



# CONVENTION ON MIGRATORY SPECIES

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Agenda Item 22.4

## CONCERTED AND COOPERATIVE ACTIONS

### Summary:

Resolution 10.23 made a series of recommendations to the Scientific Council and the Secretariat for improving the process for Concerted and Cooperative Actions under CMS. This document summarizes action already undertaken to implement some of those recommendations.

The document includes a consultant's report on improving the process for Concerted and Cooperative Actions (ANNEX I) and a draft resolution on Concerted and Cooperative Actions (ANNEX II) submitted to the 11<sup>th</sup> Meeting of the Conference of the Parties for consideration and adoption.

## CONCERTED AND COOPERATIVE ACTIONS

*(Prepared by the UNEP/CMS Secretariat)*

1. The Tenth Meeting of the Conference of the Parties to CMS (COP10), through Annex 3 to Resolution 10.23, made a series of recommendations to the Scientific Council and the Secretariat for enhancing the effectiveness of the Concerted and Cooperative Actions process, and requested the Secretariat, subject to available resources, to implement the actions recommended, and to prepare a report and recommendations on their implementation to the Scientific Council, the Standing Committee and the 11<sup>th</sup> Meeting of the Conference of Parties.

2. Thanks to a generous voluntary contribution from the Government of Germany (Federal Ministry for the Environment, Nature Conservation, Building and Nuclear Safety), the Secretariat commissioned Mr. Dave Pritchard to prepare a report aiming to fulfil part of the recommendations included in Annex 3 of Resolution 10.23, in particular recommendation (iii) to the Scientific Council and recommendations (i) and (ii) to the Secretariat<sup>1</sup>. A draft of the report was submitted to the 18<sup>th</sup> meeting of the Scientific Council (ScC18) for review and guidance towards its further development and finalization (see UNEP/CMS/ScC18/Doc.6.1.1). ScC18 considered the report in plenary and within an ad hoc working group established following the plenary discussion. The working group reported on its deliberations during the final session of ScC18. The Meeting requested the Secretariat and the consultant to produce a revised version of the report on the basis of the working group recommendations. A revised version of the report was made available to ScC18 for post-session consultation. The final draft of the report as cleared by the Chair of the Scientific Council is attached to this note as ANNEX I.

3. ScC18 also reviewed a draft resolution on Concerted and Cooperative Actions prepared by the Secretariat (see the Annex to UNEP/CMS/ScC18/Doc.6.1). Based on ScC18 relevant recommendations, the Secretariat prepared a revised version of the draft resolution, notably by compiling the list of species recommended by the Scientific Council to be designated for Concerted and Cooperative Actions for the period 2015-2017 (annexes 1 and 2 to the draft resolution), and by summarizing the recommendations for enhancing the effectiveness of the Concerted and Cooperative Actions process detailed in the consultant's report in an additional annex (annex 3 to the draft resolution). The revised version of the draft resolution so

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<sup>1</sup> Excerpt from Resolution 10.23 Annex 3:

...

*Instructs* the Scientific Council to:

- i. undertake an analysis of Appendix I and II species listed for concerted and cooperative action, to indicate which species have been included in or under a CMS instrument or process, to what extent and how their needs have been addressed by those instruments or processes, and to summarize the future conservation action needs of each of those species (and their relative priority) in terms of the CMS mechanisms available;
- ii. review the case for retaining on the list of concerted and cooperative actions, any species for which the entirety of its range is covered by an existing CMS instrument; and
- iii. develop an expanded rationale, criteria and guidance, as appropriate, for identifying candidate species for concerted or cooperative actions, with a view to improving scientific rigour, objectivity, consistency and transparency in their selection for concerted or cooperative action.

...

*Requests* the Secretariat to:

- i. prepare guidance on the purpose of listing a species for concerted or cooperative action, and the outcomes sought when species are proposed for concerted or cooperative action; and
- ii. prepare guidelines to assist Parties to identify options for action to take in response to concerted or cooperative action listing.

...

produced was made available to ScC18 for post-session consultation. The final draft of the resolution as cleared by the Chair of the Scientific Council is attached to this note as ANNEX II

4. Capacity and resource constraints did not allow the implementation of other recommendations included in Annex 3 to Resolution 10.23 by the Secretariat. Part of those addressed to the Scientific Council, in particular recommendations (i) and (ii), as well as those included in operational paragraphs 6<sup>2</sup> and 7<sup>3</sup> of the same resolution, were at least partly addressed by the Council in the run-up to and at ScC18, mainly through its taxonomic working groups and within its consolidated mandate to keep the conservation status of species listed for concerted and cooperative actions under review, and recommend species to be designated for concerted and cooperative action to the Conference of the Parties.

5. Dr. William Perrin in his role as the COP-appointed Councillor for Aquatic Mammals and Chair of the Aquatic Mammal Working Group (AMWG) and AMWG member Dr. Margi Prideaux secured expert Focal Points for 14 of the aquatic mammal species designated for Concerted and Cooperative Actions. Reports on conservation progress for these species in the triennium 2012-2014 as well as recommendation for conservation priorities as compiled by the expert Focal Points were submitted to ScC18 for consideration as document UNEP/CMS/SC18/Inf.6.1.1. For other taxonomic groups, progress on implementation of selected Concerted or Cooperative Actions and possible recommendations for further action were reported during the respective working group meeting during ScC18 and are summarized in the reports of the Working Groups, annexed to the ScC18 report (UNEP/CMS/COP11/Inf.8).

**Action requested:**

The Conference of the Parties is requested to:

- (a) Take note of progress in the implementation of Resolution 10.23.
- (b) Consider the Report on improving the process for Concerted and Cooperative Actions attached to this note as ANNEX I.
- (c) Review and adopt the draft Resolution on Concerted and Cooperative Actions attached to this cover note as ANNEX II.

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<sup>2</sup> Operational paragraph 6 of Resolution 10.23 requests the Scientific Council to nominate, by the end of the ScC18, for each species and/or taxonomic group listed for Concerted or Cooperative Action, a member of the Council or a designated alternative expert to be responsible for providing a concise written report to each meeting of the Council on progress in the implementation of actions for the species or taxonomic group concerned.

<sup>3</sup> Operational paragraph 7 of Resolution 10.23 requests the relevant appointed Scientific Councillors to liaise with relevant experts including those nominated as focal points for Concerted and Cooperative Actions to produce a concise written report providing a synthesis of issues for each taxonomic group to each meeting of the Scientific Council.



ANNEX I



*Convention on Migratory Species*

## **Improving the Process for Concerted and Cooperative Actions**

CONSULTANT REPORT

***Dave Pritchard***

14 July 2014



## Improving the Process for Concerted and Cooperative Actions

### 1. Purpose of this report

- 1.1 The “Concerted Action” and “Cooperative Action” processes in CMS have evolved organically over many years. From simply-expressed initial concepts, practice has become more complicated. The aims are not always clear, and effectiveness is hard to measure.
- 1.2 Aspects of this have been considered by the CMS Scientific Council and Conference of Parties in the past; and a review in 2011<sup>1</sup> led to COP10 adopting nine recommendations in Resolution 10.23<sup>2</sup>. This report addresses three of these<sup>3</sup>, organized under two objectives:
- to develop a rationale, criteria and guidance on the purpose of listing a species for Concerted or Cooperative Actions, and on the outcomes sought when species are proposed for such actions;
  - to develop guidelines to assist Parties to identify options for action to take in response to Concerted or Cooperative Action listing.

### 2. Summary of the formal basis for Concerted & Cooperative Actions

- 2.1 The Convention lists, on its Appendix I, migratory species that are endangered. Parties that are Range States for such species are required (Article III) to endeavour to conserve and restore their habitats, tackle obstacles to their migration, prohibit deliberate killing or taking (subject to exceptions) and tackle other factors endangering the species. Under Article III(6) the Conference of the Parties may recommend “further measures considered appropriate to benefit the species”.

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<sup>1</sup> CMS Secretariat (2011): Enhancing the effectiveness of measures to promote the conservation and sustainable management of Appendix II species - Reflections on the CMS “Cooperative Actions” process. COP10 document UNEP/CMS/Conf.10.36. *(Although directly concerned only with the Cooperative Actions process, this document also reflected briefly on Concerted Actions, and the resulting recommendations were considered by the COP in relation to both processes).*

<sup>2</sup> Convention on Migratory Species (2011): Concerted and Cooperative Actions. UNEP/CMS/Resolution 10.23.

<sup>3</sup> In their original formulation, the three recommendations from Annex 3 of Res 10.23 addressed in this report are:

- An instruction to the Scientific Council to: (iii) develop an expanded rationale, criteria and guidance, as appropriate, for identifying candidate species for Concerted or Cooperative Actions, with a view to improving scientific rigour, objectivity, consistency and transparency in their selection for Concerted or Cooperative Action.
- A request to the Secretariat to: (i) prepare guidance on the purpose of listing a species for Concerted or Cooperative Action, and the outcomes sought when species are proposed for Concerted or Cooperative Action; and (ii) prepare guidelines to assist Parties to identify options for action to take in response to Concerted or Cooperative Action listing.

- 2.2 Appendix II lists species with an unfavourable conservation status requiring international agreements for their conservation, as well as others whose conservation status “would significantly benefit” from such an agreement. Parties that are Range States for such species are required (Article IV) to endeavour to conclude (international) Agreements<sup>4</sup> where these would benefit the species.
- 2.3 In respect of migratory species in general, under Convention Article VII(5)(e) the Conference of the Parties may make recommendations for improving their conservation status.
- 2.4 Concerted and Cooperative Actions are not prescribed in the Convention text: they have been devised by the COP in conformity with the provisions mentioned above.

### **Concerted Actions**

- 2.5 Concerted Actions were established by COP Resolution 3.2 in 1991, which instructed the Secretariat and the Scientific Council to encourage and assist Parties to take such actions to implement the provisions of the Convention (“where possible through existing instruments of bilateral or multilateral cooperation”), and initiated a process for each meeting of the COP to recommend initiatives to benefit a selected number of Appendix I species.

Concerted Actions:

- are conservation measures undertaken for species or groups of species identified for this purpose in decisions of the COP;
- involve species listed on CMS Appendix I;
- involve measures that are the collective responsibility of Parties acting in concert, and which tend to be set out in Action Plans.

### **Cooperative Actions**

- 2.6 Cooperative Actions were established by Recommendation 5.2 in 1997, in response to the practical limits to the number of Agreements that could be developed and implemented simultaneously for the long list of species on Appendix II. The Recommendation encouraged Parties to undertake *cooperative action* to improve the conservation status of relevant species or populations of species; providing for relatively rapid action either as an alternative to an Agreement or as the precursor to one.

Cooperative Actions:

- are projects or institutional arrangements implemented by Parties cooperating for the conservation of species or groups of species identified for this purpose in decisions of the COP;
- involve species listed on CMS Appendix II;
- involve actions typically designed to support the conclusion of an instrument under Article IV of the Convention, and enable conservation measures to be progressed in the meantime.

<sup>4</sup> Typographical presentations of the word “agreement” under CMS vary according to the context. For convenience throughout the present document it is presented informally as “Agreement” (upper case initial letter only), to refer generically to all forms of CMS instruments concluded under Article IV, including Memoranda of Understanding.

### 3. Proposition: streamlining / rationalization is possible

3.1 Past discussions have highlighted a degree of confusion about the scope and application of the two mechanisms<sup>5</sup>. This arises from the fact that they each evolved at different times, were defined initially in very loose terms, and they overlap considerably in their intent (including one case where action for a group of species was covered by a combination of the two mechanisms<sup>6</sup>).

3.2 The overlap can be illustrated as follows:

#### **Differences?**

- Concerted Actions address Appendix I, while Cooperative Actions address Appendix II (but there is some overlap here in relation to species appearing on both Appendices).
- Concerted Actions in theory are a responsibility owned by the Convention as a whole (but this distinction from Cooperative Actions is questionable, given that the latter are effected via collective decisions of the COP).
- Concerted Actions are perhaps regarded as a more “weighty” mechanism (but this may vary on a spectrum across both mechanisms rather than being a class distinction).

#### **Similarities**

- Both mechanisms are aimed at improving the conservation status of the species concerned.
- Both convey some kind of expression of priority need.
- Both are based on arguments presented or reviewed by the Scientific Council.
- Both require multilateral action<sup>7</sup>.
- Both can be delivered by Action Plans and/or projects.
- Both can lead to a CMS Agreement.
- Both can substitute for an Agreement, either temporarily or in the longer term.
- Both usually need funding.
- Both mechanisms can be changed by decision of the COP (since they are not defined in the Convention text).

3.3 Reviews have increasingly considered both processes together<sup>8</sup>; but while rationalisation has been mooted before, no major decisions in this direction have yet been taken<sup>9</sup>.

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<sup>5</sup> See for example Scientific Council documents ScC.12/Doc.6 (2004) and ScC.13/Doc.6 (2005); COP documents Conf.9.16 (2008) and Conf.10.36 (2011).

<sup>6</sup> At COP8 in 2005, three Central Asian arid-land mammals were listed for Cooperative Action in Recommendation 8.28. The intent in doing so was said (document Conf.9.16) to be to facilitate their inclusion in the Concerted Action for arid-land species, which indeed subsequently happened.

<sup>7</sup> In some contexts, the semantic distinction between “acting in concert” and “acting cooperatively” is meaningful, for example in regulations governing corporate takeovers and shareholder activity. In the CMS context there could potentially be a difference in terms of the degree to which action is “collective” rather than “individual and coordinated”; but in practice this is unlikely to be a helpful basis on which to classify types of migratory species conservation work.

<sup>8</sup> See note 5 above.

<sup>9</sup> COP9 in 2008 took a small step however by adopting decisions on Concerted and Cooperative Actions in a single combined Resolution for the first time; and COP10 in 2011 followed suit. See also section 7 of the present report on the outcome of the Scientific Council’s 18<sup>th</sup> meeting in July 2014.



- 3.4 Instead of elaborating a more detailed rationale for *choosing between* Concerted Action and Cooperative Action, this report suggests (purely for discussion purposes) that it would be possible to conceive of a unified scheme, with a menu (or sliding scale) of options available and criteria to satisfy in any given case. This would improve on the current system by simplifying its logic, and by tightening up the specification, each time it is used, of what the purposes and expected results are intended to be.
- 3.5 To avoid the distractions of terminology at this stage, the suggested approach is referred to below simply by the informal working title of “the CMS system for C/C Actions”. After setting out this approach, which could be applicable to a variety of future structures and names for the mechanisms, one specific option for a future structure is put forward in section 7.

#### 4. A possible framework for a unified scheme

- 4.1 This section considers a way of dealing with opportunities or proposals that may arise for *initiating a new* CMS C/C Action. (If the development of this approach is pursued, there would be some transitional administrative issues relating to the legacy of existing Concerted and Cooperative Actions; those are not considered further here, but are touched upon in section 7).
- 4.2 To define a proposal, information would be set out under standard headings such as those listed below. The content of each of these is discussed in the sections that follow.
- A)** Target species/population(s), and their status in CMS Appendices
  - B)** The case for action (= *list of criteria*)
  - C)** Expected outcomes
  - D)** Associated benefits
  - E)** Timeframe
  - F)** Relationship to other CMS actions.
- 4.3 This approach need not affect the continued conduct of the status review and “special attention” processes which were introduced at the same time as Concerted and Cooperative Actions by Res.3.2 and Rec.5.2 respectively<sup>10</sup>. Those processes would continue to assist in preparing the ground.

<sup>10</sup> Res.3.2 decided “to establish a formal review process, at each meeting of the Conference of the Parties, for a selected number of species listed in Appendix I, with a view to recommending initiatives”. Rec.5.2 instructed the Scientific Council “to prepare for each meeting of the Conference of the Parties a list of [species or populations of species listed in Appendix II, which have a very unfavourable conservation status and which require urgent cooperation at the international level for their conservation and management] requiring special attention within the forthcoming triennium”; and directed the Secretariat to assist the Scientific Council in establishing this review process, ensuring that a regular update of status is provided.

## **4A Specifying target species/population(s), and their status in CMS Appendices**

- 4A.1 A C/C Action may address a single species, lower taxon or population, or a group of taxa with needs in common. The target animals in each case should be clearly defined, including by reference to the geographical range(s) concerned.
- 4A.2 The status of the target animals in terms of CMS Appendix listing should be specified. A given C/C Action may address a combination of Appendix I and Appendix II species, provided the needs and objectives for both are sufficiently congruent.
- 4A.3 Exceptionally, the target of a C/C Action may be a species which is not listed on either of the Convention Appendices, in cases where it is a formally proposed candidate for listing<sup>11</sup>.
- 4A.4 Currently, the CMS Scientific Council is asked to nominate a designated expert to lead on reporting progress for each of the species/taxonomic groups listed for Concerted or Cooperative Action<sup>12</sup>. This idea could be extended to designating individuals with lead responsibility for compiling/advising on proposals for new C/C Actions. The individual's name in each case would then be included in the proposal information.

## **4B Specifying the case for action**

- 4B.1 Any proponent of a C/C Action, and any body that evaluates it for decision (eg the CMS Scientific Council or COP), would be required to indicate/assess how the proposal meets certain criteria. These could be:
- (i)** conservation priority
  - (ii)** relevance
  - (iii)** absence of better remedies
  - (iv)** readiness and feasibility
  - (v)** likelihood of success
  - (vi)** magnitude of likely impact
  - (vii)** cost-effectiveness

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<sup>11</sup> Currently, paragraph 4 of Res.3.2 expresses the purpose of Concerted Actions very generally, as "to implement the provisions of the Convention". The title of the Resolution however is "Appendix I species", so although there is an ambiguity, the intention was probably to limit the mechanism's application to Appendix I. Rec.5.2 is clearer in establishing Cooperative Actions for "these species", following a title and preceding text which refer specifically to Appendix II. Convention Article IV(4) permits CMS Agreements to be concluded for any migratory species whether Appendix-listed or not, and there are examples of the latter (see e.g. document Conf.10.36). It would seem anomalous to make the C/C Actions process more restrictive than the "higher-order" (legally enshrined) Agreements process; hence the provision suggested in the present report above. Note however that this still expects Appendix-linkage to be the norm. See also section 4(d) below, concerning species which are not the primary target of an Action but may benefit from it.

<sup>12</sup> See Resolution 10.23, para 6.

- 4B.2 Notes on each criterion are given below. The list is not in any particular order.
- 4B.3 While some of the criteria could be regarded as discretionary (e.g. aspects of impact magnitude), meeting others would probably always need to be mandatory (e.g. conservation priority and relevance).
- 4B.4 A scoring system could be applied to assist in prioritising proposals. Scores could be weighted, according to (for example) whether it was intended to prioritize according to funding needs, or the degree of Secretariat involvement, or timing factors, or geographical/taxonomic balance, or some other aspect.
- 4B.5 The narrative demonstrating qualification against the criteria could, for each of them, also state the risks and assumptions being made ((iv) and (v) are probably the easiest examples). The process would thereby simultaneously generate a risk analysis as an integral part of the proposal.

**Criterion (i) Conservation priority**

- 4B.6 Conservation priority in terms of endangerment (Appendix I) and/or unfavourable status (Appendix II) should be straightforward to substantiate through well-established CMS scientific processes. Exceptionally this can also apply to candidates for listing on the Appendices. (See also comment under criterion (iii) below regarding interpretation of the reference in Rec.5.2 to Appendix II species with “very” unfavourable status).
- 4B.7 Needs which are defined on a basis of “gaps in current conservation provisions” are a form of conservation priority; but that is also a question about whether remedies already exist, and hence is addressed more appropriately under criterion (iii).
- 4B.8 In addition to combating absolute global risks of extinctions and obstructed migrations, it may be important for the Convention also to ensure relative balance in the application of its remedies across different taxonomic groups and geographic regions<sup>13</sup>. This may therefore also play a part in judging “conservation priority”.
- 4B.9 Priority may also involve the question of urgency. This may relate to the pressing nature of the need (e.g. in terms of speed of population decline), or to a time-limited window of opportunity for action (e.g. before an incipient threat gets worse)<sup>14</sup>.

<sup>13</sup> Document Conf.10.36 (2011) commented on imbalances in relation to Cooperative Actions, noting that every taxonomic group includes some species that have not been covered by such an Action (or by an Agreement); but that birds in general are particularly underrepresented, and the family Muscicapidae especially so (many of whose members are endangered and hunted throughout their range and would benefit from cooperation). Geographically, Central and South America are perhaps the most poorly covered regions.

<sup>14</sup> For Cooperative Actions, COP Recommendation 5.2 appeared (whether or not this was the intention) to address itself not to the whole of Appendix II, but to those species on the Appendix which particularly require “urgent” cooperation. Curiously, the same wording was repeated in the successor decisions from COP6 and COP7 (Rec.6.2 and Rec.7.1), but in the ones from COP8 and COP9 (Rec.8.28 and Res.9.1) the word “urgent” was dropped. The reason for this is not explicitly documented, but links probably to discussions held in the Scientific Council about confusion caused by the reference to urgency vis-à-vis the scope of Appendix II and the complementarity between Cooperative Actions and Agreements, as discussed here under criterion (iii). Any potential confusion of this kind hopefully has been removed in the revised construct for C/C Actions put forward in the present report.

### **Criterion (ii) Relevance**

- 4B.10 This would be interpreted to mean “relevance of the Action to CMS purposes”. A first consideration might be the degree to which the particular conservation problem is linked to migration<sup>15</sup>. A second might be the degree to which collective multilateral action is essential for the desired outcome<sup>16,17</sup>. A third might be the role of the Action in delivering CMS mandates<sup>18</sup>.
- 4B.11 Under this criterion would also lie a consideration of “appropriateness”, in the sense of conformity with CMS principles and standards (e.g. on ethics, or other forms of appropriateness); and the absence of any other internal policy conflicts.

### **Criterion (iii) Absence of better remedies**

- 4B.12 “Better remedies” may be found either within the mechanisms of the CMS or elsewhere. Both possibilities should be examined; either sequentially or in combination.
- 4B.13 First, this is a question about the proposed C/C Action’s “added value” to what already exists. This would include the findings of any “gap analysis” among current conservation measures.
- 4B.14 Current measures may include an existing CMS Agreement, and in general a species which is already covered by such an Agreement should not be put forward for a C/C Action<sup>19</sup>. In some cases however an Agreement may cover only part of the range or certain population(s) of a given species, so other parts of the range or other population(s) of the same species might still validly be the subject of a C/C Action; *provided* this is (for some reason) a better option than *extending* the Agreement.
- 4B.15 Second, once it is clear that there is a gap in current measures which needs addressing, criterion (iii) progresses to being a question about the best choice among available options for addressing the gap. In particular this will consider whether a new or extended CMS Agreement would be a better option<sup>20</sup>.

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<sup>15</sup> For example physical obstacles to migratory movements; loss of connectivity in habitat; threats that jeopardise a critical behaviour or a critical site in the migratory cycle, etc.

<sup>16</sup> In some circumstances this might relate to the number of countries involved. “High relevance” in these terms could of course imply low feasibility compared to a C/C Action involving a smaller number of countries (see criterion (iv)) - this is one of many “trade-off” judgements which may need to be made between the different criteria.

<sup>17</sup> There is an oddity in Article IV of the Convention whereby paragraph 3 suggests that a judgement needs to be made on a case-by-case basis as to whether an Appendix II species would benefit from international cooperation/an Agreement, while paragraph 1 suggests instead that all such species by definition would benefit. The latter interpretation is perhaps the more logical.

<sup>18</sup> Including COP decisions, Strategic Plan targets, and objectives adopted in other CMS initiatives which cannot more effectively be met in other ways (see criterion (iii) and section 4F).

<sup>19</sup> Acknowledging the need to avoid this kind of duplication, the COP in Res.10.23 (Annex 3) instructed the Scientific Council to “review the case for retaining on the list of Concerted and Cooperative Actions any species for which the entirety of its range is covered by an existing CMS instrument”. The related background document Conf. 10.36 had further recommended adding “and delete those for which there is no compelling reason to retain them on the list”. The “compelling reason” qualification related to the fact that there have been one or two cases in the past (for reasons that are now not entirely clear) where species were added to the Concerted or Cooperative Actions list even though they were already covered by an Agreement (e.g. Black Sea bottlenose dolphin was added in 2008 despite already being covered by the ACCOBAMS Agreement).

<sup>20</sup> This only concerns a judgement as to whether the best step *from the start* is to embark on a C/C Action or to embark instead on a new/extended Agreement. In the scheme suggested here, the question of whether a C/C Action is best used to *assist in developing a later* Agreement would be considered as part of defining its *purposes* (section 4C), not as part of the case for having a C/C Action at all.

- 4B.16 The reason for preferring a C/C Action might be that there is no better remedy in terms of *speed*. COP decisions on Cooperative Actions in the past have suggested that the main added value of the mechanism is that it can be more rapidly deployed than the negotiation of an Agreement<sup>21</sup>.
- 4B.17 The reason for preferring a C/C Action might be that there is no better remedy in terms of *flexibility/informality*, although strictly speaking there is nothing in the Convention text that prevents the type of CMS Agreement provided for by Article IV(4) from being as flexible/informal as required.
- 4B.18 The reason for preferring a C/C Action might be that there is no better remedy in terms of the *severity of conservation need* (see criterion (i)). This line of reasoning may be best avoided, as there has been confusion about it in the past, arising from uncertain interpretation of Rec.5.2. (The Recommendation has given conflicting signals as to whether Cooperative Actions were intended to address needs that were *more* severe than those meriting an Agreement, or *less* severe than those meriting an Agreement)<sup>22</sup>.
- 4B.19 In cases where the above tests fail to be satisfied, a new or extended Agreement may be a better remedy. An equivalent “mirror-image” set of tests would apply to the process of considering proposals for new or extended Agreements, ie to show the reasons why a C/C Action is not a better remedy. (Clearly the question of proposing new or extended Agreements involves wider considerations too; but there should be close harmonization of those aspects which both judgement processes share in common)<sup>23,24</sup>.
- 4B.20 The system suggested above does not propose a starting presumption in favour of one mechanism or the other (i.e. C/C Action or Agreement). The decision framework could in theory be entered first by testing the case for a C/C Action, or first by testing the case for an Agreement<sup>25</sup> (see diagram in section 5 below). Each framework offers triggers for switching to the other, depending on which tests are met.

<sup>21</sup> COP Recommendation 5.2, echoed by reasoning in Rec.8.28 and Res.9.2, described Cooperative Actions as being directed towards Appendix II species which, *inter alia*, given the rate of decline in their populations, could not reasonably be expected to become the object of an Agreement in a timely enough manner to assist with their conservation. Agreements may indeed take many years to negotiate and bring into effect; although it should be noted that this can be done whenever the negotiating parties agree, whereas the launch of Cooperative Actions is linked to decisions of the COP.

<sup>22</sup> For Cooperative Actions, Rec.5.2 on the one hand appears to establish what was later described (document Conf. 9.16, 2008) as a “*lesser instrument*” than Agreements; while on the other hand it appears to address itself to a subset of Appendix II species having a “very” unfavourable conservation status and requiring “urgent” cooperation; i.e. cases that are *more acute* than the generality of those benefiting from Agreements.. Curiously, in the successor decisions, the same wording about urgency and very unfavourable status was repeated in the Recommendation from COP6 (Rec.6.2), but in the one from COP7 (Rec.7.1) the word “very” was dropped, and in the ones from COP8 and COP9 (Rec.8.28 and Res.9.1) both the words “very” and “urgent” were dropped. The additional criteria of especially negative status and special urgency have thus progressively disappeared. The reasoning behind this does not appear to be documented, apart from discussions which took place in the Scientific Council on the problematic interpretation of Rec.5.2 in general.

<sup>23</sup> Similar issues concerning more systematic definition of the purposes, rationale and criteria for selecting target species etc arise in respect of both Agreements and C/C Actions, and there should be a coherent approach to this across both processes. For Agreements, some factors already mirroring those in the present report were suggested in COP Res.10.9 (on the Future Shape of CMS), namely scientific need, the added value of CMS involvement, existing and potential synergies (internally and externally), funding criteria and the existence of a coordinator. During 2014 in parallel with the drafting of the present report, a separate document is in preparation which addresses the task defined in Res.10.9 and Res.10.16 concerning a policy approach to the development, resourcing and servicing of CMS Agreements, including criteria against which to assess new proposals. Ultimately it is envisaged that the systems put forward by these two documents would operate in tandem (see diagram in section 5).

<sup>24</sup> Where a C/C Action is designed as a precursor to an Agreement, then addressing any separate “new Agreements criteria” will be an integral part of that C/C Action; but as part of its implementation, rather than part of the justification for embarking on it in the first place.

<sup>25</sup> In the latter case, using the criteria in the separate document mentioned in note 23 above.

### **Criterion (iv) Readiness and feasibility**

- 4B.21 This concerns practical constraints to implementation of the C/C Action, and how readily they will be overcome. Feasibility is probably most meaningfully expressed by reference to a defined timeframe (see section 4E below). Questions of the overall scale of what is feasible to achieve are probably better dealt with under criterion (vi).
- 4B.22 Assessing realistic funding prospects may sometimes be a decisive part of this. If the chances of finding the necessary funds for a given proposal are competently judged to be nearly nil, it could be unwise to invest time and effort in developing it<sup>26</sup>. There is some risk of circularity in addressing this for any proposed C/C Actions whose purposes expressly include being a device to help to leverage new funding; so care would be required in such cases.
- 4B.23 Prospects for leadership should also be addressed. This would involve confirming the existence of a named entity/entities which is/are reliably offering (preferably guaranteeing) to lead or coordinate the implementation of the Action. It cannot be assumed that the CMS Secretariat will play such a role.

### **Criterion (v) Likelihood of success**

- 4B.24 Satisfying the feasibility criterion (iv) shows only that an action is likely to be *implementable*. Criterion (v), by contrast, seeks to assess *whether such implementation is likely to lead to the intended outcome*. Risk factors here include such things as uncertainty about the ecological effects of the activities undertaken; weakness in the underpinning science; lack of a “legacy mechanism” by which results can be sustained; and activities by others that may undermine or negate the results of the Action.
- 4B.25 Information given under criteria such as (i) and (ii) above may represent a best consensus view, and on that basis may or may not be a sufficient justification for action. The reference here to the “underpinning science” asks a different question; namely about its authority, completeness, depth of testing and any other aspect affecting its quality (and hence the degree to which it can be relied upon as a basis for predictions).

### **Criterion (vi) Magnitude of likely impact**

- 4B.26 If a choice must be made between two proposals that are equal in other respects, this might be done by comparing the number of species, number of countries or extent of area that will benefit in each case. Actions which address multiple problems simultaneously might be favoured over those with a narrower focus. Actions likely to have a good catalytic or “multiplier” effect will almost always be favoured<sup>27</sup>.

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<sup>26</sup> The position here may not necessarily bear any relationship to the conservation merits of the case or to the other criteria listed here; so again there may sometimes be difficult “trade-off” judgements to make between the different possible grounds for proceeding.

<sup>27</sup> Criterion (vi) considers some issues that are similar to those considered under section 4D on “associated benefits” below. The difference is that here the question is about whether it is wise and worthwhile to allow a particular C/C Action to be launched; whereas in section 4D it is about seeking opportunities to add value to Actions which are already judged to have met the criteria for launching.

- 4B.27 Opportunities should be sought for C/C Actions to link with other initiatives in such a way that the value of both/all of them is enhanced. This could happen either with CMS Family initiatives (including Agreements) or with initiatives led by others.
- 4B.28 Certain C/C Actions may have high intrinsic popular or political appeal, or great potential as “flagship” cases for broadening outreach. This should obviously be considered as part of the possible “associated benefits” of proposals which qualify against the criteria listed here (see section 4D below) - but also, while it should not override any of these criteria, it may be another important contributory factor in deciding whether to proceed.

### **Criterion (vii) Cost-effectiveness**

- 4B.29 Proposals should specify the resources they require, but should also relate these to the scale of impact expected, so that cost-effectiveness can be judged. Evidence used for addressing synergies, under criterion (vi) above, may also be relevant here.

## **4C Specifying expected outcomes**

- 4C.1 The CMS text expects Appendix II species to be restored to favourable conservation status (through international cooperation), and expects Appendix I species to benefit from various protections applied under the Convention, including particular actions to tackle the factors endangering them. In addition (Article II(2)), it expects the endangerment of all migratory species to be avoided.
- 4C.2 Although the term is specifically employed in the context of Appendix II, “favourable conservation status” loosely describes the outcome sought for migratory species through all these strands of the Convention. It is therefore some kind of assumed aim within which to frame the objectives of any C/C Action.
- 4C.3 The key principle for the future will be to be more systematic and explicit than before in defining the expected conservation outcomes for any adopted C/C Action; so that progress can be assessed, adaptive course-corrections applied and success recognised. Following the SMART standard (Specific, Measurable, Achievable, Relevant, Time-bound) will help; adding perhaps also U (Uncomplicated).
- 4C.4 It would be consistent with the origins of Concerted and Cooperative Actions (Res.3.2 and Rec.5.2), as well as Article IV (for Appendix II species), for C/C Action objectives also to define the way in which the species is/are intended to benefit particularly from international cooperation.
- 4C.5 Parties at the most recent CMS COP in 2011 instructed the Scientific Council *inter alia* “to summarize the future conservation action needs of each of [the

species currently listed for Concerted and Cooperative Action] (and their relative priority) in terms of the CMS mechanisms available” (Res.10.23 Annex 3). Processes of his kind should make an important contribution to increasing the rigour of objective-setting for C/C Actions in future.

- 4C.6 Understanding has been inconsistent in the past as to whether the primary purpose of Cooperative Actions is to provide an alternative to developing a CMS Agreement or a precursor to one, and hence whether they are best designed to increase the impetus towards concluding an Agreement or to relieve the pressure for doing so. Both purposes may remain legitimate for future C/C Actions, but in each case the aim in this respect should be explicit.

#### **4D Specifying associated benefits**

- 4D.1 There may be potential benefits of a C/C Action which are not part of the case for proceeding (i.e. against the criteria above), but which should be identified and incorporated into implementation plans once it has been decided to proceed. In other words, opportunities should be taken to maximize added value where possible.
- 4D.2 It will be important for example to recognize instances where Actions targeting certain migratory animals may incidentally benefit other migratory species/taxa/populations which use the same habitat or suffer the same threats.
- 4D.3 It will also be important to make good use of opportunities presented by C/C Actions for awareness-raising, capacity-building, encouraging new Party accessions and catalysing other associated activities.

#### **4E Specifying timeframes**

- 4E.1 As mentioned above, it is good practice for individual objectives within a C/C Action to be time-bound. This may also apply to the expected duration of the Action itself.
- 4E.2 If a given C/C Action is designed as an alternative cooperation mechanism to a CMS Article IV Agreement, it could in principle have an indefinite life-span. This would be compatible with objectives seeking to “maintain” favourable conservation status of the target species. If on the other hand the purpose is to eliminate a particular threat, or achieve a restoration scheme, or undertake preparatory measures for an Agreement, it might be reasonable at the outset to have some idea of when this would be completed.
- 4E.3 The COP has tended to endorse lists of species for Concerted and Cooperative Actions for a “default” period of a triennium at a time, rolled



forward by successive COPs. Action on earlier-listed species thus tends to be expected to continue for a further period, and the overall list of species to be reported on at each Scientific Council meeting has thus tended to keep growing<sup>28</sup>. There is a lack of clarity about logical end-points in this system, and about what should be the appropriate total scale of activity at any one time.

- 4E.4 Better practice in future would be to specify an expected timeframe (or alternatively to be clear that the C/C Action is deliberately open-ended) in each case. Linking to the triennial COP cycle provides an appropriate horizon for reporting, and for reconfirmation if required. Where the Action is linked to targets in the Strategic Plan (which may be a useful idea) then it might be appropriate for its timeframe to match that of the Plan.
- 4E.5 More specification of timeframes would also imply a more structured vision for C/C Action list *removals* as well as list additions, so that the list at any one time will reflect only truly “active” C/C Actions.

#### 4F Specifying the relationship to other CMS actions

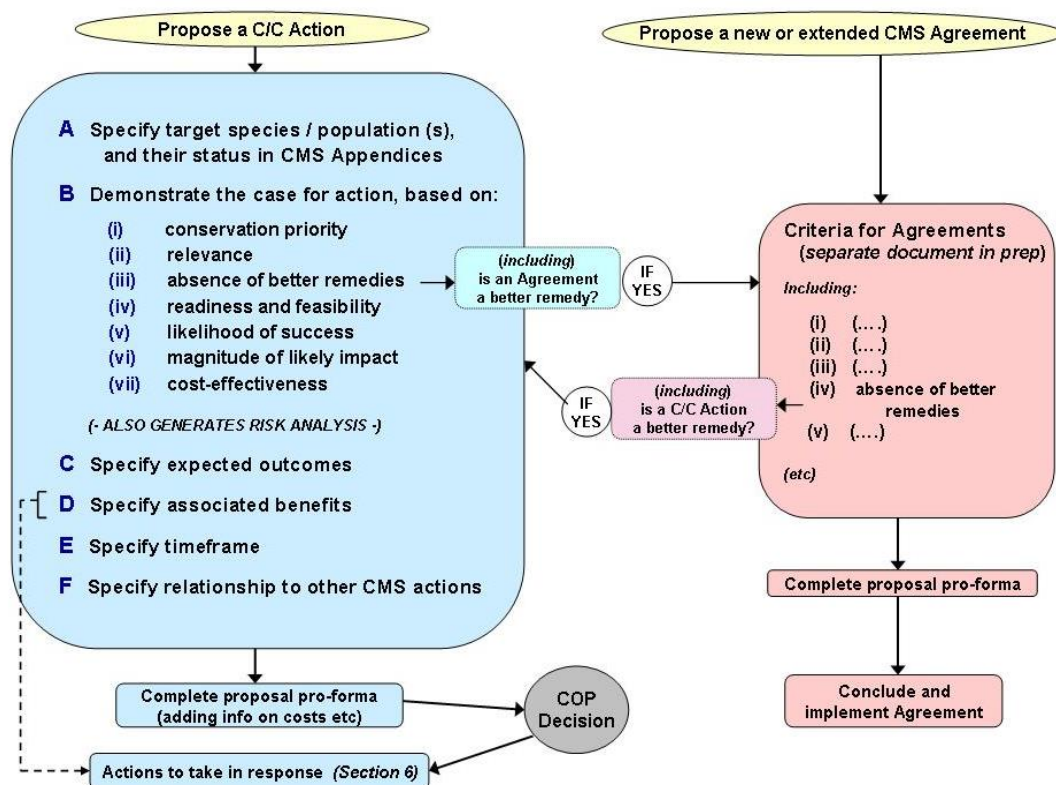
- 4F.1 Aspects of the potential relationship between a proposed C/C Action and other CMS actions have featured in the discussions above about testing whether it should be an Agreement instead (criterion (iii)) and the scope for getting better synergistic value out of existing Agreements (included in criterion (vi)).
- 4F.2 In addition to qualification against the criteria, more detail should be given for any qualifying C/C Action on how its implementation will relate to other areas of CMS activity. This may form part of its purposes, for example if the Action is designed to lead to an Agreement (see section 4C). It may involve showing how the Action will support the Strategic Plan or particular COP decisions (see also criterion (ii)). It may also be necessary to show how different individual C/C Actions, existing Concerted and Cooperative Actions and any free-standing Single Species Action Plans etc. all complement or interact with each other.
- 4F.3 As well as setting an improved context for each Action, this will improve the strategic overview of the suite of mechanisms available for different complementary purposes under the CMS, and how they should all work coherently alongside each other<sup>29</sup>.

<sup>28</sup> The Parties in Res.10.23 noted that “the list of species designated for Concerted and Cooperative Actions had grown cumulatively from each meeting of the Conference of the Parties to the next, with the exception only of COP8 where some species were removed as a result of their incorporation into an agreement”.

<sup>29</sup> One recommendation made in COP document Conf.10.36 (2011), but not picked up in Res.10.23, was for “a strategic vision for the use of available CMS mechanisms for the conservation and sustainable management of Appendix II species, linked as appropriate to the Strategic Plan and covering *inter alia* the complementary roles of these mechanisms, their taxonomic and geographical coverage, and their relationship to Concerted Actions for species on Appendix I”.

## 5. The process for making proposals

5.1 The process suggested in this report is summarized in the figure below.



5.2 A standard pro-forma could be designed, perhaps in the style of a questionnaire, to capture the information needed for scrutiny of each proposal by the Scientific Council, Standing Committee and COP. Together with information on how the proposal meets the C/C Action criteria, and the other specifications A-F above, this would add details of lead individuals, cost estimates etc.

5.3 The information compiled should as far as possible provide a balanced assessment of the advantages and risks associated with each issue, rather than being seen solely as a tool for persuasion.

## 6. Identifying options for action to take in response to Concerted or Cooperative Action listing

6.1 In general, the COP decisions adopting the lists of species for Concerted or Cooperative Actions have done little more than that. In 2004-2005 the Scientific Council noted confusion about the type of action expected after Cooperative Action listing, and this was considered to have limited the effective use of the mechanism (although the position with Concerted Actions is better).

- 6.2 Res.10.23 in 2011 (covering both Concerted or Cooperative Actions) gave some general pointers, encouraging actions that would constitute “steps to improve the conservation status” of the listed species, including (as appropriate) “the preparation of species Action Plans and support for the development of Agreements”; and “provision of the in-kind and financial means required to support targeted conservation measures” for the species concerned.
- 6.3 The Resolution also encouraged Parties to ensure that all such actions “must include a specification of the conservation and institutional outcomes expected and the timeframes within which these outcomes should be achieved”<sup>30</sup>. Both of these aspects have been incorporated into the scheme suggested in this report. In principle, the “identification of actions to take in response to listing” should begin from (and in some cases may be very largely defined by) what is specified under section 4C of the proposal framework suggested here.
- 6.4 In many cases, further detail will derive from the information provided in addressing some of the “C/C Action qualifying criteria” proposed above: for example criterion (i) (on conservation need) should reveal which threats to the animals need combating; and criterion (iii) (on other remedies) should reveal which gaps in existing measures need filling. Support on this is likely to come from various status reviews and gap analyses undertaken from time to time by the Scientific Council and Secretariat<sup>31</sup>.
- 6.5 Further assistance in identifying options could usefully come from digests and case studies of examples of Concerted and Cooperative Actions in practice, showing a range of “real life” implementation possibilities.

### ***Pooling intelligence***

- 6.6 A C/C Action might provide a useful platform or stimulus for sharing, comparing and combining knowledge and advice between countries which have separate programmes addressing the species concerned. This could constitute a “low intensity” or “low cost” form of action.

### ***Demonstrating agreed priorities for funding***

- 6.7 A C/C Action might provide a formal vehicle by which a group of countries can indicate a shared perspective on priorities for funding (and other support), perhaps as the basis for a joint approach to donors.

<sup>30</sup> The implication is that this should be included in the text of the COP decision that adopts the listing. This clause of the Resolution was drawn from COP document Conf.10.36, which makes this more apparent by recommending (para 58(iv)) to “make explicit the purpose of listing a species for Cooperative Action in each case when a listing proposal is made and when a listing decision is made”, and by suggesting (para 51) that “giving indications as to the type of action expected as a consequence of listing” would be one way to improve the COP decisions.

<sup>31</sup> Such reviews/analyses may be either ecological, or institutional, or both.

## **Developing and implementing Action Plans**

- 6.8 Species-based Action Plans are a common ingredient of the work which can follow Cooperative or Concerted Action listing (although this is not the only way such plans can arise in the CMS context). Several examples exist as potential models of what may be possible; and generic guidance on certain types of plan is also available<sup>32</sup>. Adopting an Action Plan may sometimes constitute one stage towards the development of an MoU or other form of Agreement (see below)<sup>33</sup>.

## **Activities towards the development of CMS Agreements**

- 6.9 This has been discussed already above as a potential purpose for C/C Actions. Current context for defining the approach is provided by general considerations agreed in Res.10.16 (2011) on *Priorities for new Agreements*; and these are due to be further elaborated in 2014 through work responding to the COP's request<sup>34</sup> for development of "a policy approach to the development, resourcing and servicing of Agreements".

## **Reporting**

- 6.10 A key benefit of undertaking actions in a Convention context is that implementation can be related to broader agendas, experience and lessons learned from it can be digested on a comparable basis and shared more widely, and processes for initiating appropriate new policy responses where necessary can be available.
- 6.11 This all depends on good reporting. Currently, progress reports on Concerted and Cooperative Actions do come through Scientific Council to the COP; but these rarely go far into attributing outcomes to the value added by the action, or assessing effectiveness at national level.
- 6.12 Res.10.23 (2011) recognized that "it is not currently possible to evaluate systematically the effectiveness of Concerted and Cooperative Actions, and that there is no standardized reporting format available to assist in doing so", and urged Parties to "review and amend the format of the national report system produced by the Secretariat in order to measure the effectiveness of the implementation of Concerted and Cooperative Actions by the 11<sup>th</sup> Meeting of the Conference of the Parties"<sup>35</sup>. Annex 3 of the Resolution asked the Secretariat to "develop a process for collating information on the outcomes of previous listing decisions, including the outcomes of action taken"<sup>36</sup>.

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<sup>32</sup> For example the *Guidelines on the preparation of National Single Species Action Plans for migratory waterbirds* compiled by Wetlands International and published in 2005 as Volume 1 in the AEWCA Conservation Guidelines series.

<sup>33</sup> Devising the appropriate legal status for an Action Plan has not always been straightforward. The revised C/C Actions regime put forward in this report may help to streamline some of the choices involved; but otherwise these legal aspects are not addressed further here.

<sup>34</sup> (In the same Resolution, 10.16). Proposals are expected to be submitted for consideration and adoption at COP11.

<sup>35</sup> It is not clear whether this meant that the format should be revised by the time of COP11 (ie be ready for use in reporting to COP12), or whether it should be revised in time to be used for the reports to be submitted to COP11.

<sup>36</sup> This work is outside the scope of the present report.

- 6.13 Logically, as suggested by document Conf.10.36, such moves should be matched by clear monitoring and reporting expectations being set out in the COP decisions that approve new C/C Actions;<sup>37</sup> and then being elaborated further in the design of each individual Action.

### **Effectiveness**

- 6.14 There has historically been little systematic consideration (at least at COP level) of what attributable impacts on species status are being achieved by Concerted and Cooperative Actions. In Res.10.23, the most recent COP called for an independent assessment of the utility and impact of the mechanism, “with particular regard to whether the process is leading to positive conservation outcomes”<sup>38</sup>.
- 6.15 A better appreciation of this issue in future would come from more explicitly including a monitoring & evaluation regime as an integral part of the design of each C/C Action. This would include specifying in each case some outcome-oriented indicators of effectiveness, linked to the purposes of the Action as defined under section 4C, and to reporting provisions as mentioned above.

## **7. A suggested way of unifying the mechanisms**

- 7.1 Following discussion of a draft of the present report at its 18<sup>th</sup> Meeting in July 2014<sup>39</sup>, the CMS Scientific Council agreed on a way of enacting the proposed streamlining of the Concerted and Cooperative Action mechanisms<sup>40</sup>. This is summarised below, and has been incorporated into a draft Resolution for consideration and possible adoption by COP11 in November 2014.
- 7.2 The recommendation is that the two processes (Concerted Actions, normally for selected Appendix I species; and Cooperative Actions, normally for selected Appendix II species) be consolidated. While a variety of approaches may continue to be taken to the purposes defined and activities undertaken in each individual case, a unified system will help to provide the greater clarity and streamlining that has been sought for some years.
- 7.3. To effect this consolidation, all future proposals (from COP12 onwards) would be made for Concerted Actions only. The Concerted Actions mechanism would be applicable to both Appendix I and Appendix II species, and its scope would broaden to include all of the kinds of activity previously pursued through Cooperative Actions, as well as those normally pursued through Concerted Actions. The Cooperative Actions mechanism itself would cease to exist.

<sup>37</sup> The same document also suggested that the COP might find it useful at each of its meetings to have an overview of the status of the whole of Appendices I and II in terms of the different types of action being taken for the listed species.

<sup>38</sup> This work is outside the scope of the present report.

<sup>39</sup> Document UNEP/CMS/ScC18/Doc.6.1.1.

<sup>40</sup> This involved both plenary consideration and deliberations by an ad hoc contact group on the issue, in which the author participated. To the extent that the text here presents an outcome of the meeting, it does so based on the author’s own notes and in advance of the formal report of the meeting.

- 7.4. Species previously listed for Cooperative Action, but for which no activity has yet begun, would be automatically transferred into a new unified Concerted Actions list. The list would be subject to review by the Scientific Council and the COP, to determine whether each such species should remain listed or be deleted.
- 7.5. Projects and initiatives already begun as Cooperative Actions under earlier COP decisions would continue unaffected. These too however would be subject to review by the Scientific Council and the COP. Such reviews may conclude, *inter alia*, that the objectives of a given Action have been achieved and it has been completed, or that it should continue within the terms of the unified Concerted Actions mechanism (and be re-named accordingly).

## 8. Conclusion

- 8.1 Building on the consensus desire at COP10 for more clarity and coherence in the Concerted/Cooperative Actions system, this report has suggested some ways in which this might be achieved - principally by streamlining aspects of the process and being more explicit about aims and justifications. The CMS Secretariat, Scientific Council and Contracting Parties are invited to continue enriching these ideas with their own suggestions, with a view to making the mechanism as effective as possible for the migratory species it serves.
- 8.2 In the meantime the main structural recommendations arising from this review will be taken forward in a draft Resolution for consideration and possible adoption by CMS Parties at COP11 in November 2014.

## ANNEX II

**DRAFT RESOLUTION**  
**CONCERTED AND COOPERATIVE ACTIONS**

*Recalling* the preamble of the Convention which refers to the Parties' conviction that conservation and management of migratory species require the concerted action of all Range States;

*Further recalling* Resolution 3.2 which instructed the Secretariat and the Scientific Council to encourage and assist Parties to take concerted actions to implement the provisions of the Convention, and which initiated a process for each meeting of the Conference of Parties to recommend initiatives to benefit a selected number of species listed in Appendix I;

*Further recalling* Recommendation 5.2 which introduced the concept of "Cooperative Action" as a rapid mechanism to assist the conservation of species listed in Appendix II and to act as a precursor or alternative to the conclusion for any of those species of an agreement under Article IV;

*Recalling also* the recommendations for improving the process for Concerted and Cooperative Actions under CMS as detailed in Annex 3 to Resolution 10.23, and *noting* the proposals of the Secretariat and the Scientific Council to address part of those recommendations, as detailed in document UNEP/CMS/COP11/Doc.22.4/ANNEX I;

*Recalling also* that Resolution 3.2, as updated by Resolutions 4.2, 5.1, 6.1, 7.1, 8.29, 9.1 and 10.23, and Recommendation 6.2, as updated by Recommendations 7.1, 8.28, and Resolution 9.1 and 10.23, advise the Secretariat and the Scientific Council to encourage and assist Parties to take Concerted and Cooperative Actions to implement the provisions of the Convention and to improve the conservation status of certain listed migratory species;

*Welcoming* the conservation activities undertaken by Parties and other organizations for Appendix I species designated for Concerted Action and for Appendix II species designated for Cooperative Action as summarized in the report of the 18<sup>th</sup> meeting of the CMS Scientific Council; and

*Noting* the recommendations of the 18<sup>th</sup> meeting of the Scientific Council to the 11<sup>th</sup> Meeting of the Conference of the Parties on species to be considered for concerted and cooperative action for the period 2015-2017;

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

1. *Adopts* the lists of species designated for Concerted and Cooperative Actions in Annexes 1 and 2 of this Resolution, and *encourages* Parties and other stakeholders to identify and undertake activities aimed at implementing Concerted and Cooperative Actions to improve the conservation status of listed species, including the preparation of species action plans, during the 2015-2017 triennium;

2. *Urges* Parties to provide the in-kind and financial means required to support targeted conservation measures aimed at implementing Concerted and Cooperative Actions for the species listed in Annexes 1 and 2 to this Resolution;
3. *Encourages* Parties to ensure that all initiatives to undertake Concerted or Cooperative Actions pursuant to this Resolution must include a specification of the conservation and institutional outcomes expected and the timeframes within which these outcomes should be achieved;
4. *Endorses* the recommendations for enhancing the effectiveness of the Concerted and Cooperative Actions process as detailed in document UNEP/CMS/COP11/Doc.22.4/ANNEX I and summarized in Annex 3 to this Resolution; and
5. *Requests* the Secretariat, the Scientific Council and Parties, and *invites* other relevant stakeholders to take these recommendations fully into account in the identification of candidate species for designation for Concerted or Cooperative Action, and in the identification and subsequent implementation of action to take in response to Concerted or Cooperative Action listing.



## Annex 1: SPECIES DESIGNATED FOR CONCERTED ACTIONS DURING 2015-2017

Species (scientific name)	Species (common name)	CMS instrument or process	Is the entire range mandated for protection under CMS covered by a CMS instrument? (Y/N)	Year of adoption
<b>(CLASS) AVES</b>				
<b>(ORDER) SPHENISCIFORMES</b>				
<i>(Family) Spheniscidae</i>				
<i>Spheniscus humboldti</i>	Humboldt Penguin	-	No	COP6 (1999)
<b>PROCELLARIIFORMES</b>				
<i>Procellariidae</i>				
<i>Puffinus mauretanicus</i>	Balearic Shearwater	Proposed for ACAP listing in 2012 (endorsed by sixth meeting of the ACAP Advisory Committee)	No	COP8 (2005)
<b>PELECANIFORMES</b>				
<i>Pelecanidae</i>				
<i>Pelecanus crispus</i>	Dalmatian Pelican	African-Eurasian Waterbird Agreement (in force since 1999)	No	COP9 (2008)
<b>ANSERIFORMES</b>				
<i>Anatidae</i>				
<i>Anser cygnoides</i>	Swan goose	-	No	COP9 (2008)
<i>Anser erythropus</i>	Lesser White- fronted Goose	Action Plan (adopted in 2008) under African-Eurasian Waterbird Agreement (in force since 1999)	No	COP5 (1997)
<i>Marmaronetta angustirostris</i>	Marbled Duck	African-Eurasian Waterbird Agreement (in force since 1999); Central Asian Flyway	Yes	COP9 (2008)
<i>Aythya nyroca</i>	Ferruginous Duck	Action Plan (adopted in 2005) under African- Eurasian Waterbird Agreement (in 1999); Central Asian Flyway	Yes	COP6 (1999)

Species (scientific name)	Species (common name)	CMS instrument or process	Is the entire range mandated for protection under CMS covered by a CMS instrument? (Y/N)	Year of adoption
<i>Oxyura leucocephala</i>	White-headed Duck	African-Eurasian Waterbird Agreement (in force since 1999); Central Asian Flyway	Yes	COP4 (1994)
FALCONIFORMES				
<i>Falconidae</i>				
<i>Falco cherrug</i>	Saker Falcon	Raptors MoU (in force since 2008)	No	COP10 (2011)
GRUIFORMES				
<i>Otididae</i>				
<i>Chlamydotis undulata</i> (only Northwest African populations)	Houbara Bustard	-	No	COP3 (1991)
CHARADRIIFORMES				
<i>Scolopacidae</i>				
<i>Calidris canutus rufa</i>	Red Knot	-	No	COP8 (2005)
<i>Calidris tenuirostris</i> *	Great Knot	African-Eurasian Waterbird Agreement (in force since 1999); Central Asian Flyway	No	COP11 (2014)
<i>Numenius madagascariensis</i>	Far-Eastern Curlew	-	No	COP10 (2011)
<i>Numenius tahitiensis</i>	Bristle-thighed Curlew	-	No	COP10 (2011)
PASSERIFORMES				
<i>Hirundinidae</i>				
<i>Hirundo atrocaerulea</i>	Blue Swallow	-	No	COP6 (1999)

Species (scientific name)	Species (common name)	CMS instrument or process	Is the entire range mandated for protection under CMS covered by a CMS instrument? (Y/N)	Year of adoption
<b>MAMMALIA (AQUATIC)</b>				
CETACEA				
<i>Physeteridae</i>				
<i>Physeter macrocephalus</i>	Sperm Whale	ACCOBAMS (in force since 2001); Pacific Cetaceans MoU (in force since 2006)	No	COP7 (2002)
<i>Platanistidae</i>				
<i>Platanista gangetica gangetica</i>	Ganges River Dolphin	-	No	COP9 (2008)
<i>Pontoporiidae</i>				
<i>Pontoporia blainvillei</i>	La Plata Dolphin, Franciscana	-	No	COP5 (1997)
<i>Delphinidae</i>				
<i>Sousa teuszii</i>	Atlantic humpback dolphin	Western African Aquatic Mammals MoU (in force since 2008)	Yes	COP9 (2008)
<i>Ziphiidae</i>				
<i>Ziphius cavirostris</i> (only Mediterranean subpopulation)*	Cuvier's beaked whale	ACCOBAMS (in force since 2001)	Yes	COP11 (2014)
<i>Balaenopteridae</i>				
<i>Balaenoptera borealis</i>	Sei Whale	ACCOBAMS (in force since 2001); Pacific Cetaceans MoU (in force since 2006)	No	COP7 (2002)
<i>Balaenoptera physalus</i>	Fin Whale	ACCOBAMS (in force since 2001); Pacific Cetaceans MoU (in force since 2006)	No	COP7 (2002)
<i>Balaenoptera musculus</i>	Blue Whale	ACCOBAMS (in force since 2001); Pacific Cetaceans MoU (in force since 2006)	No	COP7 (2002)
<i>Megaptera novaeangliae</i>	Humpback Whale	ACCOBAMS (in force since 2001); Pacific Cetaceans MoU (in force since 2006)	No	COP7 (2002)

Species (scientific name)	Species (common name)	CMS instrument or process	Is the entire range mandated for protection under CMS covered by a CMS instrument? (Y/N)	Year of adoption
<i>Balaenidae</i>				
<i>Eubalaena australis</i>	Southern Right Whale	Pacific Cetaceans MoU (in force since 2006)	No	COP7 (2002)
<i>Eubalaena glacialis</i>	North Atlantic Right Whale	-	No	1979
<i>Eubalaena japonica</i>	North Pacific Right Whale	-	No	1979
CARNIVORA				
<i>Mustelidae</i>				
<i>Lontra felina</i>	Southern Marine Otter	-	No	COP6 (1999)
<i>Lontra provocax</i>	Southern River Otter	-	No	COP6 (1999)
<i>Phocidae</i>				
<i>Monachus monachus</i>	Mediterranean Monk Seal	MoU (in force since 2007; but only covering Eastern Atlantic populations)	No	COP4 (1994)
SIRENIA				
<i>Trichechidae</i>				
<i>Trichechus senegalensis</i>	West African Manatee	Western African Aquatic Mammals MoU (in force since 2008)	Yes	(COP9) 2008
MAMMALIA (TERRESTRIAL)				
CARNIVORA				
<i>Felidae</i>				
<i>Uncia uncia</i>	Snow Leopard	-	No	COP7 (2002)
<i>Acinonyx jubatus</i> (excluding populations in Botswana, Namibia & Zimbabwe)	Cheetah	-	No	COP9 (2008)
<i>Panthera leo persica</i> *	Asiatic Lion	-	No	COP11 (2014)

Species (scientific name)	Species (common name)	CMS instrument or process	Is the entire range mandated for protection under CMS covered by a CMS instrument? (Y/N)	Year of adoption
<b>ARTIODACTYLA</b>				
<i>Camelidae</i>				
<i>Camelus bactrianus</i>	Bactrian Camel	-	No	COP8 (2005)
<i>Bovidae</i>				
<i>Bos grunniens</i>	Wild Yak	-	No	COP8 (2005)
<i>Addax nasomaculatus</i>	Addax	Action Plan	Yes	COP3 (1991)
<i>Nanger dama</i> (Formerly listed as <i>Gazella dama</i> )	Dama Gazelle	Action Plan	Yes	COP4 (1994)
<i>Gazella dorcas</i> (only Northwest African populations)	Dorcas Gazelle	Action Plan	Yes	COP3 (1991)
<i>Gazella leptoceros</i>	Slender-horned Gazelle	Action Plan	Yes	COP3 (1991)
<i>Oryx dammah</i>	Scimitar-horned Oryx	Action Plan	Yes	COP4 (1994)
<i>Eudorcas rufifrons</i> *	Red-fronted Gazelle	-	No	COP11 (2014)
<b>REPTILIA (MARINE TURTLES)</b>				
-----	Marine Turtles	IOSEA MoU (in force since 2001 covering Indian Ocean and South-East Asia) and Atlantic Coast of Africa MoU (in force since 1999 covering West Africa)	No	COP3 (1991)

\* Subject to inclusion in Appendix I by COP11

Annex 2: SPECIES DESIGNATED FOR COOPERATIVE ACTIONS DURING 2015-2017

Scientific name	Common name	CMS instrument or process	Is the entire range mandated for protection under CMS covered by a CMS instrument? (Y/N)	Year of adoption
<b>(CLASS) AVES</b>				
<b>(ORDER) GALLIFORMES</b>				
<b>(Family) Phasianidae</b>				
<i>Coturnix coturnix</i>	Quail	-	No	COP5 (1997)
<b>GRUIFORMES</b>				
<b>Rallidae</b>				
<i>Crex crex</i>	Corncrake	Action Plan (adopted in 2005) under African-Eurasian Waterbird Agreement (in force since 1999)	No	COP5 (1997)
<b>CHARADRIIFORMES</b>				
<b>Scolopacidae</b>				
<i>Calidris pusilla</i>	Semi-palmated Sandpiper	-	No	1979
<i>Limosa lapponica</i>	Bar-tailed Godwith	African-Eurasian Waterbird Agreement (in force since 1999); Central Asian Flyway	No	1979
<b>PISCES</b>				
<b>ACIPENSERIFORMES</b>				
<b>Acipenseridae</b>				
<i>Huso huso</i>	Giant Sturgeon, Beluga	-	No	COP6 (1999)
<i>Huso dauricus</i>	Kaluga Sturgeon	-	No	COP6 (1999)
<i>Acipenser baerii baicalensis</i>	Baikal Sturgeon	-	No	COP6 (1999)
<i>Acipenser gueldenstaedtii</i>	Russian Sturgeon, Ossetra	-	No	COP6 (1999)
<i>Acipenser medirostris</i>	Green Sturgeon	-	No	COP6 (1999)

Scientific name	Common name	CMS instrument or process	Is the entire range mandated for protection under CMS covered by a CMS instrument? (Y/N)	Year of adoption
<i>Acipenser mikadoi</i>	Sakhalin Sturgeon	-	No	COP6 (1999)
<i>Acipenser naccarii</i>	Adriatic Sturgeon, Italian Sturgeon	-	No	COP6 (1999)
<i>Acipenser nudiventris</i>	Ship Sturgeon, Spiny Sturgeon	-	No	COP6 (1999)
<i>Acipenser persicus</i>	Persian Sturgeon	-	No	COP6 (1999)
<i>Acipenser ruthenus</i> (only Danube population)	Sterlet	-	No	COP6 (1999)
<i>Acipenser schrenckii</i>	Amur Sturgeon	-	No	COP6 (1999)
<i>Acipenser sinensis</i>	Chinese Sturgeon	-	No	COP6 (1999)
<i>Acipenser stellatus</i>	Stella Sturgeon, Sevruga, Star Sturgeon	-	No	COP6 (1999)
<i>Acipenser sturio</i>	Common Sturgeon, Atlantic Sturgeon, Baltic Sturgeon, German Sturgeon	-	No	COP6 (1999)
<i>Pseudoscaphirhynchus kaufmanni</i>	Large Amu-Dar Shovelnose, False Shovelnose, Shovelfish	-	No	COP6 (1999)
<i>Pseudoscaphirhynchus hermanni</i>	Small Amu-Dar Shovelnose	-	No	COP6 (1999)
<i>Pseudoscaphirhynchus fedtschenkoi</i>	Syr-Dar Shovelnose	-	No	COP6 (1999)
<i>Psephurus gladius</i>	Chinese Paddlefish, Chinese Swordfish, White Sturgeon	-	No	COP6 (1999)

Scientific name	Common name	CMS instrument or process	Is the entire range mandated for protection under CMS covered by a CMS instrument? (Y/N)	Year of adoption
<b>MAMMALIA (AQUATIC)</b>				
<b>CETACEA</b>				
<i>Iniidae</i>				
<i>Inia geoffrensis</i>	Amazon river dolphin	-	No	COP3 (1991)
<i>Monodontidae</i>				
<i>Delphinapterus leucas</i>	Beluga	-	No	1979
<i>Monodon monoceros</i>	Narwhal	-	No	COP10 (2011)
<i>Phocoenidae</i>				
<i>Phocoena spinipinnis</i>	Burmeister Porpoise	-	No	COP6 (1999)
<i>Phocoena dioptrica</i>	Spectacled Porpoise	-	No	COP6 (1999)
<i>Neophocaena phocaenoides</i>	Finless Porpoise	-	No	COP7 (2002)
<i>Delphinidae</i>				
<i>Sousa chinensis</i>	Indo-Pacific Humpbacked Dolphin, Chinese White Dolphin	Pacific Cetaceans MoU (in force since 2006)	No	COP7 (2002)
<i>Sotalia fluviatilis</i>	Tucuxi	-	No	COP3 (1991)
<i>Sotalia guianensis</i>	Guiana dolphin	-	No	COP3 (1991)
<i>Lagenorhynchus obscurus</i>	Dusky Dolphin	West African Aquatic Mammals (in force since 2008); Pacific Cetaceans MoU (in force since 2006)	No	COP6 (1999)
<i>Lagenorhynchus australis</i>	Peale's Dolphin, Blackchin Dolphin	-	No	COP6 (1999)
<i>Tursiops aduncus</i>	Indian or Bottlenose Dolphin	Pacific Cetaceans MoU (in force since 2006)	No	COP7 (2002)
<i>Stenella attenuata</i> (only eastern tropic Pacific & Southeast Asian populations)	Pantropical Spotted Dolphin, Bridled Dolphin	West African Aquatic Mammals (in force since 2008); Pacific Cetaceans MoU (in force since 2006)	No	COP7 (2002)



Scientific name	Common name	CMS instrument or process	Is the entire range mandated for protection under CMS covered by a CMS instrument? (Y/N)	Year of adoption
<i>Stenella longirostris</i> (only eastern tropical Pacific & Southeast Asian populations)	Spinner Dolphin	West African Aquatic Mammals (in force since 2008); Pacific Cetaceans MoU (in force since 2006)	No	COP7 (2002)
<i>Lagenodelphis hosei</i> (only Southeast Asian populations)	Fraser's Dolphin	West African Aquatic Mammals (in force since 2008); Pacific Cetaceans MoU (in force since 2006)	No	COP7 (2002)
<i>Orcaella brevirostris</i>	Irrawaddy Dolphin	Pacific Cetaceans MoU (in force since 2006)	No	COP7 (2002)
<i>Cephalorhynchus commersonii</i> (only South American population)	Commerson's Dolphin	-	No	COP6 (1999)
<i>Cephalorhynchus eutropia</i>	Chilean Dolphin	-	No	COP6 (1999)
<i>Orcinus orca</i>	Killer Whale	ACCOBAMS (in force since 2001); ASCOBANS (in force since 1994/2008); Pacific Cetaceans MoU (in force since 2006); West African Aquatic Mammals (in force since 2008)	No	COP10 (2011)

Scientific name	Common name	CMS instrument or process	Is the entire range mandated for protection under CMS covered by a CMS instrument? (Y/N)	Year of adoption
<b>SIRENIA</b>				
<i>Trichechidae</i>				
<i>Trichechus inunguis</i>	Amazon Manatee	-	No	COP7 (2002)
<i>Ursidae</i>				
<i>Ursus maritimus</i> *	Polar Bear	-	No	COP11 (2014)
<b>MAMMALIA (TERRESTRIAL)</b>				
<b>CHIROPTERA</b>				
<i>Vespertilionidae</i>				
<i>Miniopterus schreibersii</i> (African and European populations)	Schreiber's Bent-winged Bat	EUROBATS (in force since 1994)	No	COP8 (2005)
<i>Molossidae</i>				
<i>Otomops martiensseni</i> (only African populations)	Large-eared Free-tailed Bat	-	No	COP8 (2005)
<i>Otomops madagascariensis</i> Formerly included in <i>Otomops martiensseni</i>	Madagascar Free-tailed Bat	-	No	COP8 (2005)
<i>Pteropodidae</i>				
<i>Eidolon helvum</i> (only African populations)	Straw-coloured Fruit Bat	-	No	COP8 (2005)
<b>CARNIVORA</b>				
<i>Canidae</i>				
<i>Lycaon pictus</i>	African Wild Dog	-	No	COP9 (2008)
<i>Panthera leo</i> (all subspecies other than <i>Panthera leo persica</i> ) *	Lion	-	No	COP11 (2014)

Scientific name	Common name	CMS instrument or process	Is the entire range mandated for protection under CMS covered by a CMS instrument? (Y/N)	Year of adoption
<b>PROBOSCIDEA</b>				
<i>Elephantidae</i> (Central African populations only)				
<i>Loxodonta africana</i>	African Bush Elephant	West African Elephant MoU (in force since 2005)	No	COP6 (1999)
<i>Loxodonta cyclotis</i> (Formerly included in <i>Loxodonta africana</i> )	African Forest Elephant	-	No	COP6 (1999)
<b>PERISSODACTYLA</b>				
<i>Equidae</i>				
<i>Equus hemionus</i> This includes <i>Equus onager</i>	Asiatic Wild Ass	-	No	COP8 (2005)
<b>ARTIODACTYLA</b>				
<i>Bovidae</i>				
<i>Gazella subgutturosa</i>	Goitered Gazelle	-	No	COP8 (2005)
<i>Procapra gutturosa</i>	Mongolian Gazelle	-	No	COP8 (2005)
<i>Ammotragus lervia</i>	Barbary Sheep	-	No	COP10 (2011)
<i>Ovis ammon</i>	Argali Sheep	-	No	COP10 (2011)
<i>Kobus kob leucotis</i> *	White-eared kob	-	No	COP11 (2014)

\* Subject to inclusion in Appendix II by COP11

### Annex 3: RECOMMENDATIONS FOR ENHANCING THE EFFECTIVENESS OF THE CONCERTED AND COOPERATIVE ACTIONS PROCESS

The recommendations below are derived from the report “Improving the process for concerted and cooperative actions” which was compiled in response to requests in Annex 3 to COP Resolution 10.23 (2011), and was provided to COP11 as document UNEP/CMS/COP11/Doc.22.4/ANNEX I.

1. It is recommended that the two processes (Concerted Actions, normally for selected Appendix I species; and Cooperative Actions, normally for selected Appendix II species) be consolidated. While a variety of approaches may continue to be taken to the purposes defined and activities undertaken in each individual case, a unified system will help to provide the greater clarity and streamlining that has been sought for some years.
2. To effect this consolidation, all future proposals (from COP12 onwards) would be made for Concerted Actions only. The Concerted Actions mechanism would be applicable to both Appendix I and Appendix II species, and its scope would broaden to include all of the kinds of activity previously pursued through Cooperative Actions, as well as those normally pursued through Concerted Actions. The Cooperative Actions mechanism itself would cease to exist.
3. Species previously listed for cooperative action, but for which no activity has yet begun, would be automatically transferred into a new unified Concerted Actions list. The list would be subject to review by the Scientific Council and the COP, to determine whether each such species should remain listed or be deleted.
4. Projects and initiatives already begun as Cooperative Actions under earlier COP decisions would continue unaffected. These too however would be subject to review by the Scientific Council and the COP. Such reviews may conclude, *inter alia*, that the objectives of a given action have been achieved and it has been completed, or that it should continue within the terms of the unified Concerted Actions mechanism (and be re-named accordingly).
5. It is recommended that proposals for future Concerted Action listing decisions should include a specification of certain standard items of information, according to the headings listed below. (Further guidance on issues to address under each of these is given in document UNEP/CMS/COP11/Doc.22.4/ANNEX I). The information compiled should as far as possible provide a balanced assessment of the advantages and risks associated with each issue, rather than being seen solely as a tool for persuasion.

#### **A. Target species/population(s), and their status in CMS Appendices**

*A concerted action may address a single species, lower taxon or population, or a group of taxa with needs in common. The target animals in each case should be clearly defined, including by reference to their status in terms of the CMS Appendices and the geographical range(s) concerned.*

## **B. The case for action**

*To be assessed according to the following criteria:*

### **(i) Conservation priority**

*May relate to the degree of endangerment or unfavourable conservation status as defined under the Convention; the urgency with which a particular kind of action is required; and other priorities expressed in CMS decisions.*

### **(ii) Relevance**

*May relate to the degree to which the particular conservation problem is linked to migration and requires collective multilateral action; and the degree to which the proposed action will fulfil specific CMS mandates.*

### **(iii) Absence of better remedies**

*An options analysis to test whether (and why) a CMS Concerted Action is the best method of meeting the defined conservation need. Alternatives both within and outside the mechanisms of the CMS should be considered<sup>1</sup>.*

### **(iv) Readiness and feasibility**

*The proposal will need to demonstrate meaningful prospects for funding and leadership, and to address all significant issues of practical feasibility for undertaking the action.*

### **(v) Likelihood of success**

*Feasibility (see previous criterion) only concerns whether an action is likely to be implementable. Criterion (v) seeks in addition to assess whether implementation is likely to lead to the intended outcome. Risk factors to consider include: uncertainty about the ecological effects; weakness in the underpinning science; lack of a “legacy mechanism” by which results can be sustained; and activities by others that may undermine or negate the results of the action.*

### **(vi) Magnitude of likely impact**

*Proposals that are equal in other respects might be prioritized according to the number of species, number of countries or extent of area that will benefit in each case; the scope for catalytic or “multiplier” effects, contribution to synergies or potential for acting as “flagship” cases for broadening outreach.*

### **(vii) Cost-effectiveness**

*Proposals should specify the resources they require, but should also relate these to the scale of impact expected, so that cost-effectiveness can be judged.*

## **C. Activities and expected outcomes**

*Activities to be undertaken should be specified, and their expected outcomes defined. This should address both institutional aspects (e.g. development of an Action Plan) and ecological aspects (e.g. targets for improved conservation status). Following the*

<sup>1</sup> For cases where it appears that proceeding directly to the development of an Agreement or other instrument under Article IV of the Convention would be a better remedy, equivalent guidance and criteria for judging such proposals is provided in Resolution 11.[xx] and document UNEP/CMS/COP11/Doc.22.2/Annex 1.

*SMART standard (Specific, Measurable, Achievable, Relevant, Time-bound) will help; and the intended process for monitoring & evaluation should also be described.*

**D. Associated benefits**

*Opportunities to maximise added value should be identified, for example where actions targeting certain migratory animals may incidentally benefit other migratory species/taxa/populations, or where there is good scope for awareness-raising, capacity-building or encouraging new Party accessions.*

**E. Timeframe**

*Any elements of the action that are intended to be open-ended (e.g. measures to maintain conservation status) should be identified as such; and otherwise completion timeframes (and progress milestones where possible) should be specified.*

**F. Relationship to other CMS actions**

*Information should be given on how the action's implementation will relate to other areas of CMS activity. This may form part of its purpose, for example if it is designed to lead to an Agreement; or it may involve showing how the action will support the Strategic Plan or COP decisions. It may also be necessary to show how different Concerted Actions complement or interact with each other.*