirds and the recently approved Western/Central Asian Site Network for the Siberian Crane and Other Migratory Waterbirds, and to “*consider the potential to align with existing agreements, building on earlier discussions and considering synergies with AEWA in particular.*”

15. This Resolution builds on previous decisions of CMS COP9, which passed two resolutions calling for a review to develop appropriate conservation frameworks/agreements for migratory species to be undertaken until COP10. With Resolution 9.2, it was decided to establish a working group on global bird flyways within the framework of the Scientific Council to act as a think tank on flyways and frameworks, and tasked with reviewing scientific and technical issues for conservation of migratory birds and their habitats.

16. The working group produced three Flyways Reviews, on (1) CMS and non-CMS existing administrative/management instruments for migratory birds globally; (2) current knowledge of bird flyways, principal knowledge gaps and conservation priorities; and (3) policy options for migratory birds flyways.

17. With Resolution 10.16 *Priorities for New Agreements*, COP10 furthermore recognized that the development of new agreements should be linked to the outcomes of the Future Shape Process, and adopted a set of criteria that must be addressed when making any new proposal, including “*whether an organization or (preferably) a country has committed to leading the development process.*” Importantly, the Resolution also decides that “*if no such clear expression of interest or offer to lead on an instrument materializes after two intersessional periods, the instrument concerned will no longer be considered as an instrument under development.*”

Other Activities related to the conservation of migratory waterbirds along the CAF

18. As an outcome of the New Delhi Meeting, and based on funding pledges at that time, the Secretariat signed a Letter of Agreement with Wetlands International on the establishment of a coordination mechanism to support the implementation of the CAF Action Plan. While the CMS Secretariat could also provide some funds for this purpose, the bulk of the resources were expected to be provided through other donors. As these pledges however never materialized, the coordinating role that should have been carried out by Wetlands International could not advance.

19. The Convention's share of the funding was therefore converted to support the International Crane Foundation (ICF) and Wetlands International to develop a project proposal which aimed at "developing a climate-resilient network of wetland protected areas for the Central Asian Flyway", for submission to the Global Environment Facility (GEF). Due to the difficulty of getting the support to flyway scale projects under the current GEF mechanism, prospects of this proposal being realized as a GEF project are now low, and alternative funding sources are being actively considered.

20. In an attempt to develop a comprehensive site network of critical importance for Siberian Cranes and migratory waterbirds, the Western/Central Asian Site Network for Siberian Cranes and Other Waterbirds (WCASN) was formally launched on 18 May 2007 in Kazakhstan at a meeting of the CMS Memorandum of Understanding on Conservation Measures for the Siberian Crane. The establishment of this site network is the first step towards a site network for migratory waterbirds under a wider framework within the implementation of the CAF Action Plan. A detailed overview on the activities under the WCASN is available in CMS/CAF3/Inf.6 and the CMS website².

Relevant outcomes of AEWA MOP5

21. At the 5th Meeting of the Parties to AEWA (MOP5), the CMS Secretariat presented a document (UNEP/CMS/CAF3/Inf.7) to inform AEWA Parties about the activities undertaken by the CMS Secretariat with regard to the development of an institutional framework for the CAF Action Plan. It also invited consideration of next steps to be undertaken in case the CAF negotiation meeting in December 2012 decides that the incorporation of CAF into AEWA is their preferred option.

22. AEWA Parties welcomed conservation efforts for the Central Asian Flyway and recognized the considerable overlap of the geographic area as well as of the species and issues covered by the CAF and AEWA. It was noted that any AEWA-related decision of the CAF Range States would have to be discussed at the AEWA Standing Committee, and that the final decision related to an institutional option for CAF that requires the expansion of the geographical scope of AEWA rests with the AEWA Parties, who would have to consider any such proposal at a future Meeting of the Parties.

Conclusion

23. The developments outlined above indicate the need to avoid further delays in clarifying the institutional and legal framework for the implementation of the CAF Action Plan. The continued deterioration of the conservation status of migratory waterbirds in the

² http://www.cms.int/species/siberian_crane/wcasn.htm

CAF region requires an effective framework for the protection and sustainably management of the species and their habitat in Central Asia. The CMS Secretariat therefore decided in early 2012 to organize this negotiation meeting in order to conclude the process, and to have ample time to follow-up on the outcomes until CMS COP11 and AEWA MOP6, as well as to start implementation of the CAF Action Plan as soon as possible, resources permitting.