

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/Resolution 10.16

Original: English

PRIORITIES FOR CMS AGREEMENTS

Adopted by the Conference of the Parties at its Tenth Meeting
(Bergen, 20-25 November 2011)

Concerned that the 3rd Global Biodiversity Outlook, published in 2010, confirmed the existence of continuing global trends of loss of biodiversity including migratory species, intensifying threats to migratory species from exploitation, habitat loss and fragmentation in particular, and consequent negative implications for human well-being;

Reaffirming that migratory species are best conserved through international cooperation, with national efforts coordinated across the range of each species;

Recalling that Article IV of the Convention provides for the conclusion of agreements for migratory species and for AGREEMENTS for species listed in Appendix II of the Convention, in particular for those in an unfavourable conservation status;

Further recalling that Resolution 2.6 recommends the use of non-binding instruments such as Resolutions of the Conference of the Parties and Memoranda of Understanding as potential first steps towards the conclusion of AGREEMENTS under the Convention;

Noting that colloquially, and in this Resolution, the term “agreements” is used to refer in a generic sense to AGREEMENTS, agreements and Memoranda of Understanding as the context may require;

Further recalling that paragraph 43 of the CMS Strategic Plan 2006-2011 (now paragraph 41 in the updated version of the Plan for the period 2012-2014) recommends a number of measures for ensuring that agreements use similar systems for planning and reporting their work, in order to ensure that they are strategically aligned with the Convention;

Having regard to Resolution 9.2, in which the Parties decided that the focus for the triennium 2009-2011 should be on the implementation and operationalization of existing CMS agreements and that the development of additional agreements should be linked to the outcome of the work initiated by Resolution 9.13 on the Future Shape of CMS, *but noting also* that the same Resolution 9.2 acknowledged the importance of maintaining momentum with regard to the proposed new instruments that were already under development at that time;

Expressing appreciation for the work of the Working Group on Global Bird Flyways

established by Resolution 9.2, which has informed the recommendations on the role of CMS agreements in relation to flyways contained in Resolution 10.10 on global flyway conservation and options for policy arrangements;

Thanking UNEP-WCMC for the reports it has produced at the request of the Secretariat pursuant to Resolution 9.2 to review CMS existing instruments and projects on marine turtles and on terrestrial mammals including bats, which discuss options for more effective implementation of CMS existing instruments and priorities for development, and have been presented to this Conference as documents UNEP/CMS/Inf.10.15 and UNEP/CMS/Inf.10.16, with Executive Summaries in documents UNEP/CMS/Conf.10.44 and UNEP/CMS/Conf.10.45;

Thanking also the Environment and Development Group, working together with the Migratory Wildlife Network, for the report it has produced at the request of the Secretariat and with funding from France and the Principality of Monaco to analyse gaps and options for enhancing elephant conservation in Central Africa, and which has been presented to this Conference in document UNEP/CMS/Inf.10.27, with an Executive Summary in document UNEP/CMS/Conf.10.46;

Taking note of the report provided by the Secretariat in document UNEP/CMS/Conf.10.9 on progress in the implementation of agreements already concluded and in the development of new agreements, including strategic considerations concerning the development and servicing of agreements; and

Recognizing that the development and servicing of agreements are subject to the availability of resources, *welcoming* the Secretariat's sustained efforts pursuant to Resolutions 7.7, 8.5 and 9.2 to foster partnerships with governments and relevant organizations to support the operation of agreements under the Convention, and *further welcoming* with gratitude the generous support of this kind provided to date by numerous governments and organizations, including the financial and in-kind contributions noted in documents UNEP/CMS/Conf.10.19 and UNEP/CMS/Conf.10.28;

*The Conference of the Parties to the
Convention on the Conservation of Migratory Species of Wild Animals*

1. *Urges* all Range States of existing agreements under the Convention that have not yet done so to sign, ratify or accede as appropriate to those agreements and to take an active part in their implementation;
2. *Encourages* the Secretariat to continue its efforts to seek partnerships with governments and relevant organizations to support and enhance the effective operation of agreements under the Convention;
3. *Invites* Parties, other governments and interested organizations to provide voluntary financial and other support where possible for the effective operation of existing agreements and the conclusion of those agreements currently in development;
4. *Welcomes* the conclusion and entry into effect during the past triennium of the:
 - Memorandum of Understanding on the Conservation of High Andean Flamingos and their Habitats;
 - Memorandum of Understanding on the Conservation of the Southern Huemul; and

- Memorandum of Understanding on the Conservation of Migratory Sharks;

5. *Instructs* the Secretariat to develop for consideration and adoption at COP11 a policy approach to the development, resourcing and servicing of agreements in the context of Resolution 10.9 on Future structure and strategies of the CMS and the CMS Family;

6. *Decides* that the following considerations must be addressed when making any new proposals in the meantime:

- (a) substantiation of the case for a new instrument, based on an analysis of needs and gaps in current conservation provisions;
- (b) whether the proposal helps to deliver a specific existing CMS COP mandate or other existing CMS initiative;
- (c) the financial implications of the proposal, and what plan for financing the instrument is in view;
- (d) the extent to which the financing plan is sustainable in the long term;
- (e) whether a new instrument is the only option, or whether alternative options exist, such as extending an existing instrument;
- (f) whether a CMS instrument is the only option, or whether the same outcomes could be achieved by delivery through one or more partner organizations, or by other means;
- (g) what other synergies and efficient ways of working can be foreseen; and
- (h) whether an organization or (preferably) a country has committed to leading the development process; and

7. *Decides* that if no such clear expression of interest or offer to lead on an instrument materializes after two intersessional periods, the instrument concerned will no longer be considered as an instrument under development.