



# Convention on the Conservation of Migratory Species of Wild Animals

Secretariat provided by the United Nations Environment Programme



## 37th Meeting of the Standing Committee

Bonn, 23-24 November 2010

CMS/StC37/4/Rev.1

Agenda Item 7.c

### PROGRESS IN THE DEVELOPMENT OF NEW AGREEMENTS

(Prepared by the Secretariat)

1. Through Resolution 9.2, COP9 decided that focus for the triennium 2009-2011 should be the implementation and operationalization of existing Agreements under CMS auspices, and that the development of additional Agreements in the future should be linked to the outcomes of the work initiated by Resolution 9.13 on the Future Shape of CMS.
2. In regard to instruments already under development, Resolution 9.2 acknowledges the importance of maintaining the momentum, and gives instructions on the continuation of ongoing initiatives concerning the Central Asian Flyway; Asian Houbara Bustard; Sharks; Pacific Marine Turtles; Cetaceans in the Indian Ocean and South-East Asia; Sahelo-Saharan Megafauna; Central Eurasian Aridland Mammals; Subsaharan and African Bats; Central African Elephants.
3. Within the limits of its capacity, the CMS Secretariat has been able to take forward the development of the above-mentioned instruments to different degrees, depending notably on the success in raising additional financial resources and on technical support received from Parties, other Range States, other organizations and the Scientific Council.
4. At about one year from COP10 and the expected conclusion of the Future Shape process, the Secretariat considers it appropriate to review the situation concerning Agreement development with the Standing Committee, with a view to receiving guidance concerning further work on the development of the various instruments until COP10.
5. This document aims to provide a progress report on activities related to the development of new Agreements since the 9<sup>th</sup> Meeting of the Conference of the Parties to CMS (COP9, Rome, Dec. 2008), and to making suggestions on the extent to which the development of these instruments should be taken forward in the short term until new guidance will be provided by COP10 and the finalization of the Future Shape process.
6. The attached table synthesizes information on individual Agreements. It provides for each instrument details concerning the COP9 mandate, summary background information on developments before COP9, significant developments since COP9, Secretariat's views and recommendations on further short-term action, and an estimate of the resources needed to undertake such action where appropriate.

#### **Action requested:**

The Standing Committee is invited to:

- a) Take note of the report of the Secretariat;
- b) Provide guidance concerning further work on the development of the various instruments until COP10.

PROGRESS IN THE DEVELOPMENT OF NEW AGREEMENTS, AND SECRETARIAT'S PROPOSALS FOR FURTHER SHORT-TERM ACTION

INSTRUMENT	MANDATE	BACKGROUND	DEVELOPMENT SINCE COP9	SECRETARIAT'S VIEWS	RESOURCE NEED
Central Asian Flyway (CAF)	<p>Res. 9.2  <i>Supports</i> the Secretariat's call for the Range States to meet in 2009-2010 in Central Asia in order to: review the Action Plan, agree on future projects subject to external funding, establish coordination arrangements for Central Asian Flyway management and conservation, and explore the possibility of the preparation of a CMS instrument or extending an existing instrument, either legally binding or non binding, under Article IV of the Convention concerning the conservation of these species and requests the Secretariat to involve the relevant regional Agreements, in particular the Secretariat of the AEWA in the view of a possible close collaboration with the AEWA using all available synergies.</p>	<ul style="list-style-type: none"> <li>• On CMS agenda since COP5 (1997)</li> <li>• Two range states meetings convened               <ul style="list-style-type: none"> <li>➔ Tashkent Meeting on the Central Asian-Indian Flyway (18-20 August 2001)</li> <li>➔ Meeting to conclude and endorse the proposed Central Asian Flyway Action Plan to conserve migratory waterbirds and their habitats (New Delhi, 10-12 June 2005)</li> </ul> </li> </ul>	<p>In relation to the specific objective of convening a new Range States meeting to clarify the legal and institutional context under which placing the CAF Action Plan, progress has been limited. Discussions have been held between SCMS and Wetlands Int. (in its capacity as coordinator of CAF Action Plan implementation) on options and opportunities to convene a range states meeting did not lead to any definite planning. The entry on duty of the JPO for Central Asia in October 2010 should strengthen the capacity of the Secretariat and allow tackling with the convening of a meeting. More progress on CAF have been recorded in other areas, notably the development of a relevant GEF-5 proposal</p>	<p>This is an important initiative, not only for conservation, but also for the credibility and perception of the convention in the region. In the view of the Secretariat, it should be seen as a priority. Planning for the convening of the meeting and fundraising should be initiated shortly. However, the convening of the meeting before COP10 might not be realistic. It might be more appropriate to plan for a meeting to be convened after COP10. In this case, an option that might allow some savings would be to convene the meeting back-to-back to AEWA MOP-5 (currently scheduled to be held in May 2012 in France)</p>	<p>The costs of convening a range state meeting are estimated at 150,000 €</p>
Asian Houbara Bustard	<p>Res. 9.2  <i>Suggests</i> a deadline of September 2009 for the final conclusion of this agreement with participation of all range states and in collaboration with relevant organisations; and In the absence of action by that</p>	<ul style="list-style-type: none"> <li>• On CMS agenda since COP4 (1994): Rec. 4.4; Rec. 5.4; Rec. 6.4; Res. 7.7; Res. 8.5</li> <li>• 1 range states meetings convened: Meeting to Conclude the Agreement on the Conservation of the Asian Houbara Bustard</li> </ul>	<p>SCMS has been in contact with the lead country (Kingdom of Saudi Arabia). KSA considered that a new meeting of range states was not necessary, and opted to proceed with the opening of the existing text for signature. The current text has</p>	<p>This is long-standing initiative, now close to completion as regards its negotiation phase. Completing the negotiation phase should be seen as a priority. The instrument should be opened for</p>	<p>No significant resources needed to complete the negotiation process. Costs related to the functioning of the Agreement once into force are expected to be met by the Parties to the</p>

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	deadline, <i>Instructs</i> the CMS Secretariat to open the current text for signature in November 2009.	<i>(Chlamydotis undulata macqueenii</i> (Nairobi, Nov. 2005)	been circulated by the Secretariat to all range states for possible comments, none was received. However, the Ministry of Foreign Affairs of the KSA being no longer in a position to act as depositary for the Agreement, as foreseen in the current text, a new round of consultations (ongoing at the time this document is finalized) has become necessary to identify a suitable depositary before the Agreement be opened for signature.	signature as soon as feasible.	Agreement.
Sharks	<p><b>Res. 9.2</b> <i>Welcomes</i> the convening of the second negotiation meeting to be held at the FAO premises in Rome immediately after COP9 to consider alternative texts for binding and a non-legally binding Article IV instruments, prepared by the CMS Secretariat and the Intersessional Steering Group comprising Australia, Chile, Costa Rica, EC, New Zealand, Seychelles and USA; <i>Urges</i> Range States to ensure its definite conclusion and entry into effect as a key initiative to conserve sharks through a second meeting and further phases of the negotiation process to be held after the 9<sup>th</sup> meeting of the Conference of the Parties;</p>	<ul style="list-style-type: none"> <li>On CMS agenda since COP8 (2005): Res. 8.5; Rec. 8.16</li> <li>Meeting to Identify and Elaborate an Option for International Cooperation on Migratory Sharks under the Convention on Migratory Species (Mahé, Seychelles, Dec. 2007)</li> </ul>	<p>2<sup>nd</sup> Meeting on International Cooperation on Migratory Sharks under the Convention on Migratory Species was convened in Rome, Italy, immediately after COP9 (Dec. 2008). The meeting opted for a non-binding instrument in the form of a MoU, and examined a draft prepared by Secretariat before the meeting under the guidance of a Steering Group established by the meeting in Mahé (2007). The meeting agreed on the convening of a further negotiation meeting and the development of a conservation plan to be attached to the MoU.</p> <p>3<sup>rd</sup> Meeting on International Cooperation on Migratory Sharks under the Convention on Migratory Species was convened in Manila, Philippines, February</p>	<p>Development of this instrument has received considerable interest and support from several Parties and non-party States. Further development of the instrument and support to its implementation should be seen as a priority, in order to gain momentum.</p> <p>With its current capacity, the CMS Secretariat is confident of being able to progress the following main activities, until a permanent secretariat will be appointed:</p> <ul style="list-style-type: none"> <li>Progress elaboration of a Conservation Plan for Migratory Sharks, to be submitted for adoption by the 1<sup>st</sup> meeting of the signatories to the MoU</li> <li>Convening of the 1<sup>st</sup></li> </ul>	<p>Costs to maintain full interim Secretariat services have been estimated to 100,000 €/year, aimed at covering a P-3 part-time position and operational costs.</p> <p>The costs of convening the 1<sup>st</sup> Meeting of the Signatories are estimated at 150,000 €</p>

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			<p>2010. The meeting finalized the <i>Memorandum of Understanding on the Conservation of Migratory Sharks</i>, and opened it for signature. The MoU was signed by 11 range states, and entered immediately into force. The CMS Secretariat was requested to act as interim Secretariat for the MoU until a permanent Secretariat will be established by the 1<sup>st</sup> Meeting of the Signatories.</p> <p>The Meeting was immediately preceded by a Technical Meeting for the Elaboration of a Conservation and Management Plan for Migratory Sharks (Manila, Feb. 2010), which made progress in the elaboration of a draft CMP.</p>	<p>meeting of the Signatories in either late 2011 or early 2012 (it was agreed at the meeting in Manila that the 1<sup>st</sup> meeting of the Signatories should take place after COP10, in order to be able to take into account in its deliberations the outcomes of the future shape process)</p> <p>The CMS Secretariat has been fundraising with a view to strengthening its capacity in relation to support to the implementation of the MoU, however such efforts have not been successful as at the date this report is finalized.</p>	
Pacific Marine Turtles	<p><b>Res. 9.2</b>  <i>Supports</i> the development of an appropriate CMS instrument on marine turtles for the Pacific region pursuant to Recommendation 8.17;  <i>Applauds</i> the efforts being made by CMS and the South Pacific Regional Environment Programme (SPREP) towards the development of a CMS-based binding or non-binding instrument under Article IV of CMS for turtle conservation, following the success of the Year of the Turtle 2006</p>	<ul style="list-style-type: none"> <li>On CMS agenda since COP8 (2005): Res. 8.5; Rec. 8.17</li> </ul>	<p>Meeting on Pacific turtles conservation convened by the SPREP Secretariat in the margins of Sea Turtle Symposium held in Brisbane (Feb. 2009)</p> <p>Gap analysis and option paper concerning an instrument for the conservation of turtles in the Pacific prepared by Australia and USA.</p> <p>First draft of the gap analysis presented to representatives of SPREP countries at an informal meeting on Pacific turtles conservation convened by the SPREP secretariat in the margins of the 2<sup>nd</sup> Meeting of Signatories</p>	<p>No further action from CMS until a sufficiently clear indication on the interest and desirability of a CMS instrument on marine turtles in the Pacific will emerge within SPREP. The recent decision to recruit an officer within SPREP to follow issues of common interest to CMS and SPREP might boost this process.</p>	

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			<p>to the Pacific Cetacean MoU (Auckland, July 2009).            Gap analysis and option paper finalized after the meeting.            Gap analysis and option paper tabled for consideration at SPREP meeting in 2009. A questionnaire aimed at identifying the preferred option was distributed at the meeting, but did not produce any feedback. Meeting agreed to continue working on turtle conservation for the time being under the existing SPREP turtle action plan.            Subsequent consultations by correspondence undertaken by the SPREP Secretariat were also inconclusive on preferred instrument.            A further round of consultations undertaken by the SPREP Secretariat is underway at the moment this document is being finalized.</p>		
Cetaceans in the Indian Ocean and South-East Asia	<p><b>Res. 9.2</b>  <i>Reiterates</i> its supports for the development of an appropriate CMS instrument on cetaceans in South-East Asia, taking account of Resolution 7.7 and Recommendation 7.4, and further discussion at the 14<sup>th</sup> meeting of the Scientific Council (Bonn, 2007);  <i>Notes</i> that extending the</p>	<ul style="list-style-type: none"> <li>On CMS agenda since COP7 (2002): Res. 7.7; Rec. 7.4; Res. 8.5</li> </ul>	No lead country to support the instrument's preparatory phase emerged so far.	Reconsider interest in this instrument at COP10	

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	<p>geographic scope of the instrument to cover the Indian Ocean would significantly increase the number of CMS Parties involved, thus facilitating the negotiation process for the instrument;</p> <p><i>Requests</i> Range States of the region to identify a lead country to support the instrument's preparatory phase as a condition of CMS's continued support for the initiative; and</p> <p><i>Urges</i> Parties, interested States and organisations to generously provide financial and in kind support to these efforts;</p>				
Sahelo-Saharan Megafauna	<p><b>Res. 9.2</b></p> <p><i>Appeals</i> to all Range States to support the development of a Memorandum of Understanding concerning the conservation of the Sahelo-Saharan Antelopes as a complement to the operating action plan; and</p> <p><i>Recognizes</i> the declaration of the Working Group on Terrestrial Mammals of the Scientific Council at its 14<sup>th</sup> meeting that there is a need to extend the Sahelo-Saharan Antelopes Concerted Action to other species of large mammals occurring within the range such as the Saharan Cheetah, in particular, and the Soemmering's Gazelle, the African Wild Ass and</p>	<ul style="list-style-type: none"> <li>• The development of a CMS agreement has been on CMS agenda since COP7 (2002): Res. 7.7; Res. 8.5</li> <li>• A Concerted Action on Sahelo-Saharan Ungulates (SSU) was initiated by COP4 in 1994, and is still ongoing</li> <li>• Two meetings of Sahelo-Saharan Ungulate Range States has been held: <ul style="list-style-type: none"> <li>➔ Djerba, Tunisia, 1998</li> <li>➔ Agadir, Morocco, 2003</li> </ul> </li> </ul> <p>Which adopted Action Plans for the Sahelo-Saharan ungulate species covered by the Concerted Action</p>	<p>Action to develop this instrument has been led by the CMS Scientific Council, in particular the chair of the Terrestrial Mammal Working Group. Main developments include:</p> <p>(i) Preliminary definition of the geographic and taxonomic scope of the instrument;</p> <p>(ii) Preparation of the first draft of a Memorandum of Understanding concerning conservation measures for the Sahelo-Saharan megafauna.</p>	<p>The instrument aims mainly at providing a legal and institutional framework to the Concerted Action on SSU (with some extension of its taxonomic scope). The concerted Action is a long-standing CMS initiative, generally recognized as quite successful. The initiative deserves continued support and consolidation, and the development of an instrument under Art. IV of the Convention goes in that direction. Attention should be focused on the identification of the most appropriate instrument and identification of appropriate</p>	<p>Revision and elaboration of status reports and action plans is being undertaken by the Scientific Council working Group on Terrestrial Mammals at no cost to the convention.</p> <p>The costs of convening a range state meeting are estimated at 75,000 €</p>

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	<p>the Barbary sheep, as a possibility;  <b>Rec. 9.2</b>  <i>Appeals</i> to Range States and other interested Parties to support the development of a Memorandum of Understanding or other binding or non binding instruments to complement the SAHELO-SAHARAN CONCERTED ACTION and its Action Plan;</p>			<p>financial/institutional arrangement that would ensure its long term sustainability. Next steps should include:</p> <ul style="list-style-type: none"> <li>(i) Consultation with range states on the preferred instrument;</li> <li>(ii) Revision of existing status reports and action plans for SSU and preparation of new ones for newly considered species;</li> <li>(iii) Convening of a meeting of range states aimed at further elaborating and if possible finalizing the instrument and associated technical documents.</li> </ul>	
<p>Central Eurasian Aridland Mammals</p>	<p><b>Res. 9.2</b>  <i>Appeals</i> to Range States and other interested Parties to support the development of a Memorandum of Understanding or other binding or non-binding instrument to complement the Concerted Action;  <b>Rec. 9.1</b>  <i>Appeals</i> to Range States and other interested Parties to support the development of a Memorandum of Understanding or other binding or non binding instruments to complement the CENTRAL EURASIAN ARIDLAND CONCERTED ACTION and its</p>	<ul style="list-style-type: none"> <li>• A Concerted Action on Central Eurasian Aridland Mammals was initiated by COP8 in 2005 (Rec. 8.23), and was confirmed by COP9 (Rec.9.1)</li> </ul>	<p>No significant developments to report in relation to the development of a CMS instrument to complement the Central Eurasian Aridland Concerted Action</p>	<p>Differently from the Sahelo-Saharan Concerted Action discussed above, the Central Eurasian Aridland Concerted Action is still at a relatively early stage of development, with discussions ongoing within the Council concerning its taxonomic and geographic scope. In the view of the Secretariat, consideration of the most appropriate instrument to complement the Concerted Action should be developed in parallel with the development of the</p>	

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	Action Plan;			Concerted Action itself, without however engaging into an intergovernmental negotiation process at this stage.	
Subsaharan and African bats	<p><b>Res.9.2</b>  <i>Recalls</i> the interest expressed during the 13<sup>th</sup> meeting of the Scientific Council to develop an appropriate instrument for Subsaharan and African bats under CMS auspices; and  <i>Appeals</i> to Range States to form a working group in consultation with the Scientific Council, the EUROBATS Secretariat and the CMS Secretariat to explore how such an instrument, either binding or non-binding, could be prepared;</p>	The development of a CMS instrument on African bats has been on CMS Agenda since COP8 (res. 8.5)	The CMS and EUROBATS secretariats are organizing, in collaboration with FAO, a few sub-regional workshops on bats in sub-Saharan Africa in 2010-2011, where interest in, and preferences on a possible instrument on bat conservation will be explored.	At the present stage of development, the Secretariat would recommend pursuing consultations with Range States and other stakeholders aimed at verifying interest and preferences on such an instrument, without however opening any formal intergovernmental negotiation process. The outcomes of these consultations should be reported to COP10, with a view to further consideration of this instrument also in light of the outcomes of the future shape process.	
Central African Elephants	<p><b>Res. 9.2</b>  <i>Requests</i> that preparatory work on the development or extension of an appropriate instrument on the conservation of elephants in Central Africa is undertaken in accordance with Recommendation 9.5;</p> <p><b>Rec. 9.5</b>  <i>Requests</i> the Secretariat to include in its programme of work the development of an appropriate instrument on the</p>	COP6 (Rec. 6.5) suggested that African Elephant Range States in Western and Central Africa envisage developing and concluding one or more Agreements, including action plans. A Memorandum of Understanding concerning conservation measures for the West African populations of the African elephant was concluded in 2005.	The feasibility of extending the existing MoU for West African elephants to cover Central African populations was explored at the 1 <sup>st</sup> Meeting of the Signatories to that MoU (Accra, March 2009). The meeting expressed a preference for the development of a separate instrument, rather than an extension of the existing one. Development of a CMS instrument on the conservation of elephants in Central Africa has	Considering the interest shown by range states and other stakeholders in the possibility of a CMS interest for Central African elephant, the ongoing collaboration between CMS and CITES on this initiative and some encouraging success in fundraising, the Secretariat would recommend to progress consultations and negotiations towards the possible conclusion of an	The costs of convening a meeting of the Working Group are estimated at 25,000 €. The costs of contracting out the preparation of an option paper & gap analysis are estimated at 10-15,000 €

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	<p>conservation of elephants in Central Africa, and to engage in relevant consultations with range states (COMIFAC);</p> <p><i>Invites</i> the Secretariat to establish a working group composed of representatives of Range States and CMS partner organizations on this issue. The Scientific Council will be an additional member of the working group;</p> <p><i>Further requests</i> the Secretariat to review the state of progress of work, both in the Scientific Council and the CMS Standing Committee during the intersessional period; and</p> <p><i>Encourages</i> the stakeholders to ensure a sound coordination amongst the CMS initiatives for this species in this region.</p>		<p>been included in the joint work programme between the CMS and CITES Secretariats, as an initiative on which the two conventions should helpfully cooperate. In the context of this collaboration, the CMS participated in the 6<sup>th</sup> meeting of the Sub-regional Steering Committee for Central Africa of CITES-MIKE, a session of which was devoted to the presentation and discussion of the CMS initiative. The meeting requested the CMS Secretariat to contribute to the elaboration of a regional action plan based on the existing Regional Strategy for the Conservation of Central African Elephants. The possibility of convening a meeting dedicated to the development of the instrument in conjunction with the 7<sup>th</sup> meeting Sub-regional Steering Committee for Central Africa of CITES-MIKE scheduled in 2011 has also been discussed. The CMS Secretariat has also been actively fundraising to support the initiative. An amount of 15,000 € has generously been pledged by the Principality of Monaco.</p>	<p>instrument. Attention should be focused on an analysis of the added value of such an instrument and identification of financial/institutional arrangement that would ensure its long term sustainability. Contiguity with the existing MoU on West African Elephants and overlap with the Gorilla Agreement raises issues which are of relevance to the Future shape process.</p> <p>Next steps should include:</p> <ul style="list-style-type: none"> <li>(i) Establishment of a Working Group pursuant to Rec. 9.5;</li> <li>(ii) Development of an option paper and gap analysis;</li> <li>(iii) Continue fundraising notably with a view to convening a meeting of the working group.</li> </ul>	