

UNEP/CMS/Resolution 9.2

PRIORITIES FOR CMS AGREEMENTS

Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Recognising that migratory species can best be conserved through joint international cooperative efforts, linking species- and ecosystem-based approaches at national level, coordinated across a migratory range;

Recalling that Articles IV and V of the Convention provide for the conclusion of AGREEMENTS, in particular for migratory species in an unfavourable conservation status;

Further recalling Resolution 2.6 (Geneva, 1988), which recommends the use of non-binding instruments such as resolutions of the Conference of the Parties on proposals submitted by Parties and Memoranda of Understanding as a potential first step towards the conclusion of AGREEMENTS in accordance with Articles IV and V of the Convention;

Recognising with satisfaction the considerable progress made since the Eighth Meeting of the Conference of the Parties (Nairobi, 2005) with regard to the conclusion and implementation of AGREEMENTS and agreements under CMS auspices;

Conscious that these initiatives not only assist the targeted species and their habitats, but also consolidate the position of CMS as a worldwide lead partner in the conservation and sustainable use of migratory species over their entire range, and introduce non-Parties to the benefits of membership of the Convention;

Welcoming the Secretariat's increased efforts pursuant to Resolutions 7.7 (Bonn, 2002) and 8.5 (Nairobi, 2005) to foster partnerships with collaborating organisations and governments to support the coordination of MoUs concluded under CMS auspices;

Aware that Ramsar Resolution X.22 recognizes the importance of the work of CMS, AEWA and other non-statutory initiatives relating to migratory waterbirds and their flyways, encouraging Parties and other governments actively to support and participate in waterbird flyway initiatives and those who have yet to join such AGREEMENTS and initiatives including AEWA to do so, and urges Ramsar, CMS, AEWA and the Arctic Council to establish a mechanism for sharing knowledge, expertise and experience of best practices across the various 'north-south' migratory waterbird flyway initiatives and AGREEMENTS;

Aware also that the 2004 Waterbirds around the World global flyways conference adopted the Edinburgh Declaration as an agenda for action on migratory waterbirds;

Recognising that effective coordination to support the implementation of MoU Action Plans, and regular Range State meetings to monitor implementation and conservation outcomes, are cost effective means that will make a significant contribution to the Convention's achievement of the 2010 biodiversity target;

Further recognising that the development and servicing of both AGREEMENTS and

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agreements under the Convention will be subject to the availability of necessary funds;

Acknowledging with gratitude the generous financial and in-kind contributions made as noted in document UNEP/CMS/Conf.9.34, as well as developmental support provided in the last triennium by a number of Parties, non-Parties, and organisations to support Agreement development, the establishment of MoU coordinators and regular meetings of MoU Range States;

Expressing particular gratitude to the authorities of Abu Dhabi UAE for their offer to host and fund a co-ordination unit for the MoUs on Dugongs, African Eurasian Raptors and the Western area of IOSEA and *noting* that the Signatory States of these agreements have expressed support for this offer; and

Referring to the report of the Secretariat as reflected in the documents UNEP/CMS/Conf.9.9, as well as reports of the Secretariats of the various AGREEMENTS and agreements concluded under CMS auspices;

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

1. *Decides* that the focus for the triennium 2009-2011 should be the implementation and operationalisation of the existing AGREEMENTS and agreements under CMS auspices and on taking forward the work on the future shape of CMS;
2. With regard to binding and non-binding instruments already concluded:
 - (a) *Expresses* its satisfaction with the achievements made to conclude and implement CMS instruments, both binding and non-binding in their legal nature;
 - (b) With regard to binding AGREEMENTS:
 - (i) *Commends* the conclusion of the Agreement on the Conservation of Gorillas and their Habitats and *welcomes* its entry into force;
 - (ii) *Also welcomes* the adoption of the Agreement's Action Plan at the first meeting of the Parties;
 - (iii) *Urges* all Range States that have not yet done so to sign, ratify or accede to, as appropriate, the Agreement;
 - (iv) *Acknowledges* the leading role of the Republic of Congo and the support of the Royal Belgian Institute for Natural Sciences (IRSNB) and the GRASP Partnership in the preparation of the Gorilla Agreement, and the financial and in kind support to the process provided by the Governments of France, Germany, Monaco and the UK; and
 - (v) *Calls* for a prompt implementation of the Agreement's Action Plan within the framework of the Year of the Gorilla;
 - (c) With regard to non-binding agreements:
 - (i) *Welcomes* the entry into effect of the Memorandum of Understanding concerning Conservation, Restoration and Sustainable Use of the Saiga Antelope (*Saiga tatarica tatarica*), and its signature by three range states;

- (ii) *Endorses* the conclusion and entry into effect since COP8 of the:
 - (ii.i) Memorandum of Understanding on the Conservation of the Ruddy-headed Goose (*Chloephaga rubidiceps*) by Argentina and Chile as a contribution to the Wildlife Conservation Protocol signed between both countries and the first ever CMS agreement targeted towards the conservation of an American migratory bird species;
 - (ii.ii) Memorandum of Understanding concerning the Conservation of Southern South American Migratory Grassland Bird Species and their Habitats among the Range States of Argentina, Bolivia, Brazil, Paraguay and Uruguay, and *recognises with pleasure* the initiation of the drafting process of the Action Plan at the first meeting of the Signatory States in October 2008;
 - (ii.iii) Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region, as well as its appended Whale and Dolphin Action Plan, developed with the collaboration of the South Pacific Regional Environment Programme;
 - (ii.iv) Memorandum of Understanding on the Conservation and Management of Dugongs (*Dugong dugon*) and their Habitats throughout their Range, and its associated Conservation and Management Plan;
 - (ii.v) Memorandum of Understanding concerning Conservation Measures for the Eastern Atlantic Populations of the Mediterranean Monk Seal (*Monachus monachus*) and its associated Recovery Plan;
 - (ii.vi) Memorandum of Understanding concerning the Conservation of the Manatee and Small Cetaceans of Western Africa and Macaronesia, as well as its two associated Conservation Plans targeted toward the conservation of the African manatee, and small cetaceans, respectively;
 - (ii.vii) Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia, and its associated Action Plan; and the
 - (ii.viii) Memorandum of Understanding on the Conservation of High Andean Flamingos and their Habitats and *welcomes* its signature by three Range States during this meeting as evidence of their strong commitment to flamingo conservation efforts at regional and national levels;
 - (d) *Reiterates* the measures set out in paragraph 43 of Resolution 8.2 to ensure that the Agreements should use similar systems for planning and reporting in order to ensure that they are fully integrated and strategically aligned with the Convention;
 - (e) *Urges* all Range States to sign, ratify or accede to the appropriate AGREEMENTS or agreements, and to take an active part in their implementation;
 - (f) *Encourages* the Secretariat to continue exploring partnerships with interested organisations specialised in the conservation and management of migratory species for the provision of developmental support and coordination services for MoUs concluded under CMS auspices;
3. *Decides* that the development of additional Agreements in the future should be linked to

the outcome of the work initiated by Resolution 9.13 on the Future Shape of CMS;

4. *Acknowledges* the importance of maintaining the momentum in regard to instruments already under development, and in support of Target 2.5 of the CMS Strategic Plan 2006-2011:

A. BIRDS

(a) *Waterbirds Flyways*

5. *Decides* to establish an open-ended working group on global bird flyways within the framework of the Scientific Council to act as a think tank on flyways and frameworks, and tasked with reviewing scientific and technical issues for conservation of migratory birds and their habitats, and relevant international instruments, initiatives and processes, as the basis for future CMS policy on flyways and contributing to the work on the future shape of CMS:

(i) *Central Asian Flyway*

- (i.i) *Welcomes* the launch of the Central Asian Flyway Action Plan for the Conservation of Migratory Waterbirds and their Habitats (January 2008), as stated in UNEP/CMS/Conf.9.27, for one of the world's most vital routes for migratory birds, covering 175 species, 13 of which are already listed on Appendix I of the Convention;
- (i.ii) *Urges* the immediate execution of the Action Plan through the completion of pilot projects in view of the recognised necessity of having a Central Asian Flyway conservation instrument;
- (i.iii) *Appeals* to all Range States for a sustained commitment, both in terms of conservation interest and resource provision, in order to implement effectively the above mentioned Action Plan; and
- (i.iv) *Supports* the Secretariat's call for the Range States to meet in 2009-2010 in Central Asia in order to: review the Action Plan, agree on future projects subject to external funding, establish coordination arrangements for Central Asian Flyway management and conservation, and explore the possibility of the preparation of a CMS instrument or extending an existing instrument, either legally binding or non binding, under Article IV of the Convention concerning the conservation of these species and requests the Secretariat to involve the relevant regional Agreements, in particular the Secretariat of the AEWa in the view of a possible close collaboration with the AEWa using all available synergies.

(ii) *East Asian-Australasian Flyway*

- (ii.i) *Welcomes* the establishment of the East Asian-Australasian Flyway Partnership (EAAFP) and *recognises* this Partnership as fulfilling the conditions of a non-binding agreement under Article IV paragraph 4 of CMS, as noted *inter alia* in the 31st Meeting of CMS Standing Committee (September 2006);
- (ii.ii) *Expresses* the hope that EAAFP will serve as a bridge to a more permanent

arrangement under CMS auspices, as CMS will deploy its experience in the development of similar intergovernmental instruments under Article IV of the Convention, notably the Agreement on the conservation of African-Eurasian Migratory Waterbirds (AEWA) and the Agreement on the Conservation of Albatrosses and Petrels (ACAP);

(ii.iii) *Requests* the Secretariat to take an active role, subject to its resources, in the technical and other work of the Partnership; and

(ii.iv) *Further requests* that EAAFP present a report to the next Conference of the Parties, and if appropriate, to the intervening meeting of the Standing Committee in order to update on the development of the partnership. A representative should also be invited to attend the Scientific Council;

(iii) *American Flyways*

(iii.i) *Expresses* the interest of advancing the development of an international framework to address conservation priorities for migratory birds and their habitats, covering areas for breeding, wintering and resting sites throughout the Americas. The initiative will consider the existing South American instruments such as the Ruddy-headed Goose, Grassland Birds and Andean Flamingos MoUs, as well as other existing initiatives;

(iv) *Pacific Flyway*

(iv.i) *Recognizes* the importance of conservation of migratory birds and their habitats in the Pacific Flyway that are under threat, notably from global climate change; and

(iv.ii) *Requests* the Secretariat, through the Working Group on the Scientific Council, to review the status of species priorities in the flyway to identify the appropriate instruments for their conservation;

(b) *Asian Houbara Bustard*

(i) *Thanks* the Government of the Kingdom of Saudi Arabia for its role in developing the draft of an Article IV instrument for the conservation of the Asian Houbara Bustard;

(ii) *Recalls* that an Agreement under CMS for this species has been under discussion amongst range states, and that a detailed text and action plan for a binding Agreement acceptable to virtually all range states, have resulted from this extensive period of discussion;

(iii) *Further recalls* that a special session at the previous COP in 2005 was set aside for discussion of the final text by range states, and that it was decided on that occasion that the Agreement would be finalised and opened for signature by mid-2006;

(iv) *Suggests* a deadline of September 2009 for the final conclusion of this agreement with participation of all range states and in collaboration with relevant organisations; and

(v) In the absence of action by that deadline, *Instructs* the CMS Secretariat to open the current text for signature in November 2009.

B. FISH

(c) *Sharks*

- (i) *Acknowledges* the positive outcomes of the First Meeting to Identify and Elaborate an Option for International Cooperation on Migratory Sharks under the Convention on Migratory Species (Mahe, Seychelles, 11-13 December 2007), held as a response to Recommendation 8.16 and Resolution 8.5 adopted by the Eighth Meeting of the Conference of the Parties (Nairobi, 2005);
- (ii) *Further acknowledges* with thanks the work of the Intersessional Steering Group on Migratory Sharks in reviewing the outcome of the first meeting and providing guidance to the further development of the process;
- (iii) *Welcomes* the convening of the second negotiation meeting to be held at the FAO premises in Rome immediately after COP9 to consider alternative texts for binding and a non-legally binding Article IV instruments, prepared by the CMS Secretariat and the Intersessional Steering Group comprising Australia, Chile, Costa Rica, EC, New Zealand, Seychelles and USA;
- (iv) *Urges* Range States to ensure its definite conclusion and entry into effect as a key initiative to conserve sharks through a second meeting and further phases of the negotiation process to be held after the 9th meeting of the Conference of the Parties;

(d) *Sturgeons*

- (i) *Takes note* of the recommendations of the Scientific Council;
- (ii) *Welcomes* the progress made on protection of sturgeons in the framework of the Bern Convention, which has established Action Plans on Danube sturgeons and Atlantic sturgeons;
- (iii) *Acknowledges* the initiative of the World Sturgeon Conservation Society to arrange a world sturgeon conference in Wuhan, China, in 2009; and
- (iv) *Endorses* the need to take steps to ensure the further protection of those threatened sturgeon species that are not already subject to international-level protection activities;

C. MARINE REPTILES

(e) *Pacific Marine Turtles*

- (i) *Supports* the development of an appropriate CMS instrument on marine turtles for the Pacific region pursuant to Recommendation 8.17;
- (ii) *Applauds* the efforts being made by CMS and the South Pacific Regional Environment Programme (SPREP) towards the development of a CMS-based binding or non-binding instrument under Article IV of CMS for turtle conservation, following the success of the Year of the Turtle 2006; and

- (iii) *Urges* Range States, Parties and non-Parties, as well as interested organisations, to generously support this effort by providing financial and in kind resources, to the development of the cited CMS instrument;

D. MARINE MAMMALS

(f) *Cetaceans in the Indian Ocean and South-East Asia*

- (i) *Reiterates* its supports for the development of an appropriate CMS instrument on cetaceans in South-East Asia, taking account of Resolution 7.7 and Recommendation 7.4, and further discussion at the 14th meeting of the Scientific Council (Bonn, 2007);
- (ii) *Notes* that extending the geographic scope of the instrument to cover the Indian Ocean would significantly increase the number of CMS Parties involved, thus facilitating the negotiation process for the instrument;
- (iii) *Requests* Range States of the region to identify a lead country to support the instrument's preparatory phase as a condition of CMS's continued support for the initiative; and
- (iv) *Urges* Parties, interested States and organisations to generously provide financial and in kind support to these efforts;

E. TERRESTRIAL MAMMALS

(g) *Sahelo-Saharan Antelopes*

- (i) *Welcomes* the progress being made as part of the Sahelo-Saharan Concerted Action, in particular, the workshop to launch the proposed Termit-Tim Toumma Protected Area project (Niger, 2006) with all local communities, as well as the lead partner in this initiative, the Sahara Conservation Fund, and subsequent development of the proposed protected area, in partnership between the Niger Government (MELCD), CMS and other major partners (the Government of France, the European Commission and the Sahara Conservation Fund);
- (ii) *Endorses* the statement of the 14th meeting of the Scientific Council that the establishment of a system of surveillance for this area is to be considered as top priority;
- (iii) *Calls upon* Range States to contribute financially or in kind to the implementation of the Sahelo-Saharan Antelopes Conservation Action;
- (iv) *Appeals* to all Range States to support the development of a Memorandum of Understanding concerning the conservation of the Sahelo-Saharan Antelopes as a complement to the operating action plan; and
- (v) *Recognizes* the declaration of the Working Group on Terrestrial Mammals of the Scientific Council at its 14th meeting that there is a need to extend the Sahelo-Saharan Antelopes Concerted Action to other species of large mammals occurring within the range such as the Saharan Cheetah, in particular, and the Soemmering's Gazelle, the African Wild Ass and the Barbary sheep, as a possibility;

(h) ***Central Eurasian Aridland Mammals***

- (i) *Notes* with satisfaction the progress made as part of the Central Eurasian Aridland Concerted Action;
- (ii) *Appeals* to Range States and other interested Parties to support the development of a Memorandum of Understanding or other binding or non-binding instrument to complement the Concerted Action;
- (iii) *Welcomes* the interest being shown by Range States in an instrument for the conservation of the Mongolian Gazelle as stated in the 14th Meeting of the Scientific Council; and
- (iv) *Reiterates* its support to the Secretariat's intention to continue to provide advice to the Range States as they develop an Action Plan and a cooperative arrangement for the Mongolian Gazelle in order to address the threats it is subject to, primarily smuggling, hunting, and the harm it inflicts in itself while traversing fences across State borders;

(i) ***Subsaharan and African Bats***

- (i) *Endorses* the study on the feasibility of developing appropriate instruments on bats presented to the 11th and 12th meetings of the Scientific Council, as reiterated in the 14th meeting of the same body;
- (ii) *Recalls* the interest expressed during the 13th meeting of the Scientific Council to develop an appropriate instrument for Subsaharan and African bats under CMS auspices; and
- (iii) *Appeals* to Range States to form a working group in consultation with the Scientific Council, the EUROBATS Secretariat and the CMS Secretariat to explore how such an instrument, either binding or non-binding, could be prepared;
- (iv) *Encourages* the conduct of preparatory studies in key Range States;

(j) ***Central African Elephants***

- (i) *Requests* that preparatory work on the development or extension of an appropriate instrument on the conservation of elephants in Central Africa is undertaken in accordance with Recommendation 9.5;

6. *Decides* to conduct reviews of the existing CMS Agreements and related projects on:

- (a) Terrestrial Mammals;
- (b) Marine Species; and
- (c) Birds;

in the context of the intersessional process regarding the Future Shape of CMS initiated by Resolution 9.13; and

7. *Decides* to accept with gratitude the offer from the Abu Dhabi authorities to host and

provide substantial funds for an interim co-ordination unit for the MoUs on Dugongs, African Eurasian Raptors, and the Western area of IOSEA starting in 2009; and *requests* the CMS Secretariat to continue to conduct negotiations to develop a satisfactory structure for the unit in Abu Dhabi, within the parameters set out in the paper submitted to the Standing Committee in September 2008 (CMS/StC33/2/Rev.2) and in consultation with the Standing Committee, the Abu Dhabi and UAE authorities, UNEP and other stakeholders.