

Agenda Item 10, 18 and 19

“Future of the ASCOBANS Agreement”

Evaluation of the New Arrangements for the
ASCOBANS Secretariat (2007-2009)

Review of Formal Structures and Processes of
the Agreement

Document 45

**CMS Res.9.13: Intersessional Process
Regarding the Future Shape of CMS**

Action Requested

- Take note of the process initiated by CMS Parties

Submitted by

Secretariat



NOTE:
IN THE INTERESTS OF ECONOMY, DELEGATES ARE KINDLY REMINDED TO BRING THEIR OWN
COPIES OF DOCUMENTS TO THE MEETING

**CONVENTION ON
MIGRATORY
SPECIES**

Distr: General

UNEP/CMS/Resolution 9.13

Original: English

INTERSESSIONAL PROCESS REGARDING THE FUTURE SHAPE OF CMS

Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Recalling Resolution 8.2 of the Eighth Conference of the Parties (Nairobi, 2005) that adopted the CMS Strategic Plan 2006-2011;

Noting with gratitude the work undertaken by Parties and the Secretariat to implement this Strategic Plan;

Reaffirming the overall ambition and objectives of this Strategic Plan;

Recognizing that since 2005 considerable progress has been made, which includes *inter alia* one new regional species AGREEMENT and seven Memoranda of Understanding and several others under negotiation, a continued growth in the number of CMS Parties, which has risen from 93 at the time of the eighth Conference of the Parties in November 2005 to 110 at the ninth Conference of the Parties in December 2008, the establishment of working partnerships with NGOs operating from local bases around the world, and a significant growth in the role of the CMS in relation to marine animals;

Welcoming that, due to these positive results, the CMS is steadily becoming a worldwide lead partner in the conservation and sustainable use of migratory species over their entire range;

Acknowledging the review underway within the UN to consider how the Organisation can develop into a more integrated entity, to accomplish system-wide coherence throughout the processes of management and policy development (the “deliver as one” process);

Acknowledging the issues and options outlined in the CMS Secretariat’s papers (ref CMS/StC32/7) prepared for Standing Committee 32 and subsequently;

Considering, however, that alternative options should also be taken into account;

Acknowledging that this will create new challenges for the CMS, its related Agreements (AGREEMENTS and Memoranda of Understanding) and all of the bodies that require in-depth consideration as to what strategies including institutional changes would best support the effective conservation and management of more migratory species in a greater number of Parties and Range States; and

Recalling that the Conference of the Parties may under Article VII.5 (e) of the Convention make recommendations to the Parties for improving the conservation status of migratory species and review the progress being made under AGREEMENTS;

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

1. *Launches* an intersessional process to explore the possibilities of strengthening the contribution of the CMS and the CMS family to the worldwide conservation, management and sustainable use of migratory species over their entire range;
2. *Establishes* an ad hoc working group with the task of drafting proposals on the future strategies and structure of the CMS and the CMS family for the Tenth Conference of the Parties in 2011;
3. *Instructs* the ad hoc working group on the future shape of the CMS and the CMS family to take into account the following issues in its deliberations:
 - Possibilities and options to deliver a more integrated conservation programme under a broad umbrella of “CMS Multispecies Initiatives”, for instance, by focussing CMS Initiatives on main migratory species groups and, in this context, consulting with the related agreements and MoUs to see how such an approach could bring synergies and benefits;
 - Possibilities and options for various types of activities, such as the development of new agreements and the implementation of existing agreements;
 - Possibilities and options for strengthening the position of the CMS and Agreement Secretariats in the various regions of the world, which might be affected by the future shape of CMS, in cooperation with other Multilateral Environmental Agreements;
 - Possibilities and options for ensuring a sound science base of a growing CMS family and the resultant growing responsibility for a higher number of species;
 - Possibilities and options for strengthening the cooperation with other international organizations and with other interested partners, such as business organizations;
 - Financial and institutional implications (including Secretariat issues: staff, relevant competence, etc.) of all possibilities and options, in close collaboration with related CMS agreements;
 - Contents of the current Strategic Plan and the development of a new Strategic Plan 2012-2017, taking into account Strategic Plans of other biodiversity related conventions and related CMS Agreements; and
 - The findings of the open-ended working group on global bird flyways, which will be reviewed at the intersessional meeting of the Scientific Council;
4. *Requests* the Secretariat to support the ad hoc working group on the future shape of the CMS; and
5. *Adopt* the terms of references in the Addendum.



CONVENTION ON MIGRATORY SPECIES

Distr: General

UNEP/CMS/Res.9.13/Addendum

Original: English

TERMS OF REFERENCE FOR THE INTERSESSIONAL WORKING GROUP REGARDING THE FUTURE SHAPE OF CMS, ESTABLISHED ACCORDING TO RESOLUTION UNEP/CMS/RES.9.13

Adopted by the Conference of the Parties at its Ninth Meeting (Rome 1-5 December 2008)

Objectives

1. The Working Group (WG) shall consider the issues set out in Resolution UNEP/CMS/Res.9.13 with a view to considering various options regarding the potential strategic evolution of CMS and the CMS family and make recommendations thereon. The overall objective of the proposals should be to strengthen CMS contributions to the worldwide conservation, management and sustainable use of migratory species over their entire range.
2. To that end, the WG shall examine possibilities for strategic development and organisation of the CMS and the CMS family, taking into account the issues mentioned in point 3 of Resolution UNEP/CMS/Res.9.13 “Intersessional process regarding the future shape of CMS”.
3. The WG shall precisely identify the institutional, legal, organisational and budgetary impacts of its proposals.
4. The WG shall examine whether external consultations are required. It shall also determine whether meetings of the WG are needed and, if so, at which steps of the process. Funding for consultations and meetings will be raised through voluntary contributions.
5. The Group will keep the Standing Committee informed of its work through reports to the meetings of the Committee, and present its initial findings to the Standing Committee in 2010.

Composition of the WG

6. The WG shall be composed of a core group of Parties to the Convention with the same geographical composition as the Standing Committee to be agreed during CMS COP9 or, if not possible, under the responsibility of CMS Standing Committee, no later than one month after COP9. The Chair and the Vice-Chair of the Standing Committee shall be additional members of the WG.

7. The WG will:
 - work in cooperation and consultation with the Party representatives and the Secretariat of the CMS regional Agreements, particularly: ACAP, AEWA, ACCOBAMS, ASCOBANS, EUROBATS, GORILLAS and MOU representatives who will be determined, under the responsibility of the Chair of the CMS Standing Committee, no later than two months after COP9; as well as the partner organisations representing civil society.
8. The WG will also liaise and seek the views of countries undertaking similar reviews within the Ramsar Convention and the UN family.
9. The Chair and Vice Chair shall be chosen among the members of the WG during CMS COP9 or, if not possible, chosen by the Standing Committee no later than two months after this COP.
10. Any range State represented in the WG will not be bound by the recommendations issued by the WG.
11. The WG shall endeavour to adopt recommendations by consensus. Nevertheless, a representative could be allowed to mention his/her position in the deliberations in case of divergence of views.
12. The WG will be served by the CMS Secretariat.

Consultations

13. Contracting Parties shall be consulted by their regional representatives at each step of the process.
14. The WG members will agree on the modalities pertaining to the information and the consultation of the Parties to the Agreement they represent. The consultation process will take account of the deadlines and calendar of activities to be respected as detailed below.
- 14 bis NGOs and non-Parties who express an interest in participating can be consulted by the representative of the relevant region.
15. The CMS Secretariat will inform the biodiversity MEA Secretariats as well as UNEP and other international organisations identified by the WG as relevant, as soon as possible, about the intersessional process under way.
16. At the same time, the CMS Secretariat will invite these Agreements as well as UNEP and other organisations to designate a focal point who will provide, if required, advice and suggestions to the WG.

Work process

First step (2009)

17. The first step consists in conducting an assessment of the current situation regarding the organisation and activities of CMS and the CMS family. This assessment will underline

the advantages and the drawbacks of the system in place, taking especially into account the issues mentioned in point 3 of Resolution UNEP/CMS/Res.9.13.

18. This assessment (report No. 1) shall be finalized before September 2009 for consideration by the Standing Committee Meeting No. 36.

19. The report No. 1 will be communicated to the CMS Standing Committee members at least one month before the CMS Standing Committee. The CMS Standing Committee will provide its comments and suggestions to the WG within one month after the Standing Committee meeting.

20. After review, the report will be made available, for information, to the Parties to CMS and to other related Agreements as well as UNEP. It will be made available, for information, simultaneously to the multilateral environmental agreements and the other international organisations concerned.

Second step (2010)

21. For each of the issues mentioned in point 3 of Resolution UNEP/CMS/Res.9.13 and in the light of the outcome of the assessment of CMS' current situation, the WG shall propose different options on the organisation and strategic activities that could improve current operations and, as appropriate, solve any difficulty encountered and foreseen in the functioning of CMS and CMS family.

22. The WG shall produce a report (report No. 2) of the second step before September 2010 for consideration by the Standing Committee No. 37.

23. The report No. 2 will be communicated to the CMS Standing Committee members at least one month before the CMS Standing Committee meeting. The CMS Standing Committee will provide its comments and suggestions to the WG within one month after the Standing Committee meeting.

24. After review, the report No. 2 will be made available for information to the Parties to the CMS and to other related Agreements, UNEP, as well as to the multilateral environmental agreements and the other international organisations concerned.

Third step (2011)

25. On the basis of the hypothesis developed as a result of the second step of the process, the WG shall propose three different options for the future organisation and the strategic development of CMS and the CMS family, outlining the pros and the cons of each.

26. These options will include considerations on their institutional, legal, organisational and budgetary implications.

27. A report on step 3 (report No. 3) will be communicated to the CMS Standing Committee members six months before COP10. The report will make provisional recommendations about the WG's preferred option. The Standing Committee members are expected to respond providing their coordinated comments and suggestions four months before COP10.

28. The report No. 3 will be made available, after review, to the Parties to CMS and to other related Agreements, UNEP, as well as to the multilateral environmental agreements and other international organisations concerned, before the deadline (set out in the COP Rules of procedure - currently two months) for transmission of draft resolutions for COP10.