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ПРОГРАММА ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ ПО ОКРУЖАЮЩЕЙ СРЕДЕ

Report to the 40th Meeting of the CMS Standing Committee to the Convention on Migratory Species

7 - 8 November 2012

Bonn, Germany

I. Introduction

1. The present report has been prepared by the United Nations Environment Programme (UNEP). It provides information on the most significant collaboration between UNEP and the Secretariat of the Convention on Migratory Species since the tenth Conference of Parties, which was held in Bergen, Norway in November 2011. It also furnishes information on administrative support provided by UNEP to the Convention Secretariat and its programme of work and the substantive cooperation between the two bodies in that period.

II. Substantive support to the Convention

A. Support for implementation of biodiversity-related multilateral environmental agreements (MEA) through Regional MEA Focal Points

2. UNEP regional biodiversity-related MEA focal points were established in 2009 as a pilot programme in four UNEP regional offices (ROA, ROAP, ROLAC, ROWA). They have been undertaking various activities with the aim to provide technical and advisory services for coherent implementation of biodiversity-related MEAs, including CMS, at regional and national levels.

3. During the pilot phase the MEA focal points assisted the work of CMS through a number of activities, which included: supporting regional capacity-building workshops and COP preparatory consultations; liaising with CMS Secretariat staff on national queries and requests; providing regional intelligence on issues of CMS's interest; linking CMS-related concerns into the CBD NBSAP process. The work of the MEA focal points has been well-received by both CMS Secretariat staff and the CMS national focal points, enhancing regionally-relevant services and building trust with key stakeholders.

4. The MEA focal points coordinated regional initiatives under existing mechanisms such as South Pacific Regional Environmental Programme (SPREP), League of Arab States, African Union Commission and the African Ministerial Conference on Environment (AMNCEN) to strengthen regional implementation of biodiversity-related MEAs. The MEA focal points represented the MEA secretariats under such mechanisms by promoting their programme of work, especially COP decisions/resolutions, catalyzing partnerships and mobilizing resources.

5. Building on the success of the pilot phase, the EU (ENRTP) project "Support for implementation of the biodiversity and ecosystems and the chemicals and waste clusters of multilateral environment agreements" was approved in mid-2012, with funding from the European Commission and Norway. The project provides a solid base for strategic support to countries and MEA Secretariats, consolidating and enhancing regional efforts by various stakeholders. As a preparatory step, biodiversity-related MEA focal points undertook a briefing and joint planning exercise with CMS Secretariat in June 2012 to agree on priority focus areas and to develop regional work plans. Areas for collaboration in support of CMS and its agreements implementation at regional level include: promoting programmatic synergy, such as integration of CMS issues into NBSAPs review at workshops with all focal points present; implementation of related COP resolutions; promotion of ecological network and global flyways concept; providing substantive inputs to regional CMS-related meetings; and supporting selected MOUs, technical working groups, action plans and task forces.

B. Multilateral Environmental Agreement Information and Knowledge Management Initiative

6. The Multilateral Environmental Agreements Information and Knowledge Management Initiative (MEA IKM) develops harmonized MEA information systems to assist Parties implement their obligations under the various conventions. The MEA IKM brings together 21 Global and Regional MEAs to develop harmonized and interoperable information systems in support of knowledge management activities among MEAs. The Initiative is facilitated and supported by the UNEP's Division of Environmental Law and Conventions. The MEA IKM Steering Committee meets annually and provides strategic direction. Its Working Group meets periodically during the year and is responsible for the technical implementation of projects.

7. The Steering Committee, which CMS is a member of, met in May 2012 to assess progress on the MEA IKM initiative's flagship project, the InforMEA Portal (www.informea.org). During discussions, CMS reported on their progress including "the availability of some initial seed funding (voluntary contribution), which has allowed CMS to hire an external web company to develop a completely new backend database structure for the CMS Family, build the basic web interface and implement the API required for full participation in InforMEA."

8. MEAs, including CMS, took note of the increased membership of the Initiative and emphasized the importance of implementing the approved data exchange formats and protocols. Also noted was the need to improve on and increase awareness of the InforMEA Portal. The Steering Committee meeting also decided to work towards mainstreaming InforMEA into the capacity building activities between the UNEP MEA Focal Points and the MEAs, and to pursue funding opportunities. Final recommendations of the meeting included continued collaboration on Online Reporting systems, development of an MEA thesaurus (to be based on existing standards), development of an e-learning facility, and recommendations related to the translation of the InforMEA portal into other UN languages.

9. Participating MEAs include Aarhus, Abidjan, AEW, Barcelona, Basel, Carpathian Convention, Cartagena, CBD, CMS, CITES, Espoo, Industrial Accidents Convention, ITPGR-FAO, Stockholm, Ramsar, Rotterdam, UNCCD, UNFCCC, Vienna, Water Convention, and UNESCO-WHC. The participation of CMS was supported and funded by UNEP-DEL. The CMS continues to be a strong advocate for joint work related to Online Reporting and participates in the Working Group on Online Reporting, which is part of the MEA IKM initiative.

C. Great Apes Survival Partnership

10. The Great Apes Survival Partnership (GRASP) has continued to support efforts for the conservation of migratory great apes, including providing support to the CMS Gorilla Agreement. UNEP looks forward to continuing its support to the Gorilla Agreement through on-going GRASP activities in collaboration with the CMS Secretariat.

11. GRASP works to balance field projects undertaken in collaboration with the partnership – including member nations, conservation organizations, United Nations agencies, and private supporters – with a policy agenda that utilizes legislative, educational, and communication resources to affect change. Recent achievements are summarized below.

12. GRASP partnered with the Wild Chimpanzee Foundation and Liberia and Cote d'Ivoire to initiate the Tai-Grebo-Sapo trans-boundary area. This project will establish a corridor between the remaining forest blocs and will further establish a trans-boundary platform and promote chimpanzee conservation. A first meeting of the Steering Committee was held in Monrovia on 9-11 July 2012.

13. GRASP also manages the Mayombe Trans-boundary Initiative that includes Angola, Congo and the Democratic Republic of the Congo to maintain and restore the integrity of the Mayombe ecosystem. Working since 2010 in partnership with the Government of Norway and the International Union for Conservation of Nature (IUCN), GRASP recently helped secure a tripartite agreement to ensure long-term management and funding for the region. Through the Spain-UNEP Partnership for Protected Areas in Support of LifeWeb, which engages the Wildlife Conservation Society (WCS), the African Parks Network (APN), and IUCN on behalf of conservation efforts in Congo, the Democratic Republic of the

Congo, Cameroon and Indonesia, GRASP has managed six projects. Recent achievements include a REDD feasibility study for the Takamanda National Park (Cameroon), Ebola virus monitoring projects in Congo, and law enforcement support for wildlife protection in the Democratic Republic of the Congo.

D. Support provided to CMS by UNEP-World Conservation Monitoring Centre

14. The On-line Reporting System (ORS) was developed by UNEP-WCMC for the Convention on Migratory Species (CMS) and AWEA where it was used to capture report data prior to COP10 with manual analysis undertaken to produce document UNEP/CMS/Conf. 10.11 and the related Annex. The ORS was used successfully by Parties to the African-Eurasian Waterbird Agreement (AWEA) in their most recent reporting cycle for MOP 5 (May 2012) and resulted in the highest report submission rate in AWEA's history. The data were again analysed by UNEP-WCMC manually to produce Doc. AWEA/MOP 5.12. UNEP-WCMC also contributed to the recent AWEA Technical Committee meeting by providing input to the development of recommendations to streamline the reporting process.

15. An Integrated Species Information Platform is being developed by UNEP-WCMC in conjunction with the CITES Secretariat to support the delivery of taxonomic, distribution, legal and trade management data for species subject to management by multilateral environment agreements. This platform can provide the basis for updating the CMS IMS and also for customizing and pre-populating the ORS national reports. An automated CITES Checklist will be available in March 2013 and it is expected that ISIP would also have the capability to produce lists of CMS-listed species by the end of 2013.

16. Conserving Dryland Biodiversity has been published by UNEP-WCMC, IUCN, and UNCCD with inputs from the CMS Secretariat. This is the first comprehensive analysis of biodiversity and its role for human populations in the drylands of the world. CMS contributed to the publication in its capacity as the recognized lead expert of CBD on migratory species to highlight the mutually beneficial relationship between migratory species and their arid habitats. Drylands provide an important refuge for many threatened migratory species, which play an important role in maintaining soil fertility. The publication features arid land mammals such as the Bactrian camel and the Saiga Antelope, which cover large distances during their migrations and depend directly on interconnected and intact steppe ecosystems for their survival. The publication was launched on 9th September 2012 at the World Conservation Congress in Jeju, South Korea.

17. On promoting synergies within the cluster of biodiversity-related multilateral environmental agreements, a study by UNEP-WCMC, working with the Finnish Ministry of Environment was carried out in 2012. This work analyses the potential of synergies between the six global biodiversity-related conventions (CMS CBD, CITES, International Treaty on Plant Genetic Resources, Ramsar Convention and World Heritage Convention), with a focus on the areas of science-policy interface, National Biodiversity Strategies and Action Plans and national implementation of the Strategic Plan for Biodiversity 2011-2020, national reporting, and capacity-building. The study builds on the results of the Nordic Symposium: Synergies in the biodiversity cluster, held in April 2010 in Helsinki, Finland. It was launched at the 4th meeting of the Working Group on Review of Implementation of the CBD in May 2012 and the 11th meeting of the Conference of Contracting Parties to the Ramsar Convention in July 2012.

18. The Mechanisms underpinning climate change impacts on species are being investigated by a collaborative project of the Cambridge Conservation Initiative, in which UNEP-WCMC is a partner. This project addresses the need for a comprehensive synthesis of the evidence underpinning actual and potential mechanisms underpinning the impact of climate change on species' populations, in order to inform adaptation strategies for species and ecosystems. A Systematic Review of published literature has been conducted to identify papers which investigate the effect of climate/weather on a population parameter and test a potential mechanism. The data will be analyzed to identify the most frequently-documented mechanisms and investigate how they vary between taxa and geographic regions/habitats. The results will contribute to a scientific paper and policy-maker summary and are intended to serve the IPCC's 5th Assessment Report and to inform conservation adaptation management. This project runs until 30th December 2012.

E. Conservation and management of dugongs and their habitats throughout their range

19. The UNEP Regional Office for West Asia (UNEP ROWA) continues to coordinate with the Secretariat to the Dugong MOU in the UNEP/CMS Office in Abu Dhabi implementation and promotion of the Dugong MOU in the region. Following the First Official Signatory State Meeting (SS1) of the Dugongs, which took place from 4 to 6 October 2010 in Abu Dhabi, UNEP ROWA through the MEA focal point is planning to participate in the Second Official Signatory State Meeting (SS2) that will take place in the Philippines from 2-4 December 2012. Cooperation is underway on joint programmes supporting the NBSAPs updating and participation of the CMS counterpart in key CBD meetings, such as the workshop on the Programme of Work on Protected Areas, as well as in the By-Catch project proposal to promote sustainable fishing.

F. Bird of Prey MOU and the Saker Falcon Task Force (SFTF)

20. The UNEP ROWA is participating in the implementation of the CMS COP 10 Resolution 10.28 related to Saker Falcon (*Falco cherrug*), which listed the Saker Falcon in CMS Appendix I, excluding the population in Mongolia, and decided to establish an immediate Concerted Action supported by all parties. UNEP ROWA participated in the first meeting of the Task Force, which was established under the auspices of the Interim Coordinating Unit of the UNEP/CMS Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia (Raptors MoU), to bring together Range States, Partners and interested parties, to develop a coordinated Global Action Plan, including a management and monitoring system, to conserve the Saker Falcon. This also includes cooperation with other conventions such as CITES, which has the Saker Falcon species listed in Appendix II, managed trade under CITES. Preparations are underway for a second SFTF meeting in December 2012 on the margins of the First Official Signatory State Meeting (SS1) of the Memorandum of Understanding on the Birds of Prey to be held from 9-11 December 2012.

21. UNEP ROWA also promoted the Sharks and Eurobats MOUs in the Middle East through recommendations in the recent report of the Arab Working Group on MEAs related to Biodiversity and Desertification under the auspices of the League of Arab States and Council of Arab Ministers Responsible for the Environment (CAMRE).

G. Intergovernmental science-policy platform on biodiversity and ecosystem services (IPBES)

22. Two sessions of the plenary meeting to determine modalities and institutional arrangements for IPBES have been held (Nairobi, October 2011, and Panama City, April 2012). The first session addressed a series of process-related aspects of IPBES operationalization, such as institutional structures and processes, rules of procedure, membership, and procedures for prioritizing requests to the Platform, and the second session made further progress on determining the functions, operating principles and institutional arrangements of the Platform, and rules of procedure, and resulted in a resolution of the meeting establishing IPBES as an independent intergovernmental body.

23. The Panama City meeting also agreed that the seat of the IPBES Secretariat will be located in Bonn, Germany, and agreed an intersessional work programme to prepare for the first meeting of the IPBES Plenary, which is expected to be held in January 2013.

24. A joint statement of the biodiversity-related conventions was made to the second session of the plenary, and is included in the full report of the meetings which is available at www.ipbes.net/previous-ipbes-meetings/second-session-of-plenary.

25. The Panama meeting determined that the Plenary will be the Platform's decision-making body, with a Bureau overseeing administrative functions and a Multidisciplinary Expert Panel (MEP) to carry out the scientific and technical functions. Initial membership of the MEP will be five members from each of the five United Nations regions, with the Chairs of the biodiversity-related MEA scientific subsidiary bodies (including from CMS) invited as observers.

Intersessional processes prior to the 1st plenary of IPBES (anticipated for January 2013)

26. A number of elements of the intersessional processes agreed by the Panama meeting in April 2012 are relevant to MEAs, including CMS. UNEP, as the interim IPBES Secretariat, has recently (21 June 2012) invited input from CMS as well as from other MEAs on these points, in particular on:
- i) The assessment catalogue that is being developed, to ensure that this includes relevant information from previous and ongoing assessment activities undertaken by and in support of MEAs, including CMS;
 - ii) The draft document on elements of a conceptual framework that might be adopted to guide the activities of IPBES;
 - iii) Identifying capacity building needs through reviewing comments to a draft information document being prepared on the capacity building needs identified in national reporting to MEAs, including CMS. This document under development aims to summarize the capacity needs identified by countries in the latest round of national reports to various MEAs, including CMS, and
 - iv) Suggestions on the process for receiving and prioritizing requests from governments and MEAs, including CMS

H. International Environmental Governance (IEG)

27. On 27 July 2012, the United Nations General Assembly, at its 66th session in New York, adopted a draft resolution by the President of the General Assembly endorsing the outcome document of the Rio+20 Conference entitled "The Future We Want". In the run up to the Rio+20 Conference, UNEP made its expertise available to the Preparatory Committee. With respect to the theme on the institutional framework for sustainable development, the President of UNEP's Governing Council transmitted the work of the Consultative Group of ministers or high-level representatives on international environmental governance (the Nairobi-Helsinki Outcome), as an integral part of the institutional framework for sustainable development in March 2011, to the second meeting of the Preparatory Committee. The consultative process involved a range of stakeholders, including the multilateral environmental agreements.

28. The Nairobi-Helsinki Outcome suggested a number of broader institutional reforms to the current IEG system, which could also have impacts on UNEP-administered MEAs, including CMS. The Rio+20 Outcome recognizes "the significant contributions to sustainable development made by the multilateral environmental agreements." It also "acknowledge the work already undertaken to enhance synergies among the three conventions in the chemicals and waste cluster...and, "encourage[s] parties to multilateral environmental agreements to consider further measures, in these and other clusters, as appropriate, to promote policy coherence at all relevant levels, improve efficiency, reduce unnecessary overlap and duplication, and enhance coordination and cooperation among the multilateral environmental agreements, including the three Rio conventions, as well as with the United Nations system in the field." (paragraph 89 of *The Future We Want*).

I. Strengthening legal and governance frameworks and national capacities to support the implementation of MEAs

29. UNEP supports developing countries and countries with economies in transition in the development and implementation of environmental law, including for the implementation of multilateral environmental agreements at the national level. UNEP also works to strengthen the capacities of relevant stakeholders and to promote effective national environmental governance. The recently held World Congress on Justice, Governance and Law for Environmental Sustainability (17-20 June 2012, Rio de Janeiro, Brazil), which gathered representatives of judiciaries worldwide, prosecutors, and public auditors at the highest level of representation, as a contribution to the United Nations Conference on Sustainable Development 2012, has ignited renewed energy into this area of UNEP's work. Judges, prosecutors and national level auditors play an important role in enforcing national legislation issued for the implementation of multilateral environmental agreements. Strengthening their role and that of all stakeholders involved in the entire enforcement chain is crucial for ensuring implementation of MEAs.

30. The World Congress was organized in partnership with the World Bank, the Asian Development Bank, CITES, IUCN, Interpol, SPREP, INECE, the Organization of American States and INTOSAI, and co-hosted by the Association of Magistrates of Rio de Janeiro, the Public Prosecutor's office of Rio de Janeiro and the Foundation Getulio Vargas, and took place in Rio de Janeiro, Brazil, from 20-22 June 2012. The Congress adopted the Rio+20 Declaration on Justice, Governance and Law for Environmental Sustainability which among other things includes principles for the advancement of justice, governance and law for environmental sustainability and established an international network for the advancement of Justice, Governance and Law for Environmental Sustainability in the 21st century, to promote the achievement of:

- (a) continued engagement of Chief Justices, Attorneys General, Heads of Jurisdiction, Chief Prosecutors and Auditors General, the institutions they represent and other components of the legal and enforcement chain, including through networks at the international and regional levels;
- (b) quality information and data exchange and discussion among the legal and auditing communities at large;
- (c) continued development and implementation of environmental law at all levels, and encouraging the further expansion of environmental jurisprudence;
- (d) improved education, capacity building, technology transfer and technical assistance, including with the aim of strengthening effective national environmental governance; and
- (e) adequate engagement by respective national governments for the set objectives.

31. UNEP is currently working to establish such network, with the engagement of the World Congress Partners and other relevant organizations, and under the guidance of selected Chief Justices, Heads of Jurisdiction, Attorneys general, Chief Prosecutors, Auditors General, eminent legal scholars and other eminent members of the law and enforcement community. A meeting is programmed to take place before the end of the year to establish the mechanism and to design a programme of work in the areas listed above.

III. Administrative support to the Convention

Delegation of authority

32. The Delegation of Authority between the Executive Director of UNEP and the Executive Secretary of CMS, which was signed in August 2011, is still relevant and effective. The signature of this document was the result of a number of constructive consultations between UNEP and the CMS Secretariat, including the AEW and EUROBATS Secretariats in the scope of the Delegation.

33. The provisions of the delegation of authority describe the accountability context and the authority and responsibility vested in the Executive Secretary. It also deals with: programme management as related to the implementation of the programme of work approved by the Conference of the Parties to CMS; management of the implementation of the budget approved by the Conference of Parties and all other CMS budgets, including those financed from Trust Fund resources and the CMS allotment from the UNEP special account for programme support costs; and management of the human resources assigned to CMS. The newly signed delegation of authority supersedes any existing delegation between the Executive Director of UNEP and the Executive Secretary of CMS.

34. More specifically, the Executive Secretary is delegated with the power to effectively and efficiently run the day-to-day operations of the Secretariat. In line with the performance assessment requirements of the United Nations, the Executive Secretary is required to submit an annual workplan to be agreed with the Executive Director, for which she is fully accountable. The Executive Secretary is responsible for managing the implementation of the Costed Programme of Work approved by the Conference of the Parties, and activities financed from the main and extra-budgetary trust funds, earmarked contributions and the CMS allotment from the UNEP Special Account for Programme Support Costs approved by the Executive Director. Furthermore, the Executive Secretary is responsible for compliance with all financial and substantive reporting arrangements set forth in projects and legal instruments. In this context, the Executive Secretary is responsible for ensuring that all UN

procurement, recruitment and audit policies are upheld. In addition, the Executive Secretary is expected to ensure the efficient and effective use of resources, and for ensuring that these resources are used for the purposes for which they are intended, including the adequate performance of certifying, approving, bank-signatory and petty-cash management functions within the Secretariat.

35. The Executive Secretary is also accountable to the Executive Director for the management of the human resources assigned to the CMS Secretariat, and must ensure the timely initiation and performance of related human resource management actions, in accordance with the staffing table approved by the COP, and CMS budgets, taking into account the UN's mandatory ethics and integrity initiatives and rules, including on financial disclosure.

Support provided to CMS from the Programme Support Costs

36. The UN refers to the indirect costs usually expressed as a percentage of direct costs (i.e. 13%) that it collects on trust fund (or "extra-budgetary") expenditures as Programme Support Costs (PSC). In respect of UNEP and the UNEP-administered MEAs, the recovery and use of PSC resources are of central importance to the financing and organization of efficient and effective programme support services. This is also the case for the Secretariat of the Convention on Migratory Species.

37. During 2010–2012, the posts of seven administrative staff directly assigned to the CMS Secretariat have been funded from Programme Support Costs (PSC). These include the Administrative and Finance Officer (P4), two Finance Assistants (a G5 and a G6), and two Administrative Assistants (G5) all based in Bonn, Germany. In addition, a Team Assistant (G6) based in Bangkok, Thailand and an Administrative Assistant (G6) based in Abu Dhabi were all funded from the PSC. As per UN standard procedures, the amount of resources available to the UNEP and CMS Secretariats for Programme Support in any given year is based on the income received for this purpose in the previous year.

Status of the recruitment of CMS Executive Secretary

38. The interviews of the candidates have been completed, the selection panel has conducted reference checks and issued its final recommendation to the Central Review Board (CRB) that will now carry out an independent review of the process to verify compliance with UN rules and regulations. The selection panel recommendation duly reviewed by the CRB will then be submitted to the UNEP Executive Director for final decision.

MOU between the CMS Standing Committee and the Executive Director of UNEP

39. Following consultations with the CMS Standing Committee, UNEP would wish to initiate negotiating a Memorandum of Understanding (MOU) between the Standing Committee of the Conference of the Parties to the Convention on Migratory Species and the Executive Director of the United Nations Environment Programme concerning Secretariat services to and support of the Convention. While this issue has been informally considered for some time, the UNEP Secretariat would wish to conclude such an MOU as soon as possible, in view both of a recent internal audit recommendation (concerning another UNEP-administered Convention), and of UNEP transition, along with the UN Secretariat, to International Public Service Accounting Standard, effective 1 January 2014.

40. The proposed MOU would determine the working arrangements between the UNEP and CMS Secretariats, including areas such as the relevance of UN and UNEP Rules and Regulations and their applicability to the operations of the Secretariat, Financial and budgetary matters, Administrative Support (including Programme Support Cost), Staff of the Secretariat (including the process for their recruitment), the authority and accountability of the Executive Secretary, and Programme evaluation and Management Review.

Action required: The Standing Committee is requested to provide its view and/or response on this issue.