



# Convention on the Conservation of Migratory Species of Wild Animals (CMS)

*Secretariat provided by the United Nations Environment Programme (UNEP)*

## 23<sup>rd</sup> Meeting of the CMS Standing Committee

*Bonn, 13-14 December 2001*

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### REPORT OF THE WORKING GROUP ON THE DEVELOPMENT OF REGIONAL AGREEMENTS TO THE STANDING COMMITTEE OF CMS

#### **How can we improve the conservation of migratory species of wild animals through CMS?**

#### **1. Background**

The Convention on the Conservation of Migratory Species of Wild Animals (CMS – the “Bonn Convention”) was concluded in 1979 and came into force in 1983. Since the first Conference of the Parties (Bonn 1985) several Regional Agreements have been elaborated and started to work successfully: EUROBATS, ASCOBANS, AEW and ACCOBAMS. Furthermore a lot of MoU and Action plans have been developed. Despite this progress, it appears that some Parties have found difficulties to develop Agreements under Article 4 of CMS and others had not been able to start such initiatives at all. Therefore the CMS Standing Committee decided at its 22<sup>nd</sup> (Bonn, Germany) meeting to set up a working group to analyse the underlying causes.

The following members and observers of the Standing Committee volunteered to participate in the Working Group:

Germany: Gerhard Adams (Chairman)

France: Veronique Herrenschmidt

United Kingdom: Mark O’Sullivan

Nigeria: H. E. Dr. Imeh Okopido

Democratic Republic of Congo: Seya Makonga Kasulu and Lhelo Boloto

The Chairman took advantage of the assistance of an external expert, Prof. Dr. Manfred Niekisch, University of Greifswald, and liaised with the CMS Secretariat.

Correspondence between the members of the working group was by e-mail and fax.

As a first step the Working Group elaborated a questionnaire in English, French and Spanish (see annex). This questionnaire was sent to 68 Focal Points registered with the CMS Secretariat as some (8) of the 76 Parties to the Convention are yet to nominate their National Focal Points. Twenty-eight replies have been received. Based on an analysis of the answers this report has been developed and agreed on among the members of the working group.

#### **2. Analysis of the answers**

##### **2.1. General information**

Out of the 68 National Focal Points (NFPs), which were asked to fill in the questionnaire, 28 - that is 40% - replied. These are:

Argentina, Australia, Belgium, Burkina Faso, Croatia, Czech Republic, Denmark, Ghana, Guinea, Hungary, Ireland, Kenya, Latvia, Macedonia, Mali, Moldova, Monaco, New Zealand, Republic of Congo, Romania, Senegal, Slovenia, Sri Lanka, Switzerland, Togo, Tunisia, United Kingdom, Uruguay (Table 1).

(Note: One questionnaire was not filled in by the National Focal Point but by a Scientific Advisor who understandably felt unable to answer some of the questions as these were directed specifically to the Focal Points).

*Table 1: Regional distribution of total Parties to CMS and of those who took part in the inquiry*

	<b>Total</b>	<b>Africa</b>	<b>Asia</b>	<b>Europe</b>	<b>Latin America</b>	<b>Oceania</b>
<b>Parties to CMS</b>	<b>76<sup>1</sup></b>	23	9	35	6	3
<b>Participants in the inquiry</b>	<b>28</b>	<b>9</b>	<b>1</b>	<b>14</b>	<b>2</b>	<b>2</b>

According to the information given in the questionnaires, 19 of the countries replying are Party to 1 or more Regional Agreements, while 9 countries are not Party to any Regional Agreement (Table 2). More specifically, 6 of these 19 countries are Party to 3 Regional Agreements, 4 are Party to 2 Regional Agreements and 9 are Party to 1 Regional Agreement (Table 3).

*Table 2: “Is your country Party to any CMS Regional Agreement?”*

	<b>Total</b>	<b>Africa</b>	<b>Asia</b>	<b>Europe</b>	<b>Latin America</b>	<b>Oceania</b>
<b>Yes</b>	<b>19</b>	6	0	12	0	1
<b>No</b>	<b>9</b>	3	1	2	2	1
<b>Total</b>	<b>28</b>	<b>9</b>	<b>1</b>	<b>14</b>	<b>2</b>	<b>2</b>

*Table 3: Number of Regional Agreements and countries which are Contracting Parties thereof and took part in the inquiry*

<b>Party to</b>	<b>Total</b>	<b>Africa</b>	<b>Asia</b>	<b>Europe</b>	<b>Latin America</b>	<b>Oceania</b>
<b>no RA</b>	<b>9</b>	3	1	2	2	1
<b>1 RA</b>	<b>9</b>	6	0	2	0	1
<b>2 Ras</b>	<b>4</b>	0	0	4	0	0
<b>3 Ras</b>	<b>6</b>	0	0	6	0	0
<b>Total</b>	<b>28</b>	<b>9</b>	<b>1</b>	<b>14</b>	<b>2</b>	<b>2</b>

Participants in the inquiry include Parties from all CMS RAs, though of course in very different numbers (Table 4).

*Table 4: Numeric distribution of the participants of the inquiry (n=28) over the different Regional Agreements*

<b>Regional Agreement</b>	<b>Total</b>	<b>Africa</b>	<b>Asia</b>	<b>Europe</b>	<b>Latin America</b>	<b>Oceania</b>
<b>AEWA</b>	<b>17</b>	6	0	11	0	0
<b>EUROBATS</b>	<b>11</b>	0	0	11	0	0
<b>ASCOBANS</b>	<b>3</b>	0	0	3	0	0
<b>ACCOBAMS</b>	<b>3</b>	0	0	3	0	0
<b>ACAP<sup>2</sup></b>	<b>2</b>	0	0	0	0	2

<sup>1</sup> The questionnaire was sent out to 68 NFP only

<sup>2</sup> ACAP was concluded in January 2001 and did not enter into force so far

22 of the 28 countries declared to be Range State of species covered by a Regional Agreement (Table 5) and 16 to be Range States of species covered by a Memorandum of Understanding (Table 6).

*Table 5: “Is your country Range State of species covered by a Regional Agreement?”*

	<b>Total answers</b>	<b>Africa</b>	<b>Asia</b>	<b>Europe</b>	<b>Latin America</b>	<b>Oceania</b>
<b>Yes</b>	<b>22</b>	7	1	13	0	1
<b>No</b>	<b>4</b>	1	0	0	2	0
<b>No answer</b>	<b>1</b>	1	0	0	0	0
<b>Answer unclear</b>	<b>1</b>	0	0	1	0	0
<b>Total</b>	<b>28</b>	9	1	14	2	2

*Table 6: “Is your country Range State of species covered by a Memorandum of Understanding?”*

	<b>Total answers</b>	<b>Africa</b>	<b>Asia</b>	<b>Europe</b>	<b>Latin America</b>	<b>Oceania</b>
<b>Yes</b>	<b>16</b>	5	1	9	0	1
<b>No</b>	<b>12</b>	4	0	5	2	1
<b>Total</b>	<b>28</b>	9	1	14	2	2

These figures demonstrate that the countries, which took part in the inquiry, represent all Regional Agreements and a wide range of involvement with CMS. Combined with the fact that answers were received from all continents, this provides a rather solid basis for the evaluation of the results.

However it is unfortunate that some countries with a long and profound experience with CMS and its implementation did not respond.

## **2.2. The importance of Regional Agreements**

The replying NFPs agreed almost unanimously (26 of 28) that Regional Agreements constitute an important tool for the implementation of CMS. Only 1 Focal Point is of the opposite opinion, stating – without further explanation - that the “implementation of the mother convention presents a problem for developing countries”. 1 FP did not answer this question.

The reasons given for this positive view cover a wide range of arguments and aspects. The main argument (given by more than half of the NFPs) is that RAs are important for the coordination and cooperation between different countries, followed by the arguments that RAs provide a better protection for a number of species, contribute to the establishment of scientific networks and exchange of information as well as to the development, implementation and integration of conservation action. Some of the answers seem to reflect a specific situation in some countries (“Better cooperation at national level”, “Integration of marine, terrestrial and species specific action”).

It is interesting to note that only one NFP each gave as a reason that RAs are “a fundamental part of CMS Article IV” and that RAs “help to raise awareness about threats to species nationally and internationally”.

Three Parties did not indicate any reason.

## **2.3. The obstacles for the elaboration of Regional Agreements**

A more heterogeneous picture results from the answers to the question “What are in your opinion the main reasons for the existence of just a small number of RAs elaborated to date?”

Five Parties did not answer this question, two Parties provided unclear answers. “Lack of resources and time” was given 8 times as an argument, followed by “lack of technical and scientific knowledge” (5) and “lack of awareness/lack of recognition of problem” (3). Other reasons given range from the problem of civil wars, absorption of capacities because of the planned access to the European Union or because of

other priorities, lack of political will and insufficient national legislation to the lack of cooperation between countries, including “political barriers”. The latter argument points in the same direction as several other answers referring to the issue of insufficient flow of information and inadequate consultative mechanisms between countries.

Two countries mention insufficient focussing of the strategy of the CMS Secretariat on the regional level as a major reason for the existence of just a small number of RAs and see the strategy as “too global”. One answer refers to the fact that many species are already protected by national law or by international agreements others than CMS.

Half of the NFPs (14) answered the question about alternatives to Regional Agreements, 12 did not reply, and 2 do not see any alternative. Two NFP mention MoU, Action Plans and ad hoc projects as concrete alternatives as these are quicker to elaborate, less binding and less formal. 2 NFPs see the need for improved information and awareness.

Several NFPs ask - in different ways - for more regionalization through the creation of regional meetings, committees, seminars and expeditions.

Other comments refer to the need for additional funding, better national legislation, and harmonisation of legislation for NFPs.

It becomes evident that the comments and specifications describe to a large extent specific local or national circumstances and seem to aim mainly at the improvement of the individual situation. The vast majority of the NFPs do not propose real alternatives to RAs but rather specify the support they would require for their work. It was in no case specified where this support should come from.

#### **2.4. Overlapping and duplication of work between CMS agreements and other international conventions and/or their instruments**

Eighteen NFPs do see overlapping and duplication of work between CMS and other international conventions and/or their instruments (Table 7), 10 do not. 12 NFPs came up with suggestions for a solution. However 7 NFPs state that overlapping is not necessarily a problem or even see the potential of positive effects through the creation of synergies and reciprocal support between the different conventions.

**Table 7: Overlapping and duplication of work between CMS and other international conventions and/or their instruments**

<b>CMS or instrument</b>	<b>Overlapping with</b>	<b>Number of answers</b>
AEWA	Ramsar Convention	13
CMS*	Bern Convention	6
CMS*	CBD	3
CMS*	CITES	3
CMS*	IWC	2
CMS*	NAMMCO	1
CMS*	EU Bird Directive	1
ACAP	Convention for the Conservation of the Southern Bluefin Tuna	1
ACCOBAMS	Barcelona Convention	1
Otis tarda	BirdLife	1

\* without further specification

As a solution to overlapping/duplication of work 6 NFPs proposed the establishment of Letters of Understanding or similar mechanisms of coordination between conventions.

The harmonisation of technical views on the implementation, the promotion of consultation among implementing institutions and the call for less conventions under the umbrella of CBD are other proposals made by some NFPs.

In two replies the duplication of the reporting procedures for the different conventions was mentioned as a problem.

## 2.5. The implementation of CMS RAs

Only 25% of the NFPs (7) are of the opinion that the CMS RAs are properly implemented, while almost 50% (13) are of the opposite opinion. Eight NFPs did not take a position. Furthermore, 3 NFPs gave no reason for their opinion.

Interestingly enough, the Parties being members of a RA are "split" in their opinion, while none of the Parties not being members of any CMS RA think that RAs are properly implemented. About half of the non-members have preferred not to state their opinion (Table 8).

Table 8: "Do you think CMS Regional Agreements are properly implemented?"

	<b>Total</b>	<b>Members of RA</b>	<b>Non members of RA</b>
<b>Yes</b>	<b>7</b>	7	0
<b>No</b>	<b>13</b>	9	4
<b>No answer</b>	<b>8</b>	3	5
<b>Total</b>	<b>28</b>	19	9

*However, these results and conclusions should not be seen as conclusive as several factors have not been taken into consideration, namely that the Focal Points of the Agreements were not contacted and that the analysis has not considered the controversial nature of some Agreements, namely if their implementation may address "conflicts" with productive economic sectors such as fisheries.*

Among the reasons given for their negative opinion, "lack of resources" and "insufficient communication between Parties" are the only ones mentioned by 3 NFPs. All the others are given only by 1 NFP each and include "Conservation is not a priority", "Politicians are not sufficiently informed on obligations", "insufficient legal and administrative framework" and "inadequate education and awareness".

The analysis of the answers to this question by regions indicates that Parties from Africa seem to be less satisfied with the implementation of CMS RAs than European countries (Table 9). The small number of Parties from other regions does not allow a more detailed analysis.

Table 9: "Do you think CMS Regional Agreements are properly implemented?"

	<b>Total</b>	<b>Africa</b>	<b>Asia</b>	<b>Europe</b>	<b>Latin America</b>	<b>Oceania</b>
<b>Yes</b>	<b>7</b>	1	0	5	0	1
<b>No</b>	<b>13</b>	7	1	5	0	0
<b>No answer</b>	<b>8</b>	1	0	4	2	1
<b>Total</b>	<b>28</b>	9	1	14	2	2

Furthermore the vast majority of negative opinions and their underlying reasons was expressed by countries which are Parties to AEWA. It may well be that this due to the fact that most answers to the questionnaire came from these countries. On the other hand it cannot be excluded that this is also due to the fact that this RA entered into force only in 1999 and is therefore still in the difficult starting phase. This interpretation is supported to some extent by the analysis of the answers from those NFPs

who think that RAs are properly implemented. These come mostly from countries that are members to EUROBATS, one of the RAs that have already been in force for a longer period of time. Unfortunately the reasons given for their positive opinion are just a few and not very specific (“nothing heard about the contrary”, “too early for judgment”), and do not allow for any more profound analysis. The only concrete positive argument - indicated by one NFP - is that there was “funding of projects under AEWA”.

## **2.6. Experience with the elaboration of RAs**

Three NFPs have elaborated CMS RAs in the past, a few others have been involved in the elaboration of agreements outside CMS, and 17 answered not to have elaborated any regional agreement as yet. Consequently, information on this matter is restricted to a very few answers. The prevalent experience appears to be that the elaboration of a RA and securing its ratification is costly and time-consuming. One NFP stated that national political support was crucial and that strong domestic conservation measures facilitated domestic support. One NFP mentioned lacking of continuity as regards staff as a problem.

## **2.7. The elaboration of new Regional Agreements**

About half of the NFP (15) came up with suggestions as to how the elaboration of new RAs could be stimulated. On top of the list again is financial and technical support, followed by the identification of high priority species – which was in one case specifically mentioned as a task for the Scientific Council.

Several NFP propose activities which would have to come mainly from the CMS Secretariat or the Standing Committee, namely to provide guidance for the preparation of RAs (along the lines of Resolution 5.2), to identify lead countries and interested Parties, to provide information material for dissemination and promote awareness at all levels from local to international and to identify inadequacies in existing RAs.

Some NFPs refer to issues, responsibilities for which lies primarily with national authorities, such as the development of the legal framework and the improvement of the information flow between scientific and management institutions.

## **2.8. The present role of CMS Focal Points**

Only 2 out of 28 NFPs have the authority to develop international activities directly, 22 have to go through the national government and/or the Ministry of Foreign Affairs, other ministries, the cabinet etc. Four answers were such that an adequate interpretation was not possible.

In 22 countries there are other institutions besides the CMS FPs dealing with migratory species, mainly – in 18 countries - the Ministries of Fisheries and Agriculture and/or bodies subordinate to them. Most NFPs mention fish and game as migratory species where competences are shared or overlapping. In 20 of the 22 countries there are coordination mechanisms between the different institutions dealing with migratory species. As can be deduced also from the answers and comments contained in other parts of the questionnaire, overlap of responsibilities at the national level does not appear to be a major obstacle for the elaboration and implementation of RAs. Here again funding problems appear to be the main obstacle, as 19 NFPs consider the lack of funds to be a major obstacle for their country to become more involved in the CMS process. Among these there are FPs from poorer countries as well as from wealthy European countries. Despite this evidently substantial financial shortfall, at least 17 CMS FPs have not applied to any international institution during the last 3 years for the funding of projects and programmes related to migratory species. Eleven instead replied that they indeed had sought funding; but as far as can be seen from the specifications, only 1 case is indeed related to CMS.

This lack of initiative to get funds cannot be explained with the lack of knowledge about GEF and its national focal points, as 18 NFPs declare to be aware of who is the GEF-FP in their country, and 15 are liaising with it at regular intervals. The 9 FPs stating to have no regular contacts, would – with 2 exceptions – not be eligible anyhow for GEF-funding.

## 2.9. The future role of CMS Focal Points

18 NFP expressed their will to take the lead in a bilateral partnership for the exchange of information, capacity building and financial assistance between two countries. 6 NFPs declared that they are not willing to do so, 3 did not make any statement on this issue (Table 10).

*Table 10: “Would your Focal Point be willing to take the lead in a bilateral partnership for the exchange of information, capacity building and financial assistance between two countries?”*

	<b>Total</b>	<b>Africa</b>	<b>Asia</b>	<b>Europe</b>	<b>Latin America</b>	<b>Oceania</b>
<b>Yes</b>	<b>18</b>	8	1	7	0	2
<b>No</b>	<b>6</b>	0	0	6	0	0
<b>No answer</b>	<b>4</b>	1	0	1	2	0
<b>Total</b>	<b>28</b>	9	1	14	2	2

All but 1 of the willing NFPs specified which kind of support they would need from the Secretariat in such a case. About 50% of all answers mention the need for financial support and for technical assistance. If it is taken into account that financial aid was mentioned by some NFPs as an important requirement in other parts of the questionnaire but not here – which appears to be just a minor inconsistency – the financial situation seems to be by far the greatest limiting factor for increased involvement within CMS.

Besides this, 4 NFPs point out the importance of support for finding potential partnership institutions. A few others ask for guidance on the process and the definition of Terms of Reference. One NFP would have to ask the Secretariat for a request to the government seeking involvement and another one for the identification of aims and objectives of CMS to help match national priorities.

Two answers (“help achieve that CMS FP deals only with CMS” and “Creation of Bonn Convention Office”) also appears to reflect specific national situations.

In addition to the support, which is expected to come from the Secretariat, several FPs expect the COP and/or the Standing Committee to identify priorities for partnership. Further expectations addressed directly to the Standing Committee are the provision of technical assistance, advice on procedural matters and decisions on reporting and funding.

Some of the comments about the potential role of the COP and the Standing Committee are not very precise (“catalytic role”, “important role”, “coordinator for funding”), but still express rather high expectations. Nine NFPs did not make any comment on how they envisage the role of COP and/or the Standing Committee for establishing partnerships.

It should be noted that the requests and expectations addressed to the Secretariat, COP and Standing Committee in the context of the future role that NFPs could play in the establishment of bilateral partnerships, are only to some extent taking into account the wording of the Convention and the positions agreed on in the “Strategic Plan for the Conservation of Migratory Species” (Resolution 6.4, adopted at COP 6, Cape Town, South Africa, 1999).

## 2.10. Priorities in species conservation through CMS/New RAs and MoU

Twenty-one NFPs made concrete proposals as to which species of Appendix II of CMS should be given priority. Many of the species mentioned here, especially waterbirds and bats, are already covered by CMS agreements.

Of those animal species not yet covered by a RA or MoU the African Elephant (*Loxodonta africana*) was mentioned most frequently. All 6 countries proposing this species are range states and declared themselves willing to elaborate a RA or a MoU or to take the lead in this endeavour. A special resolution for this species is already existing, but the CMS Secretariat had no chance to follow up this issue until now because of restricted resources.

Other species not yet covered by RA or MoU but resulting as priority species from the inquiry are *Trichechus senegalensis*, *Sousa teuszii*, *Phoenicopteridae*, Marine Turtles, West African crocodile species and the *Acipenseridae*. For each of these species (or groups of species) 1 or more NFPs expressed their willingness to take the lead. This also applies to *Phoenicopteridae* with one proposal from an African NFP and another one from a Latin American country. It should be noted that the species of the two regions are different and have various range states. The African bird species are already covered by the AEWA; therefore a new agreement/MoU would be required exclusively for the Latin American (or more precisely: Andean) *Phoenicopteridae*.

Three NFPs proposed to elaborate a MoU or RA for *Ciconia ciconia* and *Ciconia nigra*. These species are already included in AEWA, however the strong interest in these species and their conservation status warrant considering the elaboration of an additional action plan.

A number of NFPs have put birds of prey and *Crex crex* on their list of priorities, but none of the NFPs expressed its willingness to take the initiative on here.

Most NFPs have not only offered active involvement in the elaboration of a new RA or MoU, but would also be able and willing to contribute resources of their own, such as office space, staff salaries, secretarial services, local financial means, telephone fees, information and local transportation. Nevertheless only 3 NFPs stated not to need any international or bilateral support, while 18 replied they would require some kind of support. Financial support (eleven cases) and technical support (five cases) were referred to. In addition, a few NFPs listed equipment (computer, scanner etc.), diplomatic or institutional support and experts in information management and institutional arrangements as specific support they would require.

### **2.11. Additional comments**

Twenty NFPs did not make any additional comments. The comments made by the remaining 8 NFPs are related to public awareness (3 NFPs), finance (3 NFPs), information and training (4 NFPs), regionalization (1 NFP), membership (1 NFP) and specific conservation measures (2 NFPs). These comments do not bring up completely new aspects, but are rather backing up aspects already included in the replies. They include a call to the Secretariat to make CMS better known to the public and propose encouragement of Parties to seek funding. Furthermore they point out the importance of the exchange of information and training. 1 NFP considers the information of the Focal Points to be insufficient, another one calls for more regionalization through regional committees and workshops. 1 NFP is stressing the importance of joint efforts and projects to awake the interest of potential new Parties to CMS.

The establishment of mechanisms for emergency cases like drought and against threats to wildlife caused by poaching, civil wars and refugees as proposed by 1 FNP are important issues, but may go beyond the possibilities of CMS.

## **3. Conclusions**

### **3.1. Validity of the inquiry**

The inquiry was welcomed and considered to be useful by many NFPs. However the results of this inquiry and the conclusions drawn here are not necessarily representative for all Parties. Several replying NFPs were established only recently, are rather new on the job, have therefore little experience



and are not yet fully familiar with CMS and its possibilities. In a number of cases issues raised by individual NFPs appear to be very specific national problems that do not apply to the other Parties. Despite these limitations, the replies received from 40% of 68 NFP and from all continents are likely to provide a reasonably clear picture of the overall situation of CMS and its implementation.

### **3.2. Regional Agreements are widely seen as important instruments**

Although there appears to be some discontent with regard to the implementation of CMS RAs among a number of Parties, RAs are generally seen as important instruments of the CMS process. They are a basic element of CMS. Especially where a RA (EUROBATS) has been existing for a prolonged period of time, the number of NFPs satisfied with its implementation is much higher than in the cases of relatively new RA.

### **3.3. High motivation of NFPs**

The time and effort used on completing the questionnaire very accurately and in great detail already clearly shows that most NFP are highly motivated and convinced of the importance of CMS as a tool for the conservation of migratory species. What is more and even more important, the vast majority of NFPs expressively stated their strong interest and willingness to increase their commitment within the CMS process and to contribute actively and substantially to the elaboration of new agreements or even take the lead in this endeavour. This is noteworthy in particular in view of the fact that 9 out of the 13 NFPs expressing discontent with the implementation of the existing RAs are nevertheless willing to take the lead in establishing partnerships for improved implementation of CMS.

### **3.4. Low priority at political level**

The low priority given to CMS at the political level in some countries and – as a consequence – insufficient resources appear to be the most serious limiting factor for better implementation of CMS and for the development of new agreements. In addition, almost none of the NFPs has the power to act directly at the international level. They have instead to go through the Ministry of Foreign Affairs or other government institutions. Shortages and obstacles of strictly local or national character that have been shown to hamper the proper implementation of RAs should be solved at the national level.

### **3.5. Funding problems**

Shortage of financial means results to be the main obstacle for many – if not most - Parties to properly implement CMS and to further develop its instruments. Despite this shortage, but in coherence with the low priority assigned to CMS in some countries, very few proposals for funding have been presented to GEF and other international funding institutions. This can be explained in part by lack of knowledge of procedures. On the other hand, most NFPs in countries eligible for funding from GEF appear to have established contacts with the National Focal Points for GEF. In the light of shortfalls of funding from national sources such international funding institutions become more and more important also for the work of CMS. Technical assistance and guidance for fund raising activities by Parties are mainly expected to come from the Secretariat, but bilateral cooperation for example is offering major opportunities as well.

### **3.6. High expectations towards the CMS Secretariat**

Where national resources are insufficient, high expectations for support are directed towards the Secretariat, which - due to its very limited staff and other resources - cannot fulfil most of these expectations. This is especially evident in the case of the West African Elephant. The high conservation priority is recognized by the range states, there are countries willing to take the lead in the elaboration of an agreement, there is a special resolution, but the Secretariat simply did not have the capacity to follow up this issue until now.

Some issues mentioned in the questionnaires are likely not only to go beyond the capacities and the powers of the Secretariat but also beyond the responsibilities of the treaty. Resolution on the risks to wildlife caused by civil war or draught are among these issues, as well as the improvement of national legislation. The high diversity of specific national problems indicated by most NFPs shows

that increased initiative would have to be taken by national authorities rather than by international bodies.

### **3.7. Overlapping and duplication of work between CMS agreements and other conventions and their instruments**

Overlapping of work does not appear to be a problem, but rather offer opportunities for creating synergies between CMS and other conventions. Concerning duplication of reporting procedures for different conventions which was mentioned as a problem in two replies, it must be stated that a solution had already been sought prior to the inquiry. The CMS Secretariat asked WCMC to analyse the possibilities of harmonizing of the national reporting systems for the various conventions concerned.

### **3.8. New Regional Agreements and alternatives**

Regional Agreements are a fundamental tool of CMS. Almost all NFPs expressed this opinion. There is a long list of comments provided on the reasons why the number of RAs concluded is so small.

As the underlying cause appears to be the low priority assigned to CMS at the political level in a substantial number of Parties and given the high amount of time and financial resources needed for the preparation of new RAs, it may be appropriate to think about reasonable alternatives to RAs which can be put into practice more easily i. e. requiring less complicated procedures and less resources.

Although only very few NFPs came up with concrete suggestions for alternatives to Regional Agreements, less formal and less binding instruments, such as action plans, specific projects and Memoranda of Understanding that do not require national ratification appear to be in the focus.

Based on Resolution 6.2 (“Cooperative actions for Appendix-II species”), it may be pointed out here that Parties do have the possibility to take coordinated efforts and activities for the conservation of migratory species even in the absence of any RA.

### **3.9. Guidance on the preparation of RA**

A major number of NFPs expressed the need for guidance and information on the procedures for the preparation of RA. The Secretariat has made considerable progress in its endeavour to standardise RAs. In addition, the need for and potential of a special guide on the preparation of RA should be further analysed as well as the question how guidance can be provided to interested Parties by other means.

### **3.10. Priorities for species**

The Scientific Council and COP have established clear priorities for species or other taxa included in Appendix II requiring conservation action under CMS. They have been set forth in Resolution 6.4 as well as in various Recommendations and should be actively propagated and represented to the Parties. The example of the West African Elephant shows that conservation priorities and the willingness of Range States to take the lead in the elaboration of an agreement are not sufficient if the action required from the partners involved, including the Secretariat, cannot be taken in due time. In such cases the Secretariat should contact the Parties concerned to find an ad hoc solution if possible.

### **3.11. Bilateral partnerships**

The results of the inquiry show that the wish and willingness to establish bilateral partnerships is widespread among NFPs. Increased bilateral cooperation is likely to greatly enhance the further development of CMS. Priority areas for bilateral cooperation are border crossing bilateral conservation projects even in the absence of a RA, assistance in fund raising and especially in procedures for approaching funding institutions such as GEF. Bilateral partnerships could also contribute substantially to the elaboration of new agreements within CMS. Thus there is some need for guidance from the Secretariat on how to establish such partnerships.

### **3.12. More regionalization**

The wish for more regionalization was expressed by NFP in this inquiry as well as on other occasions. NFPs appear to need assistance for improved networking between Parties. A more regionally focussed approach could perhaps be induced by the Secretariat, but would have to be taken over subsequently by Parties from the region.

## **4. Recommendations**

- The Contracting Parties and the Secretariat should continue their efforts to promote the significance, potential and success stories of the implementation of CMS by its Parties and existing Regional Agreements and MoU internationally with a strong focus on regions, involving NFPs, NGOs and other appropriate institutions.
- Every effort should be made to develop and implement instruments that are less complex than RAs, MoU, bilateral projects and action plans. These cannot replace RAs, but would require less resources and could be an incentive to start cooperation between Parties at the technical level, i. e. at a much lower level than internationally binding, formal agreement. Such measures could be taken as a first step leading to a formal RA as the final objective. For Appendix-II species having a very unfavourable conservation status and requiring urgent cooperation at the international level for their conservation and management, Parties should be called upon to immediately take cooperative action to improve the conservation status of these species.
- Parties should be invited to seek bi- or multilateral partnerships to assist each other especially in project development and identification and acquisition of funds, elaborate new agreements and improve public awareness on migratory species. Parties should specify their wishes and interests to the Secretariat which then could act on request as facilitating link in establishing such partnerships.
- Parties should actively seek more bilateral and regional cooperation and partnerships. Several of the problems described in the replies could be solved through direct consultation between the Parties concerned. The Secretariat could assist in establishing contacts and partnerships on special request by Parties.
- It may be advisable to systematically review the results of specific research projects or start new studies on the importance of migratory species for example under such different aspects as seed dispersal, culture and religion, economy (tourism), food supply, and the intrinsic value of species. The results of these studies should be distributed rapidly, widely and strategically to support awareness campaigns on the significance of migratory species. An awareness campaign primarily addressed to political decision makers should be backed up by sound scientific arguments and by the argument that border crossing conservation projects have a potential to induce improved cooperation between countries also at levels others than conservation, such as peace keeping activities.
- Each Party should be invited to carefully examine its specific possibilities to assist other Parties in improved implementation of CMS. As financial means appear to be rather limited in most countries, aid could consist in assisting Parties at the bilateral level in the elaboration of project proposals to GEF. The Secretariat should further examine the possibilities and need for the elaboration of a specific guide to GEF for interested Parties.
- The Standing Committee, together with the Secretariat, should continue to propagate the existing recommendations on financing, invite Parties to implement these very actively, develop new strategies for funding and encourage and assist Parties to seek funds nationally, regionally and from international donors.

- The organisation of regional seminars and training workshops may be useful especially to strengthen the capacities of NFPs in the fields of networking, procedures for the elaboration of CMS instruments and fund raising. Such regional approaches are especially useful as agreements within CMS are by definition of a clearly regional nature, while the implementation of other international conventions dealing with the conservation of wild species is a mainly or exclusively national issue
- The Scientific Council should actively propagate the priorities established for the conservation of species listed in Appendix II, and the Secretariat should continue to seek lead countries and potential partners for the elaboration of appropriate instruments and assist in relevant networking.
- The COP might consider recommending its Parties, its own bodies and other international organisations like IUCN and UNEP, to more intensively use the instruments of CMS and to increase their efforts in the fields of public awareness raising, training, education and addressing the political decision makers to better inform the public and those concerned on CMS and related agreements in order to increase capacities for their implementation.
- Increased involvement of NGOs is likely to contribute to the creation of a better “political climate” both nationally and internationally for the conservation of migratory species through CMS. Therefore Parties as well as the Secretariat should continue to strengthen and expand cooperation with competent NGOs working in the field of species conservation.

## 5. Further Procedure

The Standing Committee is invited to consider this report and the recommendations made.

The Standing Committee may present this report to the forthcoming Meeting of the Conference of the Parties in Bonn for information, inviting Parties to consider the findings presented in the further development of the CMS strategy.

### Abbreviations:

ACAP	Agreement on the Conservation of Albatrosses and Petrels
ACCOBAMS	Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area
AEWA	Agreement on the Conservation of African-Eurasian Migratory Waterbirds
ASCOBANS	Agreement on the Conservation of Small Cetaceans of the Baltic and North Sea
CBD	Convention on Biological Diversity
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CMS	Convention on the Conservation of Migratory Species of Wild Animals (= Bonn Convention)
COP	Conference of the Parties
EU	European Union
EUROBATS	Agreement on the Conservation of Bats in Europe
FP(s)	Focal Point(s)
GEF	Global Environment Facility
IWC	International Whaling Commission
MoU	Memorandum of Understanding
NFP(s)	National Focal Point(s)
RA(s)	Regional Agreement(s)

## **Annex**

### **Questionnaires in English, French and Spanish**