



Convention on the Conservation of Migratory Species of Wild Animals

Secretariat provided by the United Nations Environment Programme



THIRTEENTH MEETING OF THE CMS SCIENTIFIC COUNCIL

Nairobi, Kenya, 16-18 November 2005

CMS/ScC.13/Doc.6

CONCERTED ACTIONS, AGREEMENTS AND COOPERATIVE ACTIONS – THE OPERATIONAL TOOLS OF CMS

(Note by the Secretariat)

Under this cover is reproduced a revised version of the document “Concerted Actions, Agreements and Cooperative Actions: The operational tools of CMS”, prepared by Dr. Pierre Devillers, Scientific Councillor appointed by the European Community, and former Chairman of the CMS Scientific Council.

A previous version of the document was tabled at the 12th meeting of the CMS Scientific Council (ScC12), held in Glasgow, April 2004, within the context of the Council’s work aiming to refine the concept of Cooperative Actions. The present version takes into account discussions held at ScC12, and subsequent consultations between Dr. Devillers and the Secretariat.

CONCERTED ACTIONS, AGREEMENTS AND COOPERATIVE ACTIONS THE OPERATIONAL TOOLS OF THE CMS

(Prepared by Dr. Pierre Devillers, former Chairman of the CMS Scientific Council)

The Convention applies to all migratory species, "migratory species" being defined as "the entire population or any geographically separate part of the population of any species or lower taxon of wild animals, a significant proportion of whose members cyclically and predictably cross one or more national jurisdictional boundaries", a definition that was fully and unambiguously explained by Resolution 2.2. However, transcription in operational terms requires inscription of species on either Appendix I or Appendix II.

Species must be listed on Appendix I if they are "endangered", in the sense of CMS, formulated by Resolution 5.3.

For species listed on Appendix I, Range States shall prohibit taking (Article III.5). They shall also endeavour to take measures destined to restore the status of the species (Article III.4), in particular conservation and restoration of habitats (Article III.4.a), removal of obstacles to migration (Article III.4.b), control of risk factors (Article III.4.c). This they do by "taking action" (Article II.1) either "individually" or "in cooperation" (Article II.1).

If the first course of action is taken, it is clear that the Conference of the Parties (COP), with the assistance of the Scientific Council (ScC), must at least monitor, through examination of national Action Plans and regular reporting on their implementation, the individual actions of the Range States and evaluate their local adequacy, as well as the global adequacy of their summation.

If the second course of action is deemed necessary, the species should be identified as a candidate for "Concerted Actions". Concerted Actions were created by the Third Conference of the Parties, under Resolution 3.2, consolidated and funded by the Fourth (Resolution 4.2) and Fifth (Resolution 5.1), explicitly for the implementation of Articles II.1, VII.5.b and VII.5.e. They entail preparatory and feasibility studies, compilation of complete Status Reports, drafting of first provisional and later standardized Action Plans, setting up of a Working Group, endorsement by the COP and by concerned agencies of the Action Plans, preparation, facilitation and monitoring of spatially significant, heavy-infrastructure projects eligible under the rules of major sponsors. A Memorandum of Understanding may, in some cases, constitute a useful component of a Concerted Action, for instance to formalize the terms of an Action Plan, or of part of an Action Plan. Concerted Actions constitute the tool of maximum involvement available to CMS.

Should a Concerted Action appear no longer necessary to facilitate or sustain the recovery efforts that have been undertaken, as well as those still needed, the COP may decide not to re-inscribe for the coming triennium a species on the list of species necessitating Concerted Actions. Re-inscription is of course always possible at a later stage if the need for Concerted Action arises again. Removal from Appendix I should only be considered if the status of the species has improved out of the endangered zone, and if the removal is proved not to undermine, de-motivate or discourage the efforts that have led to that improvement.

Migratory species can be listed on Appendix II if they have an unfavourable conservation status and require international agreements for their conservation and management, or if they have a conservation

status which would significantly benefit from the international cooperation that could be achieved by an international agreement.

For species on Appendix II, Parties "shall endeavour to conclude Agreements where these should benefit the species and should give priority to those species in an unfavourable conservation status" (Article IV.3) or will "take action with a view to concluding agreements for any population or any geographically separate part of the population"(Article IV.4). The emphasis of Appendix II is thus very different from that of Appendix I. The objective here is to agree, rather than to act.

In general the listing of a species on Appendix II leads at shorter or longer term to the conclusion of an Agreement (Article IV.3). Once such an Agreement has been ratified, it becomes an autonomous tool, with its own COP, ScC and secretariat, and thus, in effect, the species concerned are removed from the direct responsibility of the CMS.

There are cases, however, in which, although the status of a species justifies listing in Annex II, there is no indication that an Agreement, with its rather ponderous construction, would be now or in the near future, useful or desirable. Article IV can still be fulfilled for such species if parties, in the terms of paragraph 4, "take action with a view to concluding agreements". Such an action is a Cooperative Action, as defined by Recommendation 5.2. Cooperative Actions constitute a lower-level commitment of the Parties than Agreements. They can be fulfilled by the drafting and implementation of an Action Plan, or be limited to monitoring of actions taken by individual parties, if these appear sufficient. As for species of Appendix I not listed in the Concerted Action resolutions, monitoring is achieved through reporting to the ScC and the COP. Species subjected to this procedure are formally identified by the COP on the basis of a proposal of the ScC.

Removing a species from the list of species recommended for Cooperative Actions indicates that the COP no longer considers a Cooperative Action sufficient, and that the range states must therefore again "endeavour to conclude Agreements" in the terms of Article IV.3.

In summary,

Species listed on Appendix I and in the current Concerted Actions resolution require collaborative actions to prepare and implement a recovery plan.

Species listed on Appendix I and not in the current Concerted Actions resolution require monitoring of individual actions by Parties.

Species listed on Appendix II and not in the Cooperative Actions recommendation require the taking of steps towards the preparation of an Agreement.

Species listed on Appendix II and in the Cooperative Actions recommendation require cooperative efforts amounting at least to monitoring of individual actions, at most to the implementation of an action plan.