



# Convention on the Conservation of Migratory Species of Wild Animals

*Secretariat provided by the United Nations Environment Programme*



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## **1<sup>st</sup> Meeting of the Inter-Sessional Working Group on the Intersessional Process Regarding the Future Shape of CMS (ISWGoFS)**

**UN Campus, Langer Eugen, 19-20 October 2009**

### **Opening of the Meeting**

1. Elizabeth Mrema (CMS) welcomed the participants to the meeting and explained the background to the Future Shape process (see list of participants attached to this document). Oliver Biber (Switzerland) had visited the Secretariat in February 2009, after which the Working Group had devised a questionnaire, completed and returned by staff of the CMS Family Secretariats, and which formed the basis of the report compiled by the consultants, the Environmental Regulation and Information Centre Ltd (ERIC).

2. Ms Mrema thanked France and Germany for their generous support which had made the report and the meeting possible, and commended ERIC for handling so much data and all the comments on the first draft. Had the Secretariats had more time, their responses would have been harmonised better. The report would have to be further refined before the Standing Committee met and the Standing Committee had been delayed to allow more time for this. The Secretariat was eager to provide further input, to help the Working Group in preparing its report to the Standing Committee and to bring Step 1 to a conclusion.

3. Mr Biber thanked the Secretariat for all the support in the preparation of the meeting and the documentation and France and the UK for having drafted the questionnaire. It had been important that the Parties had devised the questions rather than the Secretariat to ensure that the Parties' concerns came to the fore. He also thanked Germany for financing this first meeting of the ISWGoFS and France for having financed the consultants' work for the first step of the Future Shape Process.

### **Adoption of the Agenda**

4. The Chairman had received a request for a closed session and sought the meeting's view on when the most appropriate time for this would be. However, Parties later decided that there was no need after all for such a session. The agenda was otherwise adopted as presented (attached to this document).

5. The meeting agreed that the core document for discussion would be the draft report dated October. This contained amendments suggested by the Secretariat, the majority of which were minor factual corrections, but not those of the Parties. The Parties' comments would however be considered in the course of the meeting.

### **Summary Presentation of the Draft Report**

6. Begonia Filgueira (ERIC) gave a brief overview of the Draft Report. She explained the Report in detail and would take further comments into consideration before a final draft was submitted to the Standing Committee at the beginning of November. She also explained

the consultants' methodology and understanding of their instructions. She pointed out that the Report had been a joint effort by four members of the consultancy team and also thanked Francisco Rilla and Laura Cerasi (both CMS) for supplying further information at short notice. She confirmed that any amendments made to the draft could be discussed and, if necessary, any deletions restored, if the ISWGoFS so desired. Ms Filgueira invited the meeting to focus on the more substantive amendments proposed to the Report.

7. ERIC had adhered to the guidelines contained in Resolution 9.13. The structure of the report, reflected in the index, had been discussed and agreed. The source of the material included the thirty-four questionnaire replies from the CMS Family (100% response rate) and evidence contained in meeting papers produced by CMS, the Agreements and the Memoranda of Understanding (MOU). Some of the returns contained sections, which had not been completed and these were drawn to the attention of the CMS Secretariat. The questions most frequently left unanswered were those seeking opinion rather than fact. The consultants had tried to resolve any contradictions. In some cases, questions had not been answered, because the respondent felt unable to give an objective reply or had replied with the caveat that the views expressed were personal opinion.

8. Mr Biber stressed that staff members of the various Secretariats had provided the answers to the Questionnaire and in some cases the replies though largely factual might be tinged with personal opinion. Some Secretariats had wanted to channel their replies through their Advisory bodies but the timescales did not allow this. Mr Biber suggested that Step 1 of the process mainly dealt with matters of fact; the time for interpretation would come later. Dominic Whitmee (UK) suggested that it would be important to highlight where replies were factual and where they were more subjective.

9. In a presentation with slides, Ms Filgueira showed information on the number of Parties, Agreements and MOUs, the percentage of range states adhering to the Convention and Agreements (which was 60% on average, with the geographically restricted and longer established instruments faring better than newer and geographically spread ones). Additional information on the taxonomic and geographic coverage of CMS instruments might be added. Graphs showing when Agreements and MOUs had entered force showed divergent trends – with Agreements emerging at a steady pace while the number of MOUs had increased dramatically with nine concluded between 2006 and 2008, with five more currently being negotiated. An amendment was suggested to the graphics on Agreements and MOUs so that the time axis included years where no Agreements or MOUs had been concluded. It was pointed out that the CMS Standing Committee structure for the Americas had been amended at COP9. It was suggested that the graphic should show the number of Parties as percentage of the total number of countries in the regions, as well as in absolute terms.

## **Budgets**

10. The slide concerning budgets should be updated in the light of the more substantive changes made to the report. Melanie Virtue (CMS) stressed that the budget for the Gorilla Agreement was theoretical, as little income had yet been received and Ms Mrema pointed out that the €3000 annual contributions from the Agreement's Parties would cover a fraction of the costs. In all cases except the African Eurasian Migratory Waterbird Agreement (AEWA) at least for 2008, the assessed contributions were greater than expected receipts from voluntary contributions. Sergey Dereliev (AEWA) pointed out that the voluntary contribution expected for the years to come had not materialised yet. In fact, only a fraction of the funds needed to implement the full programme had been provided in the past. Bert Lenten (CMS)

explained that voluntary contributions were also unpredictable, and any forecasts on such receipts were based on past experience. Mr Biber therefore proposed that the graphic should clearly distinguish between assessed and voluntary contributions and between contributions in cash and in kind. A further slide should show MOU funding over the years, while Mr Lenten pointed MOU finances were based on voluntary contributions as opposed to assessed contributions for Agreements.

11. Mr. Biber suggested that the revised slides from the presentation be included in the Draft Report. He also suggested that if the consultants needed more budgetary information, they should channel their questions through him.

### **Synergies and Mergers among Members of the CMS Family**

12. Ms Filgueira said that some respondents had not replied to the question on mergers, stating that this was a matter for the Parties, not the Secretariats to answer. Some Questionnaires highlighted administrative synergies as a result of co-location (e.g. AEWA and EUROBATS on information technology) rather than on conservation issues with organisations based elsewhere dealing with similar issues. The potential for further synergies was a matter of subjective opinion.

### **Action Plans and Work Plans**

13. Ms Filgueira said that it had been difficult to present some of the information on the effectiveness of Work Plans. Mr Barbieri thought that in the cases of the Convention and the Agreements with core funding and approved Work Programmes, it should be a relatively straight-forward exercise, as it was often clear which projects would receive core funding, which would be able to proceed when resources allowed and which would have to rely on voluntary contributions. The work plans of MOUs with no core funding depended on voluntary contributions.

14. Ms Mrema asked whether a questionnaire would be sent to Parties. Mr Biber agreed that national programmes were also important for the conservation efforts undertaken under CMS, and Resolutions of the Conference of the Parties (COP) had to be implemented by the Parties. The ISWGoFS should examine National Reports and Conference Resolutions to ascertain why agreed action plans were not always implemented.

### **Review of the Introduction: Chapter 3**

15. On the question of harmonised replies by the Secretariat, Ms Mrema pointed out that some instruments were long-established with good momentum while others, while well resourced, were only just being initiated (e.g. the Birds of Prey MOU coordinated by the recently established Abu Dhabi project office).

16. Mr Whitmee provided some wording to illustrate how Step 1 of the process would lead into the subsequent steps as set out in the terms of reference. He also asked for further explanation of the term “doubling up” in section 3.3.2. regarding staff whose time was divided between CMS and ASCOBANS. It was also suggested that a table be appended to section 3.4 showing the staff of the various Secretariats inside and outside the United Nations Environment Programme (UNEP).

Mr Biber suggested that staff effort might better be expressed in “man-days” and some explanation given about the time technical staff dedicated to administrative matters. He also suggested that the working languages of each of the instruments be mentioned.

## **Review of the Critical Analysis of the Current System: Chapter 4**

### **Agreements and MOUs**

17. Mr Barbieri gave an overview of the Agreements Unit. It comprised one P4 (himself), one G5, a shared G4 and the 25% post of Marine Mammals Officer, dealing with MOUs on Western African Aquatic Mammals and the Pacific Islands Cetaceans. Other Professional staff led on other initiatives where their expertise or regional connections made this sensible (Melanie Virtue: Gorillas and Pacific Islands, Francisco Rilla: the South American MOUs and Douglas Hykle: IOSEA and Siberian Cranes).

18. Many MOUs benefited from links with outside organisations: African Turtles (the Interim Secretariat of the New Partnership for Africa’s Development/SINEPAD Office in Dakar), Siberian Cranes (International Crane Foundation), West African Elephants (IUCN) and Aquatic Warbler (BirdLife International). While the amount of CMS staff effort for these MOUs could be easily calculated, the amount and value of staff effort from the outside bodies could not.

19. The Small Grants Programme had not been conceived specifically to assist MOUs, but in practice it had helped implement them. It had been created in 1997 when the COP channelled some of the unspent reserve to conservation projects, but this ended at COP7 when the excess in the reserve was exhausted. Thereafter, funding had been based on voluntary contributions.

### **Synergies within the CMS Family**

20. Mr Lenten pointed out that while many countries had taken the lead in negotiating Agreements and provided interim secretariat services, they had often ceded responsibility to a UNEP-administered body. Monaco had retained the lead for the Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean and Contiguous Atlantic Area (ACCOBAMS) and Australia for the Agreement on the Conservation of Albatrosses and Petrels (ACAP), but the UK had relinquished EUROBATS and the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS) and the Netherlands had relinquished AEWA. The United Arab Emirates had agreed to fund the Raptor and Dugong MOU for an initial period of three years.

### **Synergies and Co-operation**

21. Ms Marianne Courouble (France) asked what activities were being undertaken by other Multilateral Environment Agreements (MEA) so that possible synergies could be identified. The Bern Convention was a likely candidate. Ms Filgueira suggested that the members of the Biodiversity Liaison Group (BLG) were also key allies, and Ms Virtue (CMS) gave the example of BLG partner, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which had a programme for elephants (MIKE – the monitoring of the illegal killing of elephants) cooperating with CMS through the West African Elephant MOU. The benefits of cooperation could be further highlighted in the

Draft Report by listing all of ACCOBAMS' partners. Mr Biber proposed that Steps 2 and 3 of the process should examine current and potential partnerships in greater detail.

22. Ms Filgueira said that certain patterns were emerging with regard to three headings – staffing, finance and reporting – which would need to be examined in Step 2 against models for centralisation and regionalisation or clustering. Mr Biber suggested that centralisation be divided into full integration (e.g. CMS and ASCOBANS) and co-location (e.g. CMS and AEWA). Ms Mrema pointed out that the MOUs provided other models – those directly managed from Bonn and those dealt with in Project Offices. The Report had illustrated the various funding arrangements, and the data could be presented in tabular form, but would need to include staffing and structural information.

#### **Comments on Chapter 4**

23. 4.1.1. The reference to SPREP (the Pacific Regional Environment Programme) in the context of the Pacific Islands Cetacean MOU was correct but reference to the role of the Whale and Dolphin Conservation Society (WDCS) role should be made.

24. 4.1.2. The reference to co-location in the UN Campus in Bonn was correct but arrangements such as the Bangkok office, collocated with the UNEP regional office for South-East Asia and the Abu Dhabi Office co-located with the United Arab Emirates' Environment Agency were also pertinent. It was too early to comment on the effectiveness of the latter though. Mr Barbieri undertook to provide further information on synergies between ASCOBANS and ACCOBAMS, and precise wording on ACCOBAMS' stance on the recent geographic and possible taxonomic extension of ASCOBANS.

25. 4.1.3: The consultants undertook to provide more illustrative data on the extent of the advice provided by the Scientific Council.

26. 4.2.1.1. Ms Courouble raised a point about the efficiency of the Convention, in the light of financial constraints, requesting the ISWGoFS to examine how the Convention could achieve more with existing resources and evaluate which activities were being neglected. Mr Lenten added that while €600,000 had been cited as the amount needed to implement the "Wings over Wetlands" project, further sums were needed by AEWA for other initiatives. He added that Resolutions often contained uncosted proposals and were adopted in the knowledge that the funding would probably not be forthcoming, with the proviso that the Secretariat should seek funding or that activities be deferred until resources became available.

27. 4.2.1.2. Mr Streit (EUROBATS) suggested that the distinction between assessed contributions and voluntary contributions be explained more clearly, as both derived mainly from Parties. Ms Filgueira added that a minority of countries had had difficulties meeting their assessed commitments, but the amounts involved were relatively small.

28. 4.2.1.3 Mr Whitmee raised the question of the 13% Programme Support Costs charge levied on voluntary contributions and asked whether there was any way of avoiding this. Mr Biber pointed out that some of the 13% was reinvested in the Secretariat in the form of staff. Ms Mrema explained that the 13% charge was set by the UN General Assembly and did not just apply to UNEP. She confirmed that the Executive Director had exercised his discretion to use some of the 13% raised from the CMS Family to staff of the Administration and Fund Management Unit and some project grants. Funding from the European Union was subject to a reduced 7% charge, as mentioned in the Report.

29. 4.2.1.4 Mr Whitmee commented that parts of the original draft critical of aspects of financial procedures, such as duplication of authorisation of payments and delays, had been deleted. He felt that the comments should be restored if they accurately described problems facing the Secretariat. Mr Streit agreed that problems had existed, but they had been addressed satisfactorily. Ms Mrema added that there were now dedicated Officers in Nairobi who helped administer budgets. It was agreed that the Report should reflect this.

30. 4.2.2 Ms Mrema explained how Galaxy, the UNEP staff recruitment system worked, with its requirement for any procedure to be completed within 120 days. She also reported that progress was being made on vacancies in the Secretariat with the appointment of the new Scientific and Technical Officer imminent. Galaxy was soon to be replaced by a new system. Mr Streit pointed out that consultants had covered the vacant posts, and Mr Barbieri explained that on being appointed Agreements Officer he had continued to cover his former post of Scientific and Technical Officer. Mr Biber expressed concerns about the effect on efficiency with new short-term staff needing to familiarise themselves with the work of the Convention.

31. Mr Whitmee asked whether the advantages and disadvantages of belonging to the UN system might be highlighted and Ms Courouble added that comparisons with the procedures adopted in other UN bodies would be useful. Mr Biber warned that comparisons might be difficult as MEAs treated similar activities differently (e.g. funding advisory bodies through core budgets rather than voluntary contributions) but the basic budget information should be readily accessible through the MEAs' websites.

32. 4.2.3. Ms Courouble suggested that capacity building should also be stressed, because of the importance of developing countries to the implementation of the CMS Family. The Parties should be asked for their assessments of their needs and where they perceived the problems of implementation to lie. Mr Biber referred to an exercise at the Ramsar Convention by which Parties had been asked how they implemented Conference Resolutions. Mr Whitmee proposed new wording to replace the phrase "the Parties did not provide the requisite funding at COP9", accepting that it was correct as it stood but gave the wrong emphasis.

33. 4.2.4 Ms Courouble asked for further information on the *modus operandi*, membership, participation and organisation of the Scientific Council, and on whether it really consulted before making any technical decision on a species. The Secretariat undertook to provide details on attendance figures and the duration of recent meetings. Ms Mrema informed the meeting that the Council liaised with other MEAs through regular meetings of the Chairs of Advisory Bodies. Mr Barbieri as former Scientific and Technical Officer gave a summary of the current composition of the Council (80 Party nominees appointed with indeterminate terms and eight COP-appointed experts whose membership was renewable at each COP). Some organisations had a standing invitation to attend meetings and the Chair had the discretion to invite further observers..

34. Mr Lenten suggested that the operation of the Technical Bodies of CMS Agreements might be examined. The AEWA Technical Committee for instance was much smaller and therefore less expensive to operate and service, although he recognised that the structure of the CMS Scientific Council was set down in the Convention text.

35. 4.2.4.2 Ms Filgueira explained that this section had been restructured but the text had remained largely unaltered.

36. 4.3.1 Ms Filgueira would rename the section so that the title and sub-title would not be identical. Ms Virtue explained the difference between the ACCOBAMS partners and the Friends of CMS (*Freunde der Bonner Konvention e.V.*), a registered not-for-profit association whose aim was to raise funds for CMS from German business. It was agreed to use the text provided in Germany's written comments to explain the Friends' status

37. It was agreed that sub-section 4.3.2. on capacity building should be upgraded to a section or be included earlier in the report in section 4.2. Mr Whitmee suggested that the first sentence of the second paragraph (beginning "Future species") be deleted and taken into consideration in Step 2. He also sought clarification of whether the last sentence (beginning "Not only does") was opinion or fact. Ms Filgueira confirmed that this was the interpretation of the consultants of the information provided. Mr Biber suggested that the phraseology might be more circumspect (for instance "it might promote") and the advantages and disadvantages could be set out.

38. Ms Virtue thought that all the references to Europe made it sound as though the rest of the world was a minor adjunct. In the reference to "'African gorillas", the word "African" was redundant. She also pointed out that WDCS's support was still being provided. Ms Mrema, stressed that most recent growth in the Convention's membership and activities in the form of MOUs had taken place outside Europe.

39. In examining the section 4.4 on MEAs, IGOs and NGOs, there were no comments on the paragraphs concerning ASCOBANS, ACCOBAMS, ACAP, Western African Aquatic Mammals, the Bukhara Deer, Dugongs and African Elephants. Regarding the Pacific Islands Cetaceans, it was stressed that the arrangements with SPREP had not been finalised.

40. 4.4.2 There was a discussion about adding the words "of synergies and overlaps". "Synergies" were always considered positive, but overlaps had connotations of waste. Mr Whitmee suggested that the advantages and disadvantages could be set out in a table.

## **Chapter 5: Conclusions**

41. It was agreed that clear distinctions should be made between the Agreements with their own budgets, the MOUs based in Abu Dhabi benefiting from the three-year grant from the UAE and the majority of MOUs with no core-funding.

42. Mr Biber set out how he felt the next steps should be leading up to the 2 November deadline for submitting documents to the Standing Committee;

- 22 October - CMS Secretariat to comment on changes so far to ERIC, copied to the Working Group
- 26 October - ERIC to produce revised report, sent to the Working Group and all Family Secretariats, together with the minutes of the Working Group meeting
- 29 October – Working Group to submit comments to ERIC
- 30 October - ERIC to include any last comments. Where disputes have not been resolved, text can be placed in square brackets. Revised text sent to the Secretariat

- 2 November - Secretariat to send the draft to Standing Committee in English and post on web. Graphics will be added later.

43. Ms Mrema stressed that the Working Group could present a draft report to the Standing Committee and the final version could be prepared after the Standing Committee had made its comments. Mr Biber made the distinction between the report itself and the thirty-four tables. The latter were essentially factual and he felt that the Secretariat should comment on them. The report could still be regarded as a work in progress and some square brackets indicating questions still open would be acceptable in the version submitted to the Standing Committee.

### **Action Points**

- Add paragraph on synergies within Family Secretariat to provide words by the end of **Thursday, 22 October**
- Synergies with outsiders (current and potential) by the end of **Thursday, 22 October**
- Data on funding and staffing for all CMS Family including comparisons with other MEAs by the end of **Thursday, 22 October**
- Improvements in UNEP recruitment procedures by the end of **Thursday, 22 October**
- Information on meetings of the Chairs of Scientific bodies and the Biodiversity Liaison Group (BLG) by the end of **Thursday, 22 October**
- Information on the Scientific Council, its modus operandi, costs and levels of participation by the end of **Thursday, 22 October**
- Information on the “Friends of CMS” by the end of **Thursday, 22 October**
- An additional slide in the presentation on Agreements and MOUs by the end of **Thursday, 22 October**
- An analysis of resources available to implement (a) work programme commitments adopted by COP or MOP and (b) desirable projects identified inter-sessionally – **later stage** (ERIC to check questionnaires for specific references to work not being carried out for lack of resources)
- Table showing proportion of CMS time staff time allocated to MOUs - **later stage**

### **Presentation by Taej Mundkur, Chair of the Scientific Council Working Group on Flyways**

44. Mr Biber introduced Mr Mundkur, explaining that John O’Sullivan, the Appointed Councillor for Birds was serving as Vice-Chair of the Flyways Working Group (FWG). The Future Shape and FWG would have to liaise and this would be facilitated through the fact that Mr Biber was a member of both.

45. Mr Mundkur explained that the FWG had been established over the past few months with twenty-five volunteering to participate. Originally the FWG was to focus on waterbirds



but recognising the wider CMS remit, it would now consider to all migratory birds. Some recent reviews provided good information on other regions and taxonomic groups. At the request of John Mshelbwala, Chair of the Scientific Council, has requested that the FWG be as open and wide ranging as possible and should cover North America where CMS had no Parties. Its terms of reference included in addition to liaising with the ISWGoFS, the production of three reports: (i) CMS instruments and non-CMS instruments; (ii) scientific and technical knowledge of flyways and (iii) Flyway Conservation. The FWG was also liaising with the Ramsar Convention over cooperation regarding holding workshops.

46. Mr Mundkur invited comments from the ISWGoFS especially as the proposed timetable of activities was concerned. Mr Whitmee noted that both the Future Shape Working Group and the FWG were to make reports in September 2010, so some coordination would be required. Mr Mundkur said that the first draft of the Flyways report was expected in March or April and the second in May. Mr Biber made a tentative offer of financial support from Switzerland.

### **36<sup>th</sup> Meeting of the CMS Standing Committee**

47. There were two issues to be raised at the Standing Committee – the Strategic Plan roll forward 2012-2017 and Resolution 9.2 paragraph 6 on the three reviews of existing species instruments (terrestrial mammals, aquatic species and birds).

#### **Strategic Plan (2006-11 and 2012-17)**

48. Ms Mrema pointed out that Resolution 9.13 required the ISWGoFS to take account of the Strategic Plan without specifying how. The Secretariat would work up a Standing Committee paper.

49. Mr Biber commented that the Resolution was vague about who should lead on drafting the Strategic Plan 2012-17. He said the Strategic Plan should take account of the Future Shape process and not vice versa, warning of the danger of the Strategic Plan being drafted independently. Mr Biber thought that the ISWGoFS should draft the next Strategic Plan with three versions complementing the three options for Future Shape.

50. Mr Whitmee feared that developing three parallel Strategic Plans to mirror the three Future Shape options would involve a great deal of wasted effort as two options would be rejected, especially as the three options could differ considerably and the Future Shape of CMS might also be radically different from the *status quo*.

51. Mr Biber accepted that elaborating the three options would necessitate time and effort and might require a consultant, but it was in line with the Resolution. At best, the ISWGoFS could propose that the Standing Committee not adhere to the letter of the Resolution and simply update the existing Strategic Plan. The deadline for submissions to the Standing Committee was looming, so the ISWGoFS had to work fast on its recommendation.

52. The meeting supported the Chair's position that these two options (three parallel versions reflecting the three Future Shape models or a simple update of the existing plan) be put to the Standing Committee. France doubted whether there would be sufficient material available to work up three Strategic Plans, but Olivier was confident that in form and content the current Plan lent itself well to adaptation.

## **Review of Existing Agreements and Projects by Taxonomic Groups**

53. Mr Biber invited the ISWGoFS to examine the linkages between its remit and the three reviews required by Resolution 9.2 paragraph 6 on terrestrial mammals, marine species and birds.

54. Ms Mrema explained that donors had been approached to fund the three reviews but no volunteers had come forward. The terms of reference (TOR) could be drafted nonetheless and submitted to the Standing Committee for approval, but the question now arose whether we should proceed given the progress being made with the Future Shape process. The views of the ISWGoFS were requested because it had examined existing Instruments as part of the draft Report on the first Step.

55. Mr Whitmee agreed that there was a large degree of overlap and if finding the funding was a difficulty, the three reviews could be incorporated into Step 2 of the Future Shape process.

56. By way of background, Mr Barbieri explained that the original proposal made by the Secretariat had included an indicative timetable for the reviews throughout the current triennium. The Parties had amended this during the COP when it became clear that the Future Shape process would be launched. Mr Barbieri replied that the review of Flyways policy prompted consideration of a wider approach embracing all species groups. Mr Biber recalled that there had been calls for such reviews from the Scientific Council but it lacked the means to undertake the reviews itself.

57. Mr Biber asked whether the meeting felt that the review work required under 9.2.6 had to any great degree already been undertaken by the Future Shape consultants. He proposed to inform the Standing Committee that the ISWGoFS felt that the report commissioned for Step 1 contained some information addressing the three reviews and sought guidance as to whether this was sufficient or whether the reviews should still be given more consideration, even though no funding was available.

58. Mr Whitmee pointing out that the level of detail in 9.2.6 was considerably less than other sections of the same resolution, suggested that the reviews, provided that they were not meant to be too comprehensive, could be added to the TOR of the ISWGoFS for Step 2 given the degree of overlap with elements of the consultants' report.

59. Mr Biber said that he thought the UK's view gave a clear pointer to the Standing Committee of how it might proceed with the ISWGoFS's involvement, given the overlap. The UK suggested that the ISWGoFS might find the TOR for the reviews helpful in the event of it being asked to undertake the work, so even if the Standing Committee decided not to commission a consultant or no funds were found, the TOR would still be useful. Both Mr Lenten and Mr Barbieri felt that ISWGoFS participation in the drafting process would be beneficial to secure wider support

60. Ms Qwathakana however thought that Resolution 9.2.6 should be fully implemented and she doubted that the FSWG could adequately undertake the necessary work or that the mandate to the WG under Resolution 9.13 was sufficient. The ISWGoFS's advice to the Standing Committee should be to review the TOR, seek the money and have the reviews conducted properly.

61. Mr Biber suggested that the two options be circulated to other members of the ISWGoFS and presented to the Standing Committee. The UK suggested that the South African proposal be the prime option with the UK's proposal as a fall-back position.

### **Report of the Working Group to the Standing Committee**

62. Mr Biber stated that he intended to attend the Standing Committee and would submit a written report and make a supplementary oral statement. He would also answer questions. He suggested that it would be helpful if a representative of ERIC were also present, provided that there was still some money left in the budget to cover travel.

63. Mr Biber thought it would be desirable to have consultants on board throughout and probably essential in the final stages in the run-up to COP10. As the Step 1 report was still open and considered a working document, retaining ERIC until February or March would make sense, as this would allow the tables to be worked up and for any possible changes requested by the Standing Committee to be incorporated. He suggested that the Secretariat negotiate the details with ERIC. This approach was supported by the other members of the ISWGoFS and the Secretariat confirmed that it was fully in line with the TOR.

### **Steps 2 and 3**

64. Mr Biber outlined the proposed timetable for the Future Shape process in the run-up to COP10.

- Step 2 to begin in December 2009.
- Working Group meeting tentatively in June 2010.
- Completion of Report on Step 2 by September 2010
- CMS Standing Committee in October or November 2010
- Step 3 starts November 2010
- Working Group meeting in February or March 2011 at the latest
- Draft recommendations to the COP ready by April 2011 (six months before COP10)
- COP10 late 2011

65. Assessing the resources available, Mr Biber noted that France had pledged funding for a meeting in 2010 for Step 2 and/or in 2011 for Step 3. He said that the support of the consultants had been essential for Step 1 and should be retained for the rest of the process, probably though not for the entire two years but at key stages, such as the production of the final report. The costs of consultancies were estimated at €30,000 per step and meetings €10,000 – €15,000.

66. The ISWGoFS would need terms of reference. Mr Biber thought that Steps 2 and 3 would require more analytical work after the research had been done in Step 1. The Working Group's modus operandi should also be considered: meetings were productive, but were costly and not convenient for members such as Australia. Telephone conferences were another option.

67. Mr Biber said that the Working Group would welcome a further contract covering January 2010 until COP10, although the terms of reference would have to make clear when the consultants would need to be active.

### **Considerations to be taken into account in Step 2**

68. Mr Whitmee presented a paper “Phase 2 Considerations” which was based on the remit contained in Resolution 9.13 and attempted to provide some more detail. The paper was intended to initiate the debate. It also made reference to a report commissioned by the Finnish government on the operation of MEAs.

69. Mr Whitmee drew attention to the highlighted text in the paper which contained the most important subjects for further consideration: integration of functions, shared services (IT and human resources), flexible staff management, alternative administrative structures, shared accommodation and co-location, and collaboration with other bodies, scientific advice and outsourcing, harmonised data collection and management, rationalised reporting, financial management, funding, structural change, harmonised policies, added value and consolidation (implementation) against further expansion (development).

70. Ms Mrema welcomed the UK’s paper as a useful first step in considering step 2 of the process. A number of the issues raised were already being addressed, such as common services provided in the UN Campus and World Conservation Monitoring Centre-led projects on data collection. The CMS Family was looking at harmonisation of reporting. Other initiatives were being led by other MEAs so CMS’s role was secondary. Mr Whitmee agreed to revise his paper and circulate it to the Working Group together with the Finnish report. Ms Virtue pointed out that UNEP was already undertaking some clustering with the chemicals conventions. This was further explained by Ms Mrema, who said that a working group was examining streamlining of legal, staffing and financial arrangements. Mr Biber said that a similar approach had been explored for biodiversity MEAs but no conclusions had been reached, but he stressed CMS’s role as lead-CBD partner for migratory species, which should help gain access to GEF funding. Among biodiversity MEAs, there were initiatives such as TEMATEA and report harmonisation.

71. Mr Biber thought that the possible way ahead was becoming clearer but the ISWGoFS should await directions from the Standing Committee. The ISWGoFS would also need an indication of whether funding would be available to engage consultants. He thought that the Secretariat could start an appeal for funds without consulting the Standing Committee as the Future Shape process had been mandated by the COP. He undertook to report back to the ISWGoFS on the outcomes of the Standing Committee. With regard to the development for Step 2 of the questionnaire for Parties, partners and other MEAs, Ms Courouble suggested that France and the UK produce a draft questionnaire, as they had done for Phase 1. Mr Biber and the rest of the participants endorsed the proposal. He stressed the importance during Step 2 of bearing in mind how it would influence Step 3 and the development of the three options.

## **Closure**

72. After the customary expression of thanks to all involved in the success of the meeting, the Chair declared the session closed at 14.55.

**1<sup>st</sup> Meeting of the Intersessional Working Group on the Future  
Shape of the CMS Process (ISWGoFS)  
First Phase of the Process**

**Bonn, 19-20 October 2009  
Room No. 2309**

**Provisional Agenda and Schedule**

*MONDAY 19 October 2009*

09:00	<b>Registration of delegates</b>
09:30 – 09:40	Opening of the Meeting By Elizabeth Mrema (UNEP/CMS Officer in Charge)
09:40 – 10:00	Summary presentation of the draft report on the 1st phase of the Future Shape Process by ERIC (10 Minutes), followed by question of a general nature
10:00 – 11:00	Overview of the current structure and organization of CMS, Agreements, MoUs and future MoUs presentation by ERIC (20 Minutes), followed by questions and discussions
11:00 – 11:30	Coffee break
11:30 – 12:30	Analysis of how the CMS Family operates Part 1 – integration and capacity to carry out activities presentation from ERIC (15 Minutes), followed by questions and discussion
12:30 – 14:00	Lunch break
14:00 – 15:00	<i>Analysis of how the CMS Family operates Part 1 – Looking at advantages and disadvantages</i>
15:00 – 15:30	Coffee break
15:30 – 16:00	<i>Analysis of how the CMS Family operates Part II – Strengthening cooperation and synergies presentation from ERIC (15 Minutes), followed by questions and discussion</i>
16:30 – 18:00	Analysis of how the CMS Family operates Part II – Looking at the advantages and disadvantages
18:00	Close of day 1

*TUESDAY 20 October 2009*

- 09:30 – 10:00 Continue discussion of the report (as necessary)
- 11:00 – 11:30 *Coffee break*
- 11:30 – 12:00 Input on flyways arrangement within the CMS family – co-operation with the Scientific Council Working Group on flyways
- 12:00 – 13:00 36th Meeting of the CMS Standing Committee on 2 – 3 December 2009
- Report on the work of the ISWGoFS in the 1st phase of the Future Shape Process
  - Strategic Plan 2012-2017–presentation by Secretariat
  - Review of existing Agreements and projects by taxonomic groups – TOR process - presentation by Secretariat
- 13:00 – 14:30 *Lunch Break*
- 14:30 – 18:00 Planning of Phase II and Phase III of the Future Shape Process including co-operation with the Scientific Council Working Group on Flyways
- 18:00 Close of day 2

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