Convention on the Conservation of Migratory Species of Wild Animals
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CMS/StC37/8/Rev.1
Agenda Item 6.b

DRAFT REVIEW 3 ON PROPOSALS FOR POLICY OPTIONS FOR MIGRATORY BIRD FLYWAYS CONSERVATION/MANAGEMENT TO FEED IN TO THE FUTURE SHAPE OF THE CMS

Prepared by the Scientific Working Group on Global Flyways

1. The present draft Review is the last of a series of three reviews which the Flyways Working Group (FWG) is undertaking .

2. Review 1 "A review of CMS and non CMS existing administrative/management instruments for migratory birds globally" was compiled by Wetlands International and presented to the June 2010 meeting of the Scientific Council as UNEP/CMS/ScC 16/Doc 10 Annex 1a and 1b.

3. Review 2 "Review of Current Knowledge of Bird Flyways, Principal Knowledge Gaps and Conservation Priorities" was compiled by BirdLife International and was presented to the 2010 Meeting of the Scientific Council as UNEP/CMS/ScC 16/Doc 10 Annex 2a and 2b.

4. Review 3 has been drafted by Prof. Dr. Colin Galbraith and has been submitted to the Flyways Working Group for a first round of consultation. Feedback from the FWG has been incorporated into the document and it is envisaged that a second round of consultation with the FWG will be done after the meeting of the Standing Committee.

Action requested:

The Standing Committee is invited to examine the draft Review and provide comments. The Standing Committee is also requested to provide guidance on the future of the Flyways Working Group.

VERSION 16 NOVEMBER 2010

CMS Working Group on Flyways: Review 3

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

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

CONTENTS

Annex 3 Terms of reference for Flyways Review 3

Executive Summary

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

Threats to Migratory Birds.

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

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

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

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

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

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

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

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

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

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

Developing an Approach for the Future

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

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

18 Action: Regional framework agreements 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.

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

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

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

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

INTRODUCTION

1.1 Background and the approach used

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

Review 1 "A review of CMS and non-CMS existing administrative/management instruments for migratory birds globally".

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

Review 2 "Review of Current Knowledge of Bird Flyways, Principal Knowledge Gaps and Conservation Priorities"

Compiled by Jeff Kirby, June 2010

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

The implementation of the review should be seen alongside the outcome of the parallel review process looking at the "Future Shape" of the Convention.

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

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

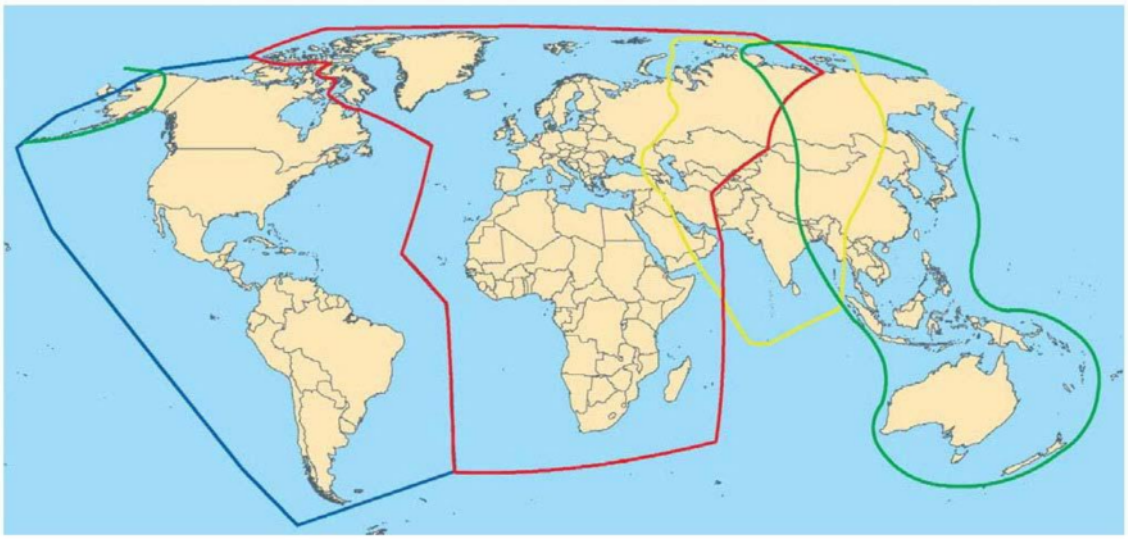
2 THE MAJOR FLYWAYS OF THE WORLD (FROM REVIEW 2); HOW WE VIEW FLYWAYS TODAY.

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.

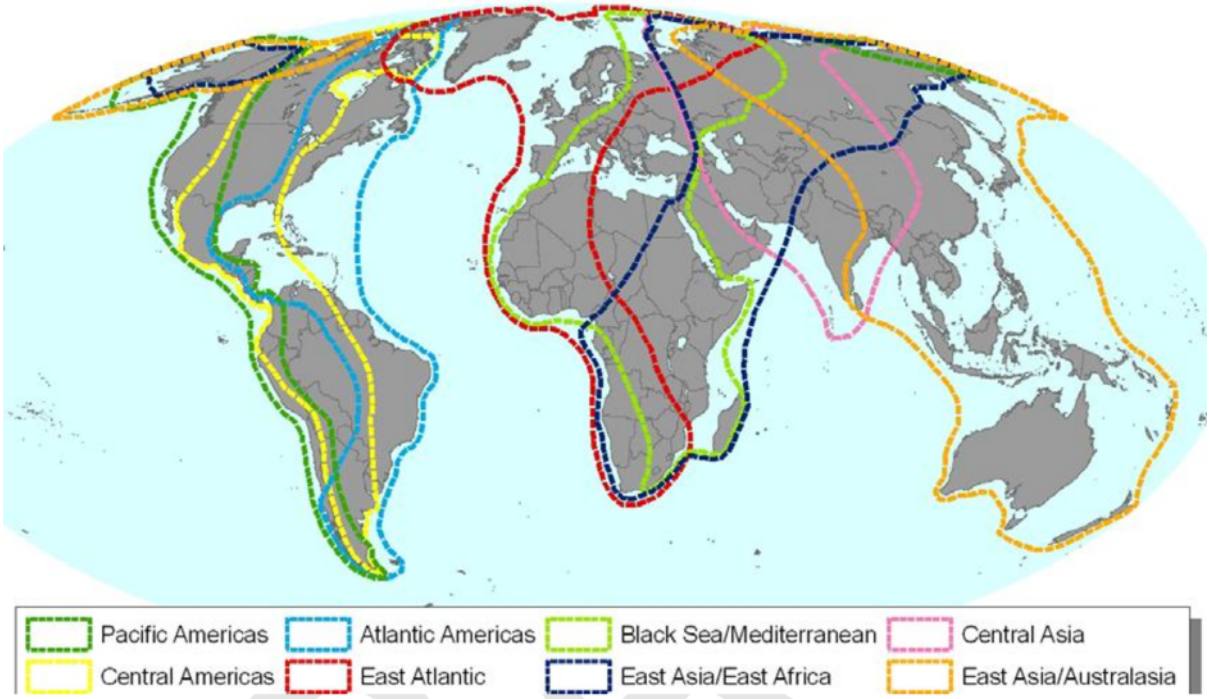
The two maps below illustrate that essentially the same classification of global flyways can be presented at various scales of migration activity. The simpler presentation is seen in the first map, indicating that there can be considered to be four major flyways at the global level. It should be noted 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.



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.

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



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

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

2.2 Species status

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

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

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

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

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

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

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

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

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

3.1 Existing coverage

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

3.2 Gaps in Geographical Coverage

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

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

• Africa – Eurasia (particularly Eurasia);

• Americas (particularly North America);

• East Asia – Australasia.

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

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

• Central Pacific;

• Central Asia (there is a CMS Action Plan for waterbirds that has yet to be implemented; there is also substantial species and geographical overlap with the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) and the CMS Memorandum of Understanding (MoU) on Migratory Birds of Prey in Africa-Eurasia);

• Pelagic (open ocean) flyways in the Atlantic Ocean, Pacific Ocean, Indian Ocean and Southern Ocean.

3.3. Coverage of species groups

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

• Waterfowl (Anatidae);

• Shorebirds/waders (Scolopacidae);

• Other migratory waterbirds such as divers (loons), grebes, cranes, herons etc;

• Nearctic-breeding passerines and other landbirds that migrate to the Neotropics for the non-breeding season;

• Raptors (particularly in Africa-Eurasia).

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

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

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

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

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

3.4 Priorities to fill the gaps in coverage

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

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

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

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

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

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

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

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

4 THE KEY PRESSURES IMPACTING ON MIGRATORY BIRDS.

Key Pressures.

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

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

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

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

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

4.1 Habitat loss, fragmentation and reduction in quality.

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

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

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

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

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

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

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

4.2 Climate Change.

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

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

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

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

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

4.3 Bycatch

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

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

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

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

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

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

4.4 Disease

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

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

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

4.5 Unsustainable use.

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

4.5.1 Capture for food

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

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

4.5.2 Capture for trade formal/informal Legal/illegal

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

4.5.3 Recreational shooting.

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

4.5.4 Tourism? Possible problem in some areas

4.5.5 Lead shot –to follow

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

4.6 Alien Species

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

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

5 PRIORITIES FOR THE DEVELOPMENT OF CMS INSTRUMENTS; (THE "WHAT TO DO" QUESTION).

5.1 The role of CMS

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

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

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

5.2Geographical Priorities

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

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

5.2.1 Central and South America

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

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

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

Action: 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.

Action: 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.

5.2.2 South east and East Asia;

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

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

Action: 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.

Action: 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.

5.2.3 The Pacific Region

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

Action: 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.

5.2.4 Central Asia

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

Action: 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.

5.2.5 Europe and Africa

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

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

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

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

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

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

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

5.2.5 Marine

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

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

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

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

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

5.3 Species Priorities

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

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

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

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

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

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

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

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, shearwaters1	Global	74	38 (51%)	27 (37%)
Waterbirds2	East Asia–Australasia	61	23 (38%)	15 (25%)
Storks / Ibises2	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%)
Passerines3	Americas	434	133 (31%)	25 (6%)
New world3 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%)

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

Similarly raptors are effectively covered under the MoU but are not covered in the other Regions of the Word

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

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

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

6 OPTIONS FOR CMS INSTRUMENTS FOR MIGRATORY BIRDS.

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

6.1 High level policy options:

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

OPTION 1: CONTINUE AS NOW

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

OPTION 2: WIDER CO-ORDINATION

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

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

OPTION 3: SCALE BACK

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

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

6.2. Developing a new approach

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

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

Potential Advantages

1 Relatively simple overarching agreement

2 Common formats across Regions

3 Simpler for countries to work with-only one agreement that is legally binding

4 Lower administrative and management costs

4 Relatively quick to put in place- to recognise the urgency of the situation

5 Common text to include the "threats" to species listed in section four of this report

6 Fill the obvious gaps in coverage and helps facilitate global level coordination

7 Action plans focussed on really key priorities for action

8 Action plans flexible and adaptable to individual situations

9 Increases participation and opens the way for better partnerships at the action plan level with NGOs, other Conventions and Governments.

10 Gives CMS a "new" initiative that will generate wider interest

11 Allows the development of an agreement that will cover all bird species, so helping bring attention to otherwise neglected groups

12 Facilitates the participation of non-Parties

13 Develops a truly Regional approach for CMS

14 Enables issues common to many groups of species to be tackled across the board, e.g. habitat change or unsustainable use.

Potential Disadvantages

1 Overarching agreements may be too simple

2 Overarching agreements may be too general and lack focus, by trying to relate to too many species or issues

3 Regional approach could go too far and the Convention lose its overall ability to coordinate activity

4 Real differences may develop between Regions to the detriment of delivery

5 Administrative burden may be much greater than envisaged after the set-up phase

6 *Parties may not "buy in" to the action plans lead*ing to limited delivery overall

7 Action plans may be too flexible and lack any real substance

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.

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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?

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

6.3 Identifying priorities and a planning for action:

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

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

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

6.3.1 Initiative 1: Maintaining and developing existing agreements

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

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

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

6.3.2 Initiative 2: Developing global co-ordination

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

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

allow a much greater geographical "reach" and would allow substantial additional scientific and conservation resources to be deployed.

2.2 Achieving a more comprehensive review of species to be listed on the Appendices to CMS is a key building block for global co-ordination.

2.3 Develop a new agreement covering migratory birds in South America, possibly sharing secretariat and resources with the existing MoUs within the Region.

2.4 Develop formal links to the non- CMS arrangements covering North America.

2.5 Establish a clear way forward for flyway management in the SE Asian and Australasian Flyway to encompass non waterbird species, building on the effective groundwork already established by others. .

2.6 Continue the existing collaboration with the EAAFP and consider how to enhance implementation on the ground.

2.7 Consider the need for an agreement covering species in the "Pacific"

2.8 Establish the view of the Parties in relation to the need to conclude the drafting of the Central Asian Flyway Agreement.

2.9 Develop a plan of action for the "non-ACAP seabirds" and consider the relationship of this group to the work already underway in ACAP. This could be discussed at the next meeting of ACAP in order to develop an informed view of the detailed issues involved.

6.3.3 Initiative 3: Developing Action Plans and the provision of information and data

Noting that initiatives 1 and 2 above are 'big' initiatives, potentially dealing with multi-species groups covering very large geographical areas, delivery on the ground will still require to be focussed and coordinated via shared Action plans, set within this common Regional framework. These Action plans would be the main means to ensure that conservation action was effective, and could deal with a wide range of issues ranging from those affecting only a small number of species to larger issues, e.g. habitat loss in a Region, that will affect many threatened species. The development of Action plans should be prioritised according to the guidelines outlined in section 6.2.1 of this report**.**

A number of species groups are under represented on the Appendices of the Convention. It is important that data and information is made available for these groups, so that a better assessment of their population status can be made. This is particularly true for the Passerines, where the migration patterns may be complex and the ecology of many threatened species is not fully known. CMS should encourage the collection and use of data on such species and where possible countries should be encouraged to publish migration atlases and other relevant information.

Action: The Flyways Working Group suggests that the above set of initiatives (6.3.1-6.3.3) would help develop a global approach to the conservation of migratory birds. It recognises

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

6.4 Mechanisms for Action

6.4.1 Linking to other government led initiatives

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

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

6.4.2 Indicators

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

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

6.4.3 Working in partnership.

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

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

6.5 Issues of profile

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

TABLES AND ANNEXES

Annex 1

Timeline for major meetings - listed by parent Convention

CMS

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

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

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

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

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

AEWA

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

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

ACAP

Information to follow

Ramsar

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

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

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

CITES

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

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

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

15-19 August. 2011 61st meeting of the Standing Committee.

1012/1013 Next Conference of the Parties.

Convention on Biological Diversity

TIMELINE BY DATE: Grouping all relevant meetings by date.

2010

18-29 October 2010 CBD 10th Conference of the Parties. Nagoya, Japan.

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

2011

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

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

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

16 June 2011 CITES Deadline for the submission of documents for the 61st meeting of the Standing Committee.

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

15-19 August. 2011 CITES 61st meeting of the Standing Committee.

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

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

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

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

2012

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

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

1012/1013 CITES Next Conference of the Parties.

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

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

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

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

Annex 3

TERMS OF REFERENCE FOR REVIEW 3

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

Background

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

The consultant will be responsible for:

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

Proposed process:

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

4) Circulating of the second draft review to the Working Group and other experts, and
5) Production of the final review

Outputs
Production of a written review, as per the table of contents and timeline below.

Draft table of contents

- Executive summary
- Briefly outline/describe major flyways for different migratory bird groups (from review 2)
- Summarize coverage of existing CMS and non CMS instruments/frameworks (from review 1)
- Outline the key ecological pressures impacting on migratory birds, including climate change, habitat loss and fragmentation, as well as unsustainable use and by-catch.
- Propose priorities for development of CMS instruments to cover major flyways, species groups, species/populations and CMS Appendix I and II listed species.
- Propose suitable options for CMS instruments for migratory bird conservation (different instruments may be required to deal with different flyway regions, species groups and species), including potential mechanisms for implementation (such as strong partnerships arrangements with other IGOs, NGOs, etc).

Reporting deadline

Final review see table for preliminary steps

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 37th Meeting of the CMS Standing Committee			15		
Presentation to the 37th Meeting of the Standing Committee			23-24		
2nd 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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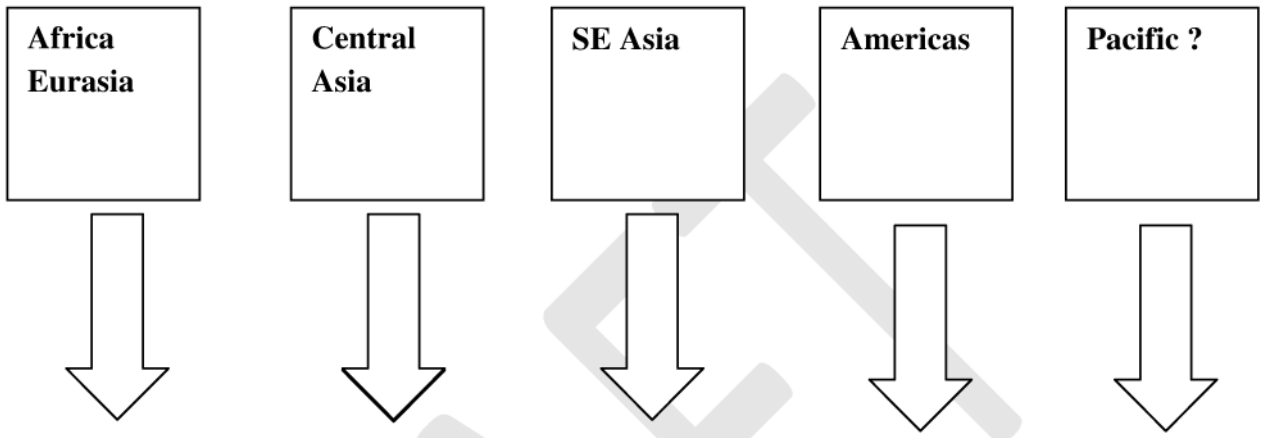
Diagram 1

SCHEMATIC DIAGRAM OF A NEW AGREEMENT FRAMEWORK

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



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