

ANNEX

DRAFT REVISED RESOLUTION 12.28: CONCERTED ACTIONS

This annex provides an analysis of Resolution 12.28 in relation to the possible need for its revision. The analysis aims at identifying those aspects that appear not to have been fully implemented, and those for which the practice has not been fully in line with the letter of the Resolution. In a certain number of cases a proposal for the amendment of the text of the Resolution is offered. The format used for the analysis is that of a draft amendment to the Resolution.

NB: Proposed new text is underlined. Text to be deleted is ~~crossed-out~~.

Text from existing Resolution	Comment
<i>Recalling</i> 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,	Retain
<i>Further recalling</i> 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,	Retain
<i>Further recalling</i> Recommendation 5.2 which introduced the concept of "Cooperative Actions" 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,	Retain
<i>Recalling also</i> Resolution 3.2, as updated by Resolutions 4.2, 5.1, 6.1, 7.1, 8.29, 9.1, 10.23, and 11.13 and Recommendation 6.2, as updated by Recommendations 7.1, 8.28, and Resolutions 9.1, 10.23, and 11.13, which 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,	Retain
<i>Recalling</i> the decision of the Parties at COP11 to consolidate Concerted Actions and Cooperative Actions into a single process, as described in Resolution 11.13,	Retain
<i>The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals</i>	
1. <i>Determines</i> that Concerted Actions are priority conservation measures, projects or institutional arrangements undertaken to improve the conservation status of selected Appendix I and Appendix II species or selected groups of Appendix I and Appendix II species that <ul style="list-style-type: none"> a) involve measures that are the collective responsibility of Parties acting in concert; or b) are designed to support the conclusion of an instrument under Article IV of the Convention and enable conservation measures to be progressed in the meantime or represent an alternative to such an instrument; 	Retain

Text from existing Resolution	Comment
<p>2. <i>Adopts</i></p> <p>a) the <i>Guidelines to the Implementation of the Concerted Actions Process</i> contained in Annex 1 to this Resolution; and</p> <p>b) the <i>Format for Proposing Concerted Actions</i> contained in Annex 2 to this Resolution;</p> <p>and <i>requests</i> Parties, the Scientific Council, the Secretariat and other relevant stakeholders to take them fully into account in the different steps of the Concerted Actions process;</p>	<p>Retain</p>
<p>3. — Requests the Scientific Council to propose for each meeting of the Conference of the Parties a list of species for Concerted Actions;</p>	<p>Proposed to be fully deleted.</p> <p>This paragraph reflects the practice preceding the consolidation of the Concerted Actions and Cooperative Actions into a single process. In the practice established since COP11, proposals for Concerted Actions are submitted to the meetings of the COP by the proponents in the form of projects aimed at specific species listed in the Appendices, that often cover only part of the range of the species concerned. It is proposed to abandon the concept of 'species designated for Concerted Action', identifying the action by its expected conservation outcomes rather than only the species concerned. A consequence of this would be the Repeal of Annex 3 to the Resolution.</p>
<p>4. <i>Requests</i> the Scientific Council to:</p> <p>a) nominate, for each species and/or taxonomic group listed for Concerted 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 in accordance with the <i>Guidelines to the Implementation of the Concerted Actions Process</i> contained in Annex 1 to this Resolution;</p> <p>b) confirm at each subsequent meeting of the Scientific Council that these nominations remain valid or agree alternative nominations as necessary;</p>	<p>Redrafting to be considered.</p> <p>This nomination has been done only for a few species. In the runup to COP13, it was agreed that those best placed to report on progress in the implementation of the Concerted Actions are the proponents. To this effect, progress reports were solicited from the proponents before COP13, with good compliance. ScC should decide whether they want to continue that practice, and amend the resolution accordingly, or retain this function, and in that case fully implement it.</p>
<p>5. <i>Decides</i> to review, at each meeting of the Conference of the Parties, progress in implementing Concerted Actions, in accordance with the <i>Guidelines to the Implementation of the Concerted Actions Process</i> contained in Annex 1 to this Resolution;</p>	<p>Retain</p>

Text from existing Resolution	Comment
6. <i>Instructs</i> the Secretariat and the Scientific Council to encourage and assist Parties to take Concerted Actions to implement the provisions of the Convention, where possible through existing instruments of bilateral or multilateral cooperation;	Redrafting to be considered. These functions were more meaningful in the old practice, when the COP was adopting a list of species for Concerted Actions, leaving Parties to decide the actions to undertake. In the revised practice, according to which the COP endorses proposals that already define actions and identify responsibilities to undertake them, these functions could be limited to the phase of development of the proposals.
7. <i>Urges</i> Parties to provide the in-kind and financial means required to support targeted conservation measures aimed at implementing <u>the Concerted Actions endorsed by the Conference of the Parties for the species listed in Annex 3 to this Resolution</u> ;	Retain as modified As a consequence of the fact that the Conference of the Parties is endorsing full Concerted Action proposals, often limited to part of the range of the species concerned, and not only designating species for Concerted Action, it is proposed to remove Annex 3 of the Resolution. The Secretariat will maintain registers of ongoing and completed Concerted Actions, as it does already for Resolutions and Decisions in effect. If this approach is retained, an instruction to the Secretariat to establish and maintain registers of Concerted Action proposals should be added to the operative part of the Resolution
8. <i>Adopts</i> the lists of species designated for Concerted Actions contained in Annex 3 of this Resolution and e <i>Encourages</i> Parties and other stakeholders to implement the activities included in the proposals for the designation of the species submitted in accordance with the <i>Guidelines to the Implementation of the Concerted Actions Process</i> contained in Annex 1 to this Resolution <u>and as endorsed by the Conference of the Parties</u> ; and	Retain as modified See comments on paragraphs 3 and 7 above for the rationale to delete Annex 3
9. <i>Repeals</i> Resolutions 3.2, 4.2, 5.1, 6.1, 7.1, 8.29, 9.1, 10.23, and 11.13 and Recommendations 5.2, 6.2, 7.1, and 8.28.	Retain

Annex 1 to Resolution 12.28 (Rev.COP13)

GUIDELINES TO THE IMPLEMENTATION OF THE CONCERTED ACTIONS PROCESS

Text existing	Comment
Step 1: Proposing a species for Concerted Actions	
<p>1) Proposals for Concerted Actions can be submitted to the Scientific Council <u>Conference of the Parties</u> by Parties, the Secretariat or other relevant stakeholders.</p>	<p>Retain as modified The proposed amendment reflects the current practice, that proposals for new Concerted Actions are submitted as pre-session documents to the meetings of the COP following the timelines provided by the COP Rules of Procedure</p>
<p>2) The Scientific Council itself can also propose species for Concerted Actions.</p>	<p>Proposed to be deleted. The current text reflects the practice of limiting the designation to species. In case the ScC would want to retain the possibility to submit fully developed proposals for Concerted Actions, responsibilities should be clarified in term of implementation if the proposal is endorsed by COP</p>
<p>3) Proposals for Concerted Actions 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.</p>	<p>Retain</p>
<p>4) Proposals for Concerted Actions should be submitted using the template provided in Annex 2 to this Resolution.</p>	<p>Retain</p>
<p>5) Proposals for Concerted Actions should be submitted to the Scientific Council <u>Conference of the Parties</u> according to the provisions for the submission of documents to meetings of the Scientific Council or its Sessional Committee <u>Conference of the Parties</u> as defined by its Rules of Procedure.</p>	<p>Retain as modified The proposed amendment reflects the established practice</p>
Step 2: Assessment of proposal by the Scientific Council / Sessional Committee	
<p>1) Upon receipt of a proposal for Concerted Actions, t <u>The Scientific Council will assess the merits of the proposals for Concerted Actions submitted to the Conference of the Parties pursuant to Step 1 above.</u></p>	<p>Retain as modified The proposed amendment reflects the fact that proposals are submitted to the ScC as COP pre-session documents</p>

Text existing	Comment
<p>2) The Scientific Council will assess the merits of each proposal, taking into account the following criteria:</p> <p>(i) Conservation priority <i>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.</i></p> <p>(ii) Relevance <i>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.</i></p> <p>(iii) Absence of better remedies <i>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 considered¹.</i></p> <p>(iv) Readiness and feasibility <i>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.</i></p> <p>(v) Likelihood of success <i>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.</i></p> <p>(vi) Magnitude of likely impact <i>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.</i></p> <p>(vii) Cost-effectiveness <i>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.</i></p>	<p>Retain</p>
<p>3) If the Scientific Council considers it beneficial, it may recommend extending or reducing the number of species covered by the proposal or amend the proposed conservation measures.</p>	<p>Retain</p>
<p>Step 3: Recommendation to the Conference of Parties –<u>species on the acceptance of proposals for Concerted Actions</u></p>	
<p>1) Based on its assessment of the merits of a proposal, the Scientific Council concludes that there are merits to add a species to the list for Concerted Actions, the Scientific Council will recommend <u>make its recommendations to the Conference of the Parties regarding the acceptance or rejection of the proposal at its next meeting to designate the species for Concerted Actions.</u></p>	<p>Retain as modified</p> <p>The proposed amendment reflects the fact that the recommendation does not concern the designation of the species, but the acceptance of the full proposal</p>

¹ 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 11.12, *Criteria for Assessing Proposals for New Agreements*.

Text existing	Comment
<p>2) The recommendation of the Scientific Council to the Conference of the Parties regarding the acceptance of the proposal may be conditional to the acceptance by the proponent of any amendment of the proposal recommended by the Scientific Council will also include the conservation measures proposed to be undertaken under the Concerted Actions, as well as a list of Range State Parties of the species, where it is recommended measures are to be implemented.</p>	<p>Retain as modified</p> <p>As the proposal is submitted to the COP by one or more proponents, the ScC does not have the authority to modify it. It can however make its recommendation for acceptance conditional to a revision of the proposal by the proponent before its consideration by the COP.</p>
<p>Step 4: Decision of the COP to include species into the list <u>accept proposals</u> for Concerted Actions</p>	
<p>1) The Conference of the Parties will consider the recommendations of the Scientific Council and decide whether or not to accept the proposal for Concerted Actions, including the conservation measures proposed and the list of range States concerned.</p>	<p>Retain</p>
<p>2) If the Conference of the Parties accepts the proposal, it will include the species in the list for Concerted Actions.</p>	<p>Proposed to be deleted</p> <p>See notes on the proposed amendment of operative paragraph 7 of the Resolution for the rationale</p> <p>Any provisions for the establishment of registers of Concerted Action proposals could be also reflected at this point of the guidelines</p>
<p>Step 5: Reporting and monitoring of implementation of Concerted Actions</p>	
<p>1) Members of the Council or alternative experts nominated by the Scientific Council will provide a concise written report to each meeting of the Scientific Council on progress in the implementation of actions for the species or taxonomic group concerned.</p>	<p>Redrafting to be considered.</p> <p>Should reflect any revision of operative paragraph 4 of the Resolution</p>
<p>2) Parties that are Range States of species listed for Concerted Actions are urged to fully cooperate in providing information to the nominated members of the Council or alternative experts.</p>	<p>Redrafting to be considered.</p> <p>This paragraph should reflect any revision of responsibility concerning reporting and monitoring of the implementation of Concerted Actions.</p> <p>It has also implications on the responsibility of Range States in the implementation of Concerted Actions, notably when they are not a proponent.</p>
<p>3) The Scientific Council will evaluate the progress made in implementation by <u>the proponents and other relevant stakeholders of Range State Parties of species listed for Concerted Actions</u> and make appropriate recommendations for further actions, as necessary.</p>	<p>Retain as modified</p> <p>The proposed amendment reflects the fact that proponents are not only Range State Parties, as well as the proposed abolishment of the list of species designated for Concerted Actions</p>

Text existing	Comment
4) Parties that are Range States of species covered by accepted proposals listed for Concerted Actions should report as part of their National Reports 180 days prior to each meeting of the Conference of the Parties on their progress in implementation of Concerted Actions, as part of their National Reports.	The proposed revision aims at ensuring consistency with the proposed removal of the List of Species designated for Concerted Actions included in Annex 3.
5) The Conference of the Parties will review the progress made in implementing Concerted Actions in order to measure the effectiveness of the instrument.	Retain
Step 6: Removing a species from the list for Continuation and termination of Concerted Actions	
1) <u>Proponents of an accepted Concerted Action will, at each meeting of the Conference of the Parties, indicate whether the Concerted Action should be continued in the subsequent intersessional period or be considered terminated.</u>	New text, reflecting the current practice
2) <u>For Concerted Actions proposed to be continued, the Scientific Council, having assessed progress in their implementation of the Concerted Actions, will recommend to the Conference of Parties at each of its meetings whether a species listed for Concerted Actions they should be continued or terminated removed from the list.</u>	Retain as modified
3) The Conference of Parties, upon the recommendation of the Scientific Council will, at each of its meetings, decide whether a <u>species should be taken off the list Concerted Action should be continued or terminated.</u>	Retain as amended

Annex 2 to Resolution_12.28 (Rev.COP13)

TEMPLATE FOR PROPOSING CONCERTED ACTIONS

Text from existing Resolution	Comment
<p>Proponents of proposals for Concerted Actions are requested to fill in the template below. The information required in the template is derived from Resolution 41.13 <u>12.28</u> and document UNEP/CMS/COP11/Doc.22.4/ANNEX I on <i>Improving the process for Concerted and Cooperative Actions</i> submitted to the Conference of Parties at its 11th meeting. 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 (paragraph 5, Annex 3 to Resolution 41.13).</p> <p>Proposals should be submitted to the Scientific Council Conference of the Parties through the Secretariat at cms.secretariat@cms.int prior to the deadline for submission of documents to the Scientific Council Conference of the Parties at its meetings.</p> <p>All text in blue should be removed when submitting the proposal.</p>	<p>Retain as modified</p> <p>Proposed amendments reflect the current practice</p> <p>The possibility of dividing the template in two sections could be considered:</p> <ul style="list-style-type: none"> • Section A – Project Description would include the sections Proponent(s), Target Species, Geographical Range, Activities & Expected Outcomes and Timeframe • Section B – Justification would include all other sections
<p>Proponent(s) Provide the name of the proponent(s) and in the case of a stakeholder demonstrate your relevance to the species and CMS.</p>	<p>Retain as modified</p>
<p>Target species, lower taxon or population, or group of taxa with needs in common List the species, lower taxon or population, or group of taxa with needs in common concerned <u>by the proposed Concerted Actions</u> in accordance with the names used within the CMS Appendices.</p>	<p>Retain as modified</p>
<p>Geographical range Define the geographical range of the target species.</p>	<p>Retain</p>
<p>Summary of Activities Summarize the activities proposed (100-200 words)</p>	<p>Retain</p>
<p>Activities and expected outcomes Specify each activity to be undertaken, and define their expected outcomes. 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 SMART standard (Specific, Measurable, Achievable, Relevant, Time-bound) will help; and the intended process for monitoring and evaluation should also be described. When a complex set of activities are proposed, it would be useful to add a table that outlines for each activity: outputs/ outcomes, timeframe, responsibility and funding. Such a table enables Parties and stakeholders to quickly and clearly understand what is being proposed, when it will occur, who will be responsible, and if (and how much) additional resources may be needed for implementation.</p>	<p>Retain</p>
<p>Associated benefits Identify opportunities to maximize added value, 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.</p>	<p>Retain</p>
<p>Timeframe Specify completion timeframes (and progress milestones where possible) and identify any elements of the action that are intended to be open-ended (e.g. measures to maintain conservation status).</p>	<p>Retain</p>

Text from existing Resolution	Comment
<p>Relationship to other CMS actions Explain 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.</p>	<p>Retain</p>
<p>Conservation priority Explain why this action is a conservation priority. This 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 resolutions and decisions.</p>	<p>Retain</p>
<p>Relevance Explain, for example, 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.</p>	<p>Retain</p>
<p>Absence of better remedies Provide a brief 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. (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 44.42 12.8 and document UNEP/CMS/COP11/Doc.22.2/Annex 1.)</p>	<p>Retain as modified</p>
<p>Readiness and feasibility Demonstrate meaningful prospects for funding and leadership, and address all significant issues of practical feasibility for undertaking the action.</p>	<p>Retain</p>
<p>Likelihood of success Explain how 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.</p>	<p>Retain</p>
<p>Magnitude of likely impact Explain the number of species, number of countries or extent of area that will benefit from the action; the scope for catalytic or "multiplier" effects, contribution to synergies or potential for acting as "flagship" cases for broadening outreach.</p>	<p>Retain</p>
<p>Cost-effectiveness Specify the resources required and relate these to the scale of impact expected, so that cost-effectiveness can be judged.</p>	<p>Retain</p>
<p>Consultations Planned / Undertaken If work is targeted in Range States, outline what consultations, if any, are planned or have been undertaken <u>with relevant authorities, including any permit requested or obtained.</u> Outline any consultations with other relevant stakeholders.</p>	<p>Retain as modified Proposed amendments stress the need to undertake activities with the knowledge and consent of Range States</p>

Annex 3 to Resolution 12.28 (Rev. COP13)

~~SPECIES DESIGNATED FOR CONCERTED ACTIONS~~

Proposed to be repealed