



SUMMARY OF THE EIGHTH CONFERENCE OF THE PARTIES TO THE CONVENTION ON MIGRATORY SPECIES: 20-25 NOVEMBER 2005

The eighth Conference of the Parties (COP-8) to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) convened from 20-25 November 2005, in Nairobi, Kenya, with the theme "On the Move to 2010." CMS COP-8 was preceded by the 13th meeting of the CMS Scientific Council, held from 16-18 November, and the 29th meeting of the CMS Standing Committee, held on 20 November. The meeting was attended by over 270 participants, including representatives of states, intergovernmental organizations, non-governmental organizations, academia and the private sector.

During the week, COP-8 addressed: the review of CMS implementation; sustainable use; the 2010 biodiversity target; measures to improve the conservation status of Appendix I species, including projects on Sahelo-Saharan antelopes and the Siberian crane; and measures to improve the conservation status of Appendix II species, including raptors, migratory sharks, and marine turtles; proposals for amendments to Appendices I and II; the CMS 2006-2011 Strategic Plan; the CMS Information Management Plan; and financial and administrative arrangements. By the end of the week, COP-8 adopted 18 resolutions and six recommendations, added 11 species to Appendix I and 16 to Appendix II, with the Basking shark, Bukhara deer and Short-beaked Common dolphin listed on both appendices, and witnessed the signing of new Memoranda of Understanding on the West African elephant and the Saiga antelope.

With the year 2010 fast approaching, COP-8 marked a crucial point in the Convention's history. Given CMS's recent history of financial struggle, the cooperative atmosphere and the many concrete achievements at COP-8, including the new budget, have determined the way forward for this small but ambitious convention's contribution to achieving a significant reduction of the rate of biodiversity loss.

A BRIEF HISTORY OF CMS

Migratory species are vulnerable to a wide range of threats, including habitat shrinkage in breeding areas, excessive hunting along migration routes, and degradation of their feeding grounds. As a result of international concern over these threats, CMS was adopted in 1979 and entered into force on 1 November 1983. CMS, also known as the Bonn Convention, recognizes that states must be the protectors of migratory species that live within or pass through their national jurisdictions, and aims to conserve terrestrial, marine and avian migratory species throughout their ranges. CMS now has 93 parties.

The Convention was designed to allow for expansion and revision of commitments and to provide a framework through which parties may act to conserve migratory species and their habitat by: adopting strict protection measures for migratory species that have been characterized as being in danger of extinction throughout all or a significant portion of their ranges (species listed in Appendix I of the Convention); concluding

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agreements for the conservation and management of migratory species that have an unfavorable conservation status or would benefit significantly from international cooperation (species listed in Appendix II); and joint research and monitoring activities. At present, over a hundred migratory species are listed in Appendix I.

CMS also provides for the development of specialized regional agreements for Appendix II species. Prior to COP-8, six agreements and seven memoranda of understanding (MOUs) were concluded. The six agreements are the: African-Eurasian Migratory Waterbird Agreement (AEWA); Agreement on the Conservation of Seals in the Wadden Sea; Agreement on Small Cetaceans of the Baltic and North Seas (ASCOBANS); Agreement on the Conservation of Bats in Europe (EUROBATS); Agreement on Cetaceans of the Black and Mediterranean Seas (ACCOBAMS); and Agreement on the Conservation of Albatrosses and Petrels (ACAP). The seven MOUs are: Conservation Measures for the Siberian Crane; Conservation Measures for the Slender-billed Curlew; Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia (IOSEA); Conservation Measures for Marine Turtles of the Atlantic Coast of Africa; Conservation and Management of the Middle-European Population of the Great Bustard; Conservation and Restoration of the Bukhara Deer; and Conservation Measures for the Aquatic Warbler. These agreements and MOUs are open to all range states of the species, regardless of whether they are parties to the Convention.

CMS operational bodies include the COP, the Standing Committee, the Scientific Council and a Secretariat provided by the United Nations Environment Programme (UNEP). The COP meets every two-and-a-half to three years to review and amend Appendices I and II.

COP-5: The fifth COP (10-16 April 1997, Geneva, Switzerland) added 21 species to Appendix I and 22 species to Appendix II, and adopted a resolution identifying the Lesser kestrel, Andean flamingo, Puna flamingo, Lesser White-fronted goose and Mountain gorilla as species for concerted actions. The COP endorsed an Action Plan for selected migratory birds listed in Appendices I and II, cooperative actions for Appendix II species, development of an action plan for the Great cormorant in the African-Eurasian region and progress on an agreement on the conservation and management of the Houbara bustard.

COP-6: The sixth meeting of the COP (4-16 November 1999, Cape Town, South Africa) adopted resolutions on: institutional arrangements; financial and administrative matters; by-catch; information management; Southern hemisphere albatross conservation; and concerted actions for Appendix I species. Seven species were added to Appendix I, including six bird species, as well as manatees of the marine areas of Panama and Honduras. Thirty-one species were added to Appendix II, including dolphins of South-East Asia, seven species of petrel, a number of sturgeon and paddlefish species, and the Whale shark. Recommendations were approved on cooperative actions for various Appendix II species, including Sahelo-Saharan antelopes, the African elephant, Houbara and Great bustards, and marine turtles. Five additional range states signed the MOU on the Conservation of Marine Turtles of the Atlantic Coast of Africa.

COP-7: The seventh meeting of the COP (18-24 September 2002, Bonn, Germany) added 20 species to Appendix I and 21 to Appendix II, with the Fin, Sei and Sperm whales, and the Great White shark being listed on both. COP-7 also adopted resolutions on: electrocution of migratory birds, offshore oil pollution, wind turbines, impact assessment, and by-catch. The COP adopted species-specific decisions on: future action on the Antarctic Minke, Bryde's and Pygmy Right whales; regional coordination for small cetaceans and sirenians of Central and West Africa; improving the conservation status of the Leatherback turtle; an agreement on dugong conservation; regional coordination for small cetaceans and dugongs of South-East Asia and adjacent waters; the American Pacific Flyway Programme; and the Central Asian-Indian Waterbird Flyway Initiative.

AGREEMENTS UNDER DEVELOPMENT: Several agreements are at different stages of development on: Sahelo-Saharan antelopes, the Houbara bustard, Sand grouse, Central Asian Flyway, raptors, sturgeons, the Whale shark, marine turtles, small cetaceans and sirenians in West and Central Africa, small cetaceans and dugongs in Southeast Asia, cetaceans in the Pacific Island region, dugongs, the Monk seal, the Mongolian gazelle, the Gorilla, and African bats.

COP-8 REPORT

CMS COP-8 opened on Sunday afternoon, 20 November 2005. Following a children's music performance, Morris Nzoro, Kenya's Minister for Tourism and Wildlife welcomed delegates and praised CMS for its regional agreements and MOUs as an innovative approach to developing partnerships and setting priorities. Nzoro noted that CMS continues to face some challenges such as the need for: further research on habitats and more scientific information for species management plans; additional financial resources to effectively implement action plans and other CMS instruments; and the achievement of the Millennium Development Goals (MDGs), especially the goal on poverty reduction.

CMS Executive Secretary Robert Hepworth highlighted CMS work to achieve the 2010 target to significantly reduce biodiversity loss, including: expanding the number of CMS parties, particularly in developing and small island states; further developing partnerships with the private sector and non-governmental organizations (NGOs), to broaden CMS conservation programmes; keeping administrative costs under control and stretching funds towards project implementation. He urged parties to continue working in a cooperative and concerted manner to consider a proper budget to enable CMS to deliver its objectives.

Jim Knight, Minister for Biodiversity, United Kingdom (UK), urged protection of endangered migratory species, stressing the threats of climate change and desertification, unsustainable natural resource use, global pandemics and poverty. He also called for a coordinated global response to avian influenza that should be proportionate to risk and based on sound advice. Knight welcomed emerging partnership arrangements between CMS and other conservation initiatives, called for a complementary people-centered action, and urged delegates to look beyond the 2010 target, in the broader context of the MDGs.



Following the CMS thesis award ceremony, the presentation of the "Friends of CMS" initiative and the Partnership Fair, Bakary Kante, Director of UNEP's Division of Environmental Conventions (DEC), closed the opening ceremony. He pledged DEC's full support to the Convention, lauded Germany for being the driving force behind CMS, and called upon delegates to work proactively to implement the Convention's objectives.

On Monday, 21 November, addressing the plenary through a video message, UNEP Executive Director Klaus Töpfer stressed the increasing relevance of CMS in light of the impacts of climate change on migratory species and the recent avian influenza outbreaks. He recommended linking migratory species conservation with human health, sustainable economic growth and poverty reduction considerations, in accordance with the MDGs. He supported CMS efforts in providing scientific information on migratory birds, particularly on avian influenza, and in establishing partnerships with the private sector.

Robert Hepworth, CMS Executive Secretary, noted that the Convention is at a crucial point in its history with only three years left to significantly contribute to achieving the 2010 biodiversity target "to achieve by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national levels as a contribution to poverty alleviation and to the benefit of all life on earth". He therefore highlighted the importance of COP-8 in providing enough financial resources and general direction to the work of the Convention, in terms of species listings, new agreements, and the CMS strategic plan, to assist in realizing the 2010 target.

The Secretariat introduced the Provisional Rules of Procedure (UNEP/CMS/Conf.8.4/Rev.2 and Corr.), drawing attention to the new Rule 12, which requires that submissions of proposed resolutions and recommendations by parties be communicated to the Secretariat at least 60 days before a COP. On Rule 15, which makes parties ineligible to vote when contributions are in arrears, he invited concerned parties to provide during COP-8 written evidence of payments in progress. COP-8 adopted the rules, with Norway noting that a party should not be excluded from voting when exceptional and unavoidable circumstances delay payments.

The plenary elected Patrick Van Klaveren (Monaco) as COP-8 Chair, Rolph Payet (Seychelles) as COW Chair and COP-8 Vice-Chair, and Roberto Schlatter (Chile) as Committee of the Whole (COW) Vice-Chair. Latvia, Niger, Peru, Morocco, and Australia were appointed as members of the Credentials Committee. The plenary adopted the agenda and work schedule (UNEP/CMS/Conf.8.1, 8.1.Add.1 and 8.2) without amendment, and admitted as observers the Scientific Council experts, intergovernmental and non-governmental organizations, and one private sector participant.

The plenary heard reports from the Secretariat, CMS bodies, Agreements and MOUs, states and partners. The *Earth Negotiations Bulletin's* coverage of these reports can be found at: <http://www.iisd.ca/vol18/enb1823e.html>.

The plenary convened throughout the week, and the COW met from Tuesday through Friday. Working groups were established on sustainable use, the new strategic plan, the budget, and avian influenza. This report summarizes discussions and

final outcomes on each agenda item. Unless otherwise stated, the closing plenary, on Friday, 25 November, adopted the recommendations and resolutions with minor or no amendments.

2010 BIODIVERSITY TARGET

On Monday, the Secretariat introduced in plenary a report on CMS activities related to the 2010 biodiversity target (UNEP/CMS/Conf.8.6/Rev.1 and Inf.8.22) and a draft resolution entitled "CMS and the 2010 Biodiversity Target" (UNEP/CMS/Res.8.7), focusing on development of indicators to assess the CMS contribution to the achievement of the 2010 target, and synergies with other frameworks and bodies. A revised resolution (UNEP/CMS/Res.7/Rev.1) was discussed in plenary on Thursday, and a further revised version was adopted on Friday.

Chair Van Klaveren regretted the limited scope of the resolution focusing only on assessment of progress in achieving the target, with the Secretariat explaining that the 2010 target is a crosscutting theme in all the other proposed resolutions and recommendations. Therefore, the Secretariat proposed an alternative title for the resolution, namely "Assessing the contribution of CMS in achieving the 2010 biodiversity target."

BirdLife International requested to be mentioned among the partners for the development of a migratory species index in the context of the Living Planet Index (LPI). The Secretariat noted that the Scientific Council proposed amendments to allow consideration of other indicators under development, in addition to the LPI ones. France proposed inserting a request to the Secretariat to report to COP-9 on this item. The European Union (EU) proposed taking action within the framework of the strategic plan.

Final Resolution: In the resolution on assessing the contribution of CMS in achieving the 2010 biodiversity target (UNEP/CMS/Res.8.7/Rev.2), COP-8 acknowledges, in the preamble, that the CMS 2006-2011 Strategic Plan represents CMS's planned contribution to achieving the 2010 target, and requests the Secretariat to:

- continue to liaise with the Convention on Biodiversity (CBD), other biodiversity-related conventions and relevant institutions for adopting suitable indicators to measure achievement of the 2010 target;
- develop a migratory species index within the context of the LPI, in collaboration with the Scientific Council, the Worldwide Fund for Nature (WWF), the World Conservation Union (IUCN), the UNEP/World Conservation Monitoring (WCMC), BirdLife International and others; and
- study the suitability of other instruments and methods for assessing CMS effectiveness.

The COP decided to consider the effectiveness of actions taken in the context of the Strategic Plan at COP-9.

SUSTAINABLE USE

The Secretariat introduced discussion on the application to CMS of the Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity (AAPGs) (UNEP/CMS/Conf.8.8) and a draft resolution (UNEP/CMS/Res.8.1) on Monday in plenary, when Chair Van Klaveren established a working group on this issue. The working group, co-chaired by Ronel Nel (South Africa) and Ian McLean (UK), met on Monday



and Tuesday. On Wednesday, a revised draft resolution was presented to the plenary (UNEP/CMS/Res.8.1/Rev.1), which was adopted on Thursday.

Discussions on sustainable use focused on whether the AAPGs are compatible with the CMS conservation-focused principles. The EU supported the adoption of the AAPGs, suggesting their precautionary testing and further development. Germany favored adoption of the AAPGs from the CMS perspective. IUCN was also in favor of the application of the AAPGs to CMS, stressing that they are not intended to be binding or universal. Rather than “adopting” the AAPGs, Australia, supported by Senegal, India and New Zealand, preferred “encouraging their use, as appropriate,” since not all AAPGs are applicable in the CMS context. Several NGOs expressed concern about applying the AAPGs to CMS particularly in relation to the protection of cetaceans as opposed to their consumptive use. Emphasizing legal obstacles to the application of AAPGs to CMS, the International Fund for Animal Welfare highlighted AAPGs do not take into account the aim of CMS to restore a favorable conservation status of migratory species, and define spatial management in terms of use, whereas CMS does so in terms of species. Tanzania suggested that the CMS-CBD Joint Work Programme implement the AAPGs, with the possibility of accessing Global Environment Facility (GEF) resources. Delegates compromised by instructing the Scientific Council to examine the applicability and usefulness of the AAPGs to relevant CMS-listed species, without limiting this to species subject to use.

Delegates were divided on whether or not to invite parties to consider use of AAPGs, as proposed by IUCN, with regard to migratory species. They decided against inviting parties to do so before the Scientific Council’s consideration of the AAPGs.

The Netherlands stressed the relationship between sustainable use and the ecosystem approach as applied by CBD, proposing preambular text on applying both, which was not agreed upon by delegates. On preambular language, delegates also discussed references to the CBD and the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), and whether to refer to migratory species or CMS-listed species, eventually compromising on noting the potential contribution of the AAPGs to the conservation of migratory species.

Final Resolution: In the final resolution on sustainable use (UNEP/CMS/Res.8.1/Rev.1), the preamble refers to the special requirements and fragility of CMS-listed migratory species, CMS prohibition of takings for Appendix I species, cetaceans, collaborative arrangements with other biodiversity-related conventions and other international organizations, adoption by the CBD parties of the AAPGs and studies on this by CITES parties. The preamble further recognizes that consumptive and non-consumptive sustainable use may provide incentives for conservation and restoration and that implementation of the AAPGs by CMS parties, where appropriate, could contribute to reducing many causes of migratory species loss. In the resolution, the COP:

- instructs the Scientific Council to examine the AAPGs’ applicability and usefulness within the CMS context for improving the conservation status of CMS-listed migratory species, and report to COP-9;

- urges the Council to liaise with other conventions, parties and NGOs to gather and share information on studies on AAPGs; and
- invites parties to provide appropriate financial assistance, data and information.

MEASURES TO IMPROVE CONSERVATION OF APPENDIX I SPECIES

MAJOR CONCERTED ACTION PROJECTS: Sahelo-Saharan antelopes: On Tuesday, the COW considered the report on the Sahelo-Saharan Antelopes Concerted Action (SSA) and the SSA-CMS/GEF Project (SSAP) (UNEP/CMS/Conf.8.24/Rev.1). The report outlines the origins and progress in implementation of the project since COP-7, and the initiation of the SSA-CMS/GEF Project, noting the establishment by CMS of a voluntary Type II partnership launched during the COP-8 Opening and Partnership Fair on Sunday. The COP is requested to, *inter alia*, confirm the need for CMS parties and the Secretariat to raise the profile of the Sahelo-Saharan antelopes; recognize the need for complementary funds to carry through the project; and consider preparing a resolution/recommendation on illegal hunting and poaching under advice from the Scientific Council. Annexed to the report is the Agadir Declaration on the Conservation and Restoration of Sahelo-Saharan Antelopes and their Habitat (1-5 May 2003).

Siberian Crane Wetlands: On Tuesday, the COW considered a report on the UNEP/GEF Project to consider a network of flyway wetlands using the Siberian crane as a flagship species (UNEP/CMS/Conf.8.23). Sadeh Sadeghi Zadegan, International Crane Foundation, presented the project, which aims at conserving a network of critical sites, building management capacity, and harmonizing regional and national legislation. The report outlines the project’s aims and activities and the current status of regional implementation and activities in the four participating countries: China, Iran, Kazakhstan and the Russian Federation.

CONCERTED ACTIONS: On Wednesday, the COW considered a draft resolution on concerted actions for Appendix I species (UNEP/CMS/Res.8.29), and on Thursday endorsed a revised draft resolution. The plenary adopted the resolution on Thursday.

Delegates approved new concerted actions on the: Bactrian camel; Wild yak; Bukhara deer, Balearic shearwater; and Red knot; and broadened the scope of existing actions on the Mountain gorilla to include all gorilla sub-species. Discussions in the COW focused on the Bukhara deer, noting endorsement of the concerted action was subject to the COP’s approval of recommendation UNEP/CMS/Rec.8.23 on Central Eurasian aridland mammals. Participants also debated whether the concerted action on the Mountain gorilla would be extended to all other Gorilla sub-species following its listing in the Convention’s Appendices.

Final Resolution: In the final resolution on concerted actions for Appendix I species (UNEP/CMS/Res.8.29/Rev.1), the preamble notes the 13th Scientific Council’s recommendation that the Bactrian camel, the Wild yak, the Bukhara deer, the Balearic shearwater, the Red knot and the Gorilla be the subject of concerted actions. The operative text: resolves the concerted actions and preparation of review reports be carried out for



the species named in the annexed list during 2006-2008 for review by COP-9; and endorses the 13th Scientific Council recommendation that activities for the species listed in the annex be continued/commenced, as appropriate, for three more years.

CROSSCUTTING ISSUES: Climate change: After informal consultations, on Wednesday the UK presented a resolution on climate change and migratory species (UNEP/CMS/Res.8.13/Rev.1) to the COW. On Friday, a revised draft resolution, with minor amendments, was endorsed by the COW.

Discussion on climate change and migratory species focused on Australia's suggestion to insert text on consultation with the UN Framework Convention on Climate Change (UNFCCC), with delegates finally agreeing to include it in the preamble, rather than in the operative part of the resolution.

Final Resolution: In the final resolution (UNEP/CMS/Res.8.13/Rev.2), the preamble highlights the need to work collaboratively with UNFCCC. In the resolution, the COP:

- requests the Scientific Council to afford climate change high priority in its future programme of activities;
- instructs the Secretariat to work with the Scientific Council and secretariats of the CMS daughter agreements and their scientific advisory bodies in producing guidance to help CMS parties introduce adaptation measures to assist in counteracting the effects of climate change on migratory species; and
- calls on parties and non-party range states to implement, as appropriate, adaptation measures that would help reduce the foreseeable adverse effects of climate change on Appendix I species; and
- encourages the initiation of collaborative international research projects into the effects of climate change on migratory species.

By-catch: After informal consultations, on Wednesday Australia introduced to the COW a draft resolution on by-catch (UNEP/CMS/Res.8.14/Rev.1). On Friday, a revised draft resolution was endorsed by the COW, with minor amendments.

Discussion on by-catch encompassed Australia's proposal on appointing a By-catch Scientific Councillor, supported by many delegates. South Africa proposed that CMS parties require, rather than prioritize, funds for the implementation of by-catch solutions. Several delegates stressed that by-catch is a major threat to migratory species and discussed the possible relation of CMS work on by-catch with that of other international and regional organizations. Monaco emphasized promoting coordination among multilateral environmental agreements (MEAs), regional fisheries management organizations (RFMOs) and other international bodies. Argentina cautioned against preconditioning other fora with different mandates.

Final Resolution: In the final resolution (UNEP/CMS/Res.8.14/Rev.2), the preamble stresses that by-catch remains a key factor threatening Appendix I and II species and that significant additional efforts are required to ensure reduction and control of by-catch to levels that are not threatening these species conservation status. The COP, *inter alia*:

- invites parties to: endorse the Food and Agriculture Organization (FAO) proposed Technical Guidelines on the Interaction Between Sea Turtles with Fisheries at the 27th Committee on Fisheries; and implement, as appropriate, the by-catch elements of the draft guidelines as a priority;

- calls on CMS parties to: implement the FAO's International Plan of Actions (IPOA) for reducing the impacts of longline fishing on seabirds and sharks and develop and implement national plans of action as required by those IPOAs; and agree to the appointment of a Scientific Councillor with expertise in by-catch to coordinate all the work of the Scientific Council on by-catch;
- calls on parties that are also members of relevant RFMOs to work within those organizations to reduce by-catch; and
- calls on the Secretariat to source funds for a study to assist developing countries to determine relative levels of by-catch in their commercial and artisanal fisheries, when required.

Impacts on cetaceans: Following several informal consultations, on Thursday Germany presented a resolution on adverse human-induced impacts on cetaceans (UNEP/CMS/Res.8.22/Rev.2) to the COW. During discussion on impacts on cetaceans, Germany indicated agreement to refer to the UNEP Regional Seas Programme rather than to the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution. Germany also informed participants that New Zealand requested to be included in the list of sponsoring countries of the resolution. Norway highlighted the deletion of an annex containing a list of measures against adverse human-induced impacts on cetaceans. Germany proposed transmitting the annex as a non-paper to the Scientific Council, but Australia noted that delegates had not agreed upon such a transmission. Argentina called for keeping a reference to the International Whaling Commission (IWC), in light of the IWC specialized mandate on the conservation and management of whale populations. Monaco stressed the limited objectives of the IWC mandate concerning the conservation of whales, and its limited membership. Australia supported a balanced approach to the competencies of the IWC and CMS, and delegates agreed.

Final Resolution: In the final resolution (UNEP/CMS/Res.8.22/Rev.3), the COP, *inter alia*:

- urges parties and non-parties to promote the integration of cetacean conservation into all relevant sectors by coordinating their national positions among various conventions, and to cooperate, as appropriate, with relevant international organizations;
- requests the CMS Secretariat and Scientific Council to: cooperate with the IWC and liaise with other international bodies to determine their work programmes on impacts on cetaceans and ensure full exchange of information on the matter; review the extent to which CMS and its daughter agreements are addressing entanglement and by-catch, climate change, ship strikes, pollution, habitat and feeding ground degradation, and marine noise; and liaise with other international bodies to determine work programmes on these issues, ensure full exchange of information and collaboration, and avoid duplication of efforts on gaps between these bodies; and
- invite parties to strive to ensure wherever possible that their relevant activities avoid harm to cetaceans.

Avian influenza: On Wednesday, Switzerland tabled a draft resolution in the COW, endorsed by the Scientific Council and co-sponsored by France, on migratory species and highly pathogenic avian influenza (UNEP/CMS/Res.8.27) as an emerging issue. COW Chair Payet convened a working group,



co-chaired by Reinhard Schmidrig (Switzerland) and Ward Hagemeyer (Wetlands International) that met on Wednesday and Thursday. On Friday, a revised draft resolution was endorsed by the COW and adopted by the plenary.

During discussion on avian influenza, working group participants decided to ask the Scientific Council to examine the role of migratory species in transmitting diseases in general, and to seek cooperation with the CBD to consider using the Clearing-House Mechanism to facilitate risk assessment and reduction. Delegates also agreed to remove from the revised draft resolution reference to specific examples of large-scale monitoring and surveillance programmes, and add reference in the resolution to an annex listing key research needs, including mapping migratory routes and clarifying the virus' behavior and survival. Switzerland and Australia suggested, and delegates agreed, to delete reference in the preamble to human infection of avian influenza caused "possibly by consumption of" infected poultry.

Final Resolution: In the final resolution (UNEP/CMS/Res.8.27/Rev.1), the preamble stresses that ill-informed responses may have unfortunate and possibly disastrous long-term consequences for conservation, especially for globally threatened species. The COP, *inter alia*:

- calls for fully integrated approaches, at national and international levels, to address avian influenza and other animal-borne diseases by bringing ornithological, wildlife, and wetland management expertise together with medical and health expertise;
- calls upon parties, non-parties, and national and international organizations, in cooperation with other competent authorities, to support and build capacity for research related to disease processes in migratory birds;
- emphasizes that destruction or substantial modification of wetlands and other habitats with the objective of reducing contact between domesticated and wild birds does not amount to wise use, and may exacerbate the problem by causing further dispersion of infected birds;
- calls on parties and urges non-parties to strictly apply internationally agreed quarantine and health standards for the cross-border transport of bird products and captive birds of all kinds;
- suggests that African parties and non-parties coordinate their responses, particularly through the New Partnership for Africa's Development;
- urges parties to support the establishment of an internationally or regionally coordinated well-structured long-term monitoring and surveillance programme for migratory birds; and to fill specific gaps in knowledge through provision of support to establish programmes to study migratory patterns of target species at flyway level; and
- requests the Executive Secretary to ensure CMS continued leadership in the Scientific Task Force on Avian Influenza.

MEASURES TO IMPROVE CONSERVATION OF APPENDIX II SPECIES

RELATIONSHIP WITH ARTICLE IV AGREEMENTS:

On Tuesday, the Secretariat presented to the plenary an update on agreements currently in force (UNEP/CMS/Conf.8.25/Rev.1), outlining the role of CMS as an umbrella convention. He underscored the need for CMS to improve the integration of

work of the agreements with the work of the COP, noting that the document includes principles for considering the extension of existing agreements. The EU indicated that the agreements are separate legal entities under international law, and that these instruments have their own ability to take decisions on broadening their mandate or geographical scope. ACCOBAMS noted that when a party is covered by two agreements, the CMS Secretariat should act as an intermediary. On Friday, CMS Deputy Executive Secretary Douglas Hykle outlined in plenary the conference room paper (CRP) prepared by the EU and ACCOBAMS (UNEP/CMS/CONF.8/CRP.1) on key principles to be followed in the process for considering extension of existing agreements. COP-8 agreed to take note of the CRP.

The key principles (UNEP/CMS/Conf.8/CRP.1) for considering the extension of agreements state that:

- initiatives for new agreements should rest with CMS parties in the region, promoted by the CMS Secretariat;
- parties to existing agreements with independent decision-making processes need to decide on accepting a geographical expansion, working together with the CMS Secretariat and other concerned conventions wherever possible;
- range states, regardless of whether they are parties to CMS or other agreements, should be consulted at an early stage and involved in discussions;
- any decision to adopt or extend an agreement should be taken at a properly constituted intergovernmental meeting; and
- parties should seek to involve the CMS COP and the Secretariat in discussions on new agreements, although these are not legally required to approve these extensions.

NEW AND FUTURE AGREEMENTS: Signing of MOUs:

On Tuesday, the MOU on a strategy for the conservation of West African elephants was signed by CMS, IUCN and 12 range states (Benin, Burkina Faso, Côte d'Ivoire, the Gambia, Guinea, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Sierra Leone and Togo). On Wednesday, the MOU on the Saiga antelope was signed by Turkmenistan and CMS Executive Secretary Hepworth, with the Secretariat explaining that Uzbekistan will sign the MOU at a later stage. Mongolia, the International Council for Game and Wildlife Conservation, IUCN and WWF International also signed the MOU. On Thursday, Liberia signed the African Marine Turtles MOU, Eritrea the IOSEA Marine Turtles MOU, and Belgium the Aquatic Warbler MOU.

Asian Houbara bustard agreement: On Wednesday, CMS Executive Secretary Hepworth introduced the special session on the Asian Houbara bustard agreement (UNEP/CMS/HB/1 to 7 and Inf.1 to 5), with the purpose of finalizing the agreement's text, to be formalized during a subsequent meeting in the region. The plenary elected Hany Tatwany (Saudi Arabia) as Chair of the special session. On Algeria's question about the exclusion of the North African population of the Houbara bustard, Chair Tatwany clarified that this population is not migratory according to CMS criteria. India stressed the need for sound scientific information on long-term population trends.

On the proposed agreement text (CMS/HB/4), Iran noted its intention to submit amendments to its provisions on the agreement's scope, general conservation measures and the technical committee. Chair Tatwany, the Secretariat and the International Association for Falconry and Conservation of



Birds of Prey urged parties not to delay signature. The United Arab Emirates and Syria expressed their willingness to sign the agreement with minor amendments to be incorporated post-signature. On the draft action plan (UNEP/CMS/HB/5), India and Libya noted their intention to submit amendments. Yemen indicated its intention to sign the agreement after ratifying CMS, but the Secretariat explained that CMS membership is not necessary for signing an agreement. Morocco urged delegates to reach a similar agreement on the African Houbara bustard. On Friday, the COW noted that a final meeting to conclude negotiations of the Houbara bustard agreement and open it for signature will be held no later than mid-2006, and mention of this was included in the consolidated resolution on development of future agreements (UNEP/CMS/Res.8.5/Rev.1).

Implementation of existing agreements and development of future agreements: On Wednesday, the Secretariat tabled, and the COW discussed, the draft consolidated resolution on the implementation of existing, and development of future, agreements (UNEP/CMS/Res.8.5).

During discussions, the Secretariat noted the resolution: integrates proposals on developing agreements on Andean flamingos (UNEP/CMS/Rec.8.25), dugongs (UNEP/CMS/Rec.8.15), and Pacific cetaceans (UNEP/CMS/Rec.8.19); requests identification of lead countries on, among others, the anticipated recommendation on marine turtles (UNEP/CMS/Rec.8.17); and a resolution and a recommendation on small cetaceans and sirenians in West Africa (UNEP/CMS/Res.7.7 and Rec.7.3); and notes that the proposed MOU on the Monk seal and the action plan on the Mongolian gazelle will be outside of the CMS framework. On the Central Asian Flyway (CAF), Pakistan proposed language on ensuring the uninterrupted flow of water to low altitude states to guarantee habitat conducive for migratory species. On sturgeons, CITES proposed text urging CITES parties to fully implement CITES resolution Conf.12.7 on sturgeons. On cetaceans, Australia, having conferred with Samoa and New Zealand, called for a commitment, rather than an intention, of the Secretariat to work closely with range states and the Pacific Regional Environment Programme (SPREP) to revise the SPREP Whale and Dolphin Action Plan (2003-2007). On the Gorilla, delegates agreed on the possible expansion of the Mountain gorilla concerted action to all gorilla sub-species.

Final Resolution: In the final resolution on the implementation of existing agreements and development of future agreements (UNEP/CMS/Res.8.5/Rev.1), the COP, *inter alia*, calls on range states to sign, ratify or accede, and contribute to the implementation of CMS agreements; invites agreements to develop their own strategic or implementation plans linked to the 2006-2011 CMS Strategic Plan; and encourages the Secretariat to continue exploring partnerships with interested organizations for the provision of developmental support coordination services for selected MOUs. The resolution deals with Andean flamingos, African-Eurasian raptors, sturgeons, migratory sharks, marine turtles, small cetaceans and sirenians in West Africa, small cetaceans in South-East Asia, dugongs, Pacific Islands cetaceans, the Monk seal, Sahelo-Saharan antelopes, the Mongolian gazelle, bats, and the Gorilla. The COP, *inter alia*:

- on Southern South America Grassland birds, supports the range states in developing an MOU;

- on the Houbara bustard, welcomes the positive outcomes of the first meeting to conclude the agreement on the conservation of the Asian Houbara bustard;
- on the CAF, welcomes the finalization of the CAF action plan to conserve migratory waterbirds and their habitats, and recognizes the need to establish an appropriate legal and institutional framework to support the action plan's implementation;
- on sturgeons, invites the lead country Germany, with the Scientific Council and range states, to identify further actions for CMS regarding an appropriate instrument;
- on migratory sharks, endorses the development under CMS auspices of a global instrument pursuant to UNEP/CMS/Rec.8.16 on migratory sharks and urges cooperative action through a species-specific action plan;
- on dugongs, encourages parties to develop and conclude an MOU; and
- on the Gorilla, endorses the outcomes of the First Intergovernmental Meeting on Great Apes and the First Council Meeting of the Great Apes Survival Project (GRASP) and notes progress towards developing an appropriate instrument under CMS auspices with the GRASP Partnership on gorilla survival and conservation.

COOPERATIVE ACTIONS: On Wednesday, the Secretariat introduced to the COW a draft recommendation on cooperative actions for Appendix II species (UNEP/CMS/Rec.8.28). The plenary adopted the recommendation on Thursday.

During discussion on cooperative actions, the Secretariat noted that proposed Appendix II listings should concern species for which conclusion of an agreement is not anticipated during the forthcoming triennium, but that require attention in that period. Accordingly, he noted the Scientific Council's suggestion to delete from the list of species designated for cooperative actions in 2006-2008: all albatrosses and petrels, covered by ACAP; the African penguin, covered by AEWPA; and the Whale shark, dugongs and South American grassland birds, expected to be the subject of a future agreement. He noted the Scientific Council's proposal on African bats, among others, for cooperative actions. BirdLife International underlined that Northern Pacific albatrosses are not covered by ACAP. Delegates agreed to no longer list the Whale shark among species designated for cooperative actions during 2006-2008. The Secretariat explained, following enquiries from the Philippines and Kenya, that the development of an agreement on the Whale shark is ongoing.

Final Recommendation: In the final recommendation (UNEP/CMS/Rec.8.28/Rev.1), the COP, *inter alia*:

- recommends that parties undertake cooperative action to improve the conservation status of Appendix II species;
- instructs the Scientific Council to prepare for each COP a list of Appendix II species for which conclusion of an agreement is not anticipated during the forthcoming triennium, but that require attention within the triennium; and
- directs the Secretariat to assist the Scientific Council in establishing the review process mentioned above.



SPECIES-SPECIFIC MEASURES: Raptors: On Tuesday in the COW, the EU summarized the findings of a UK-funded report on raptors (UNEP/CMS/Inf.8.18), and introduced a draft recommendation on improving their conservation status in the African-Eurasian region (UNEP/CMS/Rec.8.12/Rev.1).

During discussion on raptors, the EU offered to convene an intergovernmental meeting to further develop action for their conservation. Several countries supported the recommendation, with Bangladesh, the Philippines and India expressing interest in participating in the proposed activities.

Final Recommendation: In the final recommendation (UNEP/CMS/Rec.8.12/Rev.1), the COP, *inter alia*, calls on parties and non-party range states and other stakeholders to engage in cooperative activities to promote the sustainable management of migratory raptors and owls, consider whether to develop a CMS instrument to this effect; and encourages existing MEAs in the region to liaise and find initiatives to work cooperatively.

Migratory sharks: On Tuesday in the COW, Australia tabled a recommendation, proposed also by New Zealand and Seychelles, on migratory sharks (UNEP/CMS/Rec.8.16). On Thursday, the COW endorsed a revised recommendation with minor amendments.

During discussion on migratory sharks, Australia stressed the limited impact of current regional mechanisms. Norway questioned the inclusion of “management” of migratory species. Argentina suggested a global “mechanism” rather than an “agreement.” Delegates decided against a suggestion by the Philippines to include reference to existing recommendations, notably the one on the Whale shark, as this species is already addressed in the consolidated resolution on future agreements.

Final Recommendation: In the final recommendation (UNEP/CMS/Rec.8.16/Rev.2), the COP, *inter alia*: requests all parties to strengthen measures to protect migratory shark species against threatening processes; calls upon range states of CMS-listed migratory sharks to develop a global migratory sharks conservation instrument in accordance with CMS; and requests the Secretariat to explore avenues for cooperation with FAO and CITES and relevant range states leading to enhanced protection, conservation and management of sharks.

Marine turtles: On Tuesday, Australia, supported by Samoa, Senegal, the Philippines, Sierra Leone and others, introduced to the COW a recommendation on marine turtles (UNEP/CMS/Rec.8.17). On Friday, the COW endorsed the draft recommendation.

Final Recommendation: In the final recommendation (UNEP/CMS/Rec.8.17), the COP, *inter alia*, encourages: CMS parties and range states within the geographic scope of the IOSEA Marine Turtles MOU or the African Turtle MOU to become signatories of the respective MOUs, and to actively implement their respective Conservation and Management Plans; and parties and range states in the Pacific region to cooperate to develop and conclude an MOU and associated conservation plan for the marine turtles in that region.

Grassland birds: On Thursday, the Secretariat introduced a draft recommendation on the conservation of grassland birds and their habitats in southern South America (UNEP/CMS/Rec.8.26). On Friday, the COW endorsed the recommendation with minor amendments. During the discussion, the Secretariat proposed an

amendment to reflect the interest shown by Argentina, Paraguay, Uruguay, Bolivia and Brazil, and text encouraging range states, CMS parties and non-parties to initiate an MOU.

Final Recommendation: In the final recommendation (UNEP/CMS/Rec.8.26/Rev.1), the COP, *inter alia*, encourages range states to develop an MOU for the conservation of grassland birds, and calls on the Secretariat to support this initiative, as appropriate.

Central Eurasian aridland mammals: On Wednesday, the COW endorsed a draft recommendation (UNEP/CMS/Rec.8.23) on Central Eurasian aridland mammals. The plenary adopted the draft recommendation on Thursday.

Final Recommendation: In the final recommendation (UNEP/CMS/Rec.8.23), COP, *inter alia*:

- requests the Scientific Council, in cooperation with the Secretariat, Mongolia and other interested parties to initiate a “Central Eurasian Aridland Concerted Action” that will cover in due course all threatened migratory large mammals of the temperate and cold deserts, semi-deserts, steppes and associated mountains of Central Asia, the Northern Indian sub-continent, Western Asia, the Caucasus and Eastern Europe; and
- encourages range states and other interested parties to prepare, in cooperation with the Scientific Council and the Secretariat, the necessary proposals to include in Appendix I or II species that would benefit from the Central Eurasian Aridland Concerted Action.

AMENDMENTS TO CMS APPENDICES

AMENDMENTS TO APPENDIX I: On Wednesday, COW Chair Payet presented proposals for amendment of Appendix I (UNEP/CMS/Conf.8.16, Add.1, and Annex), and the COW recommended listing 11 of the 12 proposed species, subject to possible reservations on the listing of the Basking shark. On Thursday, the COP adopted the proposed amendments to Appendix I, with reservations on the Basking shark by Denmark, on behalf of the Faroe Islands, the EU, Portugal and Norway. New Zealand expressed concern about the listing.

The following species were approved for inclusion in Appendix I: Gorilla, Short-beaked Common dolphin, Bukhara deer, Henderson petrel, Balearic shearwater, Madagascar Squacco heron, Red knot, Basra Reed warbler, Spotted Ground thrush, Basking shark, and Atlantic sturgeon. The COW recommended not listing the Maccoa duck, under the Scientific Council’s advice that its status was on the borderline between vulnerable and endangered and additional scientific information is needed (UNEP/CMS/INF.8.5).

Basking shark: Debates in COW and COP focused on listing the Basking shark on both Appendices I and II. A number of delegates strongly supported the listing. Germany and Monaco urged following the precautionary principle and approving the listing in Appendices I and II. Norway, however, had reservations about the listing, suggesting this was a misuse of the principle and would set an unfavorable precedent. Scientific Council Chair Galbraith clarified that the Council will discuss the relevance of the precautionary principle at a future meeting. The EU, supported by Australia, the Whale and Dolphin Conservation Society (WDCS) and IUCN, justified the listing on the basis of the endangered status of the Northern hemisphere population



according to the IUCN Red List criteria. Although supporting listing, Denmark made a formal territorial reservation on its application to the Faroe Islands, and stressed the mandate of RFMOs. New Zealand supported listing, but called for improved listing criteria and, with Senegal, for enhanced scientific knowledge. The EU, on behalf of the European Community (EC), said it had to make a reservation until EC legislation was in place to ensure compliance with the Convention timeline.

AMENDMENTS TO APPENDIX II: On Wednesday, COW Chair Payet presented proposals for amendment of CMS Appendix II (UNEP/CMS/Conf.8.16, Add.1, and Annex). The COW recommended listing 15 of the 16 proposed species, postponing consideration of the listing of the Rock pratincole following Norway's doubts as to whether it fulfills CMS listing criteria. On Thursday, the plenary considered the COW's recommendation and a suggestion by Scientific Council Chair Galbraith to list the Gorilla under Appendix II. In the closing plenary, COP-8 agreed to list all 16 proposed species, including the Rock pratincole, and refer the last-minute proposal from the Democratic Republic of Congo to list the Gorilla under Appendix II (Proposal I/1/Rev.1) to the Scientific Council for consideration before COP-9.

COP-8 agreed to list the following species under CMS Appendix II: African populations of Schreiber's Bent-winged bat, Large-eared Free-tailed bat, Straw-colored Fruit bat; entire Mediterranean populations of Short-beaked Common dolphin and Striped dolphin; Bukhara deer; Rock pratincole; African skimmer; Strange-tailed tyrant; Cock-tailed tyrant; Chestnut seedeater; Rufous-rumped seedeater; Marsh seedeater; White-collared seedeater; Saffron-cowled blackbird; and Basking shark.

Gorilla: On Thursday afternoon, following the COP-8 agreement to list the Gorilla under CMS Appendix I, Scientific Council Chair Galbraith suggested also listing the Gorilla under Appendix II and, with Chair van Klaveren, explained this was based in a desire to enhance progress on a regional agreement, being developed by GRASP, but also highlighted the need for scientific analysis. Norway, however, questioned proposing a new listing from a procedural perspective. The Secretariat said a precedent may exist for agreeing on a last-minute species listing following plenary discussions, but also said that a lack of Appendix II listing should not hinder the development of a regional agreement. The COP postponed discussions until Friday. During the closing plenary, Scientific Council Chair Galbraith introduced the new Democratic Republic of Congo proposal for listing the Gorilla under Appendix II, stressing the high priority given to the conservation of the Gorilla in its listing under Appendix I. He praised GRASP and recognized the need for CMS to play an integral part in the conservation of the species. Noting the Secretariat's advice that there is a procedural precedent for last-minute listing, he nonetheless advised "following the normal route" of formal presentation to the Scientific Council before submitting proposals to COP-9. He reiterated this need not delay action on the species, and emphasized this route will maintain the "considered and objective" review work of the Scientific Council and that this should be viewed as a purely procedural matter. Chair Van Klaveren proposed the hypothesis for Appendix II listing be forwarded to COP-9. Norway fully

supported Galbraith's advice, but stressed the importance of parties being given the time to consult with their capitals. In response, Chair Van Klaveren confirmed the validity of the precedent advised by the Secretariat.

CMS STRATEGIC PLAN

The Secretariat presented the outcome of the 2000-2005 Strategic Plan (UNEP/CMS/Conf.8.7) to Tuesday's plenary. Olivier Biber (Switzerland), Chair of the intersessional working group on the strategic plan, introduced the resolution on the proposed 2006-2011 strategic plan (UNEP/CMS/Res.8.2/Rev.1). Chair Van Klaveren established a working group chaired by Biber, which met on Tuesday and was followed by informal consultations. Strategic Plan Working Group Chair Biber reported to plenary on Wednesday, and a revised resolution was adopted by the closing plenary.

The working group discussed possible prioritization of the plan's targets according to criteria such as urgency and cost-effectiveness, but ultimately decided against it, noting that the strategic plan is not a work plan but an aspirational document outlining the future direction of the Convention. Delegates agreed that the plan's goal on ensuring the favorable conservation status of migratory species should contribute to "global sustainability" rather than to "sustainable livelihoods." Participants also decided to include text on duplication of MEA activities, and discussion focused on a reference to coordination with the UN Convention on the Law of the Sea (UNCLOS).

Final Resolution: The final resolution (UNEP/CMS/Res.8.2/Rev.2) includes the 2006-2011 Strategic Plan in an annex. The preamble of the resolution, *inter alia*, reaffirms parties' commitment to the 2010 target and recognizes that the annexed Strategic Plan represents the Convention's planned contribution to achieving the target by seeking to ensure that the benefits of migratory species to ecosystems and human well-being will continue for present and future generations. The COP:

- adopts the text of the annexed Strategic Plan;
- requests the Secretariat to integrate the Strategic Plan's objectives, targets, milestones and indicators within the CMS budgetary and other resource management mechanisms;
- urges parties, states, intergovernmental organizations and other organizations to review their activities, especially their national biodiversity strategies and action plans (NBSAPs), where appropriate, in light of the Strategic Plan;
- requests review of the Strategic Plan at COPs-9 and 10; and
- invites the agreements under CMS to transmit the Strategic Plan to their next meetings of parties and to reflect relevant targets in their planning and budgetary documents.

The Strategic Plan contains sections on: the importance of migratory species, increasing threats, and special conservation needs; the role of CMS in migratory species conservation; the detailed Strategic Plan; implementation; and a logical framework table. The section on the role of CMS focuses on: international cooperation; contribution to sustainable development; achievements; relationships with other conventions; partnerships with other organizations; and key challenges to CMS. The sub-section on relationships with other conventions contains, *inter alia*, a paragraph stating that CMS should, where appropriate, cooperate with UNCLOS in respect to highly migratory marine species.



The Strategic Plan states the CMS vision of a world that understands, respects and sustains the phenomenon of animal migration as a unique part of our shared natural heritage. The Plan's goal is to ensure the favorable conservation status of migratory species, thereby contributing to global sustainability.

The Plan's objectives are to:

- ensure that the conservation and management of migratory species is based on the best available information and migratory species benefit from the best possible conservation measures;
- broaden awareness and enhance engagement in the conservation of migratory species among key actors; and
- reinforce CMS's overarching and unifying role in the conservation and management of migratory species.

The Plan's operational principles are to, *inter alia*: cooperate closely with relevant MEAs and key partners; foster awareness of the concept of sustainable use, and of livelihoods being dependent on migratory species; and increase the opportunities of developing countries and countries with economies in transition to contribute to the implementation of the Strategic Plan. The section on implementation focuses on: implementation plans; the role of contracting parties, agreements and MOUs; and monitoring and evaluation. The final section of the Strategic Plan contains a Logical Framework Table, which outlines the goal, objectives and operational principles for the next triennium.

CMS INFORMATION MANAGEMENT PLAN

REVIEW OF GROMS: On Tuesday, the Secretariat presented a review of the Global Register on Migratory Species (GROMS) (UNEP/CMS/Conf.8.12), highlighting its role in providing the best available scientific information, and stressing the need for GROMS to be user-friendly and integrated within the Information Management Plan. The COW endorsed the relevant resolution without discussion (UNEP/CMS/Res.8.9/Rev.1).

Final Resolution: In the final resolution (UNEP/CMS/Res.8.9/Rev.2), the COP, *inter alia*, decides to improve the quality and user-friendliness of GROMS, and to integrate it with the Information Management System (IMS) to form a core of CMS scientific and conservation information system.

INFORMATION MANAGEMENT SYSTEM: On Tuesday in the COW, the Secretariat outlined a proposal on implementation of the CMS Information Management System (UNEP/CMS/Res.8.10/Rev.1), and on Thursday the COW endorsed a revised resolution.

In discussing IMS, Haiti suggested using national observatories. Bangladesh called for integrating updated species information. The Secretariat suggested providing a link with the UNEP Global Environmental Outlook (GEO) Data Portal. The EU proposed language on: information sharing between the Secretariat, agreements and parties; establishing an information system on a group of high-profile species as a test case; and continuing dialogue with information managers for biodiversity-related conventions.

Final Resolution: In the final resolution (UNEP/CMS/Res.8.10/Rev.2), COP-8 invites the Secretariat to, *inter alia*:

- expand IMS to incorporate information from the Strategic Plan and from agreement secretariats and other organizations;

- strengthen linkages with ongoing global assessments and explore synergies between GROMS and UNEP GEO Data Portal;
- develop a CMS and agreements project database to monitor CMS contributions to ongoing work on migratory species; and
- continue the dialogue with information managers of other biodiversity-related conventions on streamlining information management and reporting.

FORMAT OF PARTY REPORTS: On Tuesday in the COW, Gerardo Fragoso, UNEP-World Conservation Monitoring Centre, presented the synthesis of party reports (UNEP/CMS/Conf.8.5, Add.1), and the Secretariat presented on the format of party reports (UNEP/CMS/Conf.8.14). A resolution on national reports for COP-9 and COP-10 was endorsed by the COW, on Thursday.

On national reports, New Zealand suggested including the IWC among the organizations working on by-catch. Chile suggested including information on species status in party reports. Nigeria called for intersessional regional meetings to finalize reports, with Mali highlighting the possibility of sharing information on species status within regions at such meetings. The Secretariat suggested the Scientific Council and Standing Committee's meetings assist communication with and among parties.

Final Resolution: In the final resolution (UNEP/CMS/Res.8.24), the COP:

- urges parties to submit their 2003-2005 reports by 31 December 2005 and the 2006-2008 reports at least six months prior to COP-9;
- instructs the Secretariat to perform an analysis of 2003-2005 reports and make results available to parties, the Standing Committee and the Scientific Council by March 2006; and
- requests the Secretariat to adapt the national report format for reports to COP-9 to ensure parties online reporting on outcomes of the 2006-2011 Strategic Plan implementation.

OUTREACH AND COMMUNICATION

CMS OUTREACH AND COMMUNICATION PLAN: On Wednesday, the Secretariat presented a draft resolution on the CMS outreach and communication plan (UNEP/CMS/Res.8.8). The EU and WDCA expressed their support of the plan, while Australia expressed concern about budgetary implications. The draft resolution was adopted on Thursday by the plenary.

Final Resolution: The final resolution (UNEP/CMS/Res.8.8) contains the CMS Outreach and Communications Plan 2006-2008 in an annex. The COP: endorses the Plan; urges the Secretariat to undertake the activities listed in it; and urges parties and relevant partners to assist the Secretariat in the implementation of the Plan, by undertaking the activities listed and providing the financial contribution needed to initiate new activities in the table, in particular outreach workshops for non-parties and targeted information material.

The Outreach and Communications Plan 2006-2008 contains sections on: the need for outreach and communications activities; strengths and weaknesses of CMS outreach and communications; linkages to objective three of the Strategic Plan (broadening awareness and enhancing engagement in the conservation of migratory species among key actors) and other related targets; resources; and a table of activities for the Secretariat, parties and partners.



The sub-section on linkages to objective three of the Strategic Plan lists specific targets relating to parties, non-parties, partners, media, opinion leaders, and information material.

COOPERATION WITH OTHER ORGANIZATIONS:

Cooperation with other conventions: On Wednesday, the Secretariat introduced a resolution on cooperation among the biodiversity-related conventions (UNEP/CMS/Conf.8.15 and Res.8.11). The resolution was adopted on Thursday.

Final Resolution: In the final resolution (UNEP/CMS/Res.8.11), the COP recalls target 4.3 of the CMS Strategic Plan 2006-2011, which calls for cooperative activities in pursuit of shared targets with relevant MEAs, and, *inter alia*:

- invites parties to facilitate cooperation among international organizations, and to promote the integration of migratory species into all relevant sectors;
- encourages the Executive Secretary to continue to take an active part and role in the activities of the Biodiversity Liaison Group (BLG);
- invites the Executive Secretary, in collaboration with the BLG and UNEP, to advance the harmonization of reporting both within the CMS family of agreements and between relevant conventions; and
- invites the Executive Secretary to assist with the establishment of the Global Partnership for Biodiversity, of which the CMS will be a core member, to promote the Convention's objectives and contribute to achievement of the 2010 target.

NBSAPs and CBD work programmes: On Wednesday, the Secretariat introduced a resolution on synergies between the CBD and CMS (UNEP/CMS/Res.8.18), noting that it provides guidance on including migratory species considerations in NBSAPs, and CBD work programmes. The draft resolution was adopted on Thursday by the plenary.

Final Resolution: The final resolution on the integration of migratory species into NBSAPs and into ongoing and future CBD work programmes (UNEP/CMS/Res.8.18/Rev.1) contains Annex I with guidance for integrating migratory species into NBSAPs and other national-level activities to implement ongoing and future CBD work programmes. Annex II contains the CBD-CMS Joint Work Programme 2006-2008, and Annex III is an indicative list of categories of information on migratory species to be considered in the development of an NBSAP.

The resolution recognizes that implementation of the Strategic Plans of the CBD and CMS and achieving the 2010 target will require greater cooperation between the two conventions, and:

- invites parties to ensure that migratory species are integrated into NBSAPs and ongoing and future CBD work programmes;
- invites parties to make use of the information in Annexes I and III to the resolution;
- requests full cooperation between CMS and CBD national focal points, as well as the CMS and CBD Secretariats; and
- endorses the revised CBD-CMS Joint Work Programme (2006-2008) contained in Annex II to the resolution.

BUDGET AND ADMINISTRATION

SECRETARIAT MANPOWER AND ORGANIZATION:

On Thursday in plenary, CMS Deputy Executive Secretary Hykle introduced the Secretariat's organization and staff requirements (UNEP/CMS/Conf.8.17).

During the discussion, the Secretariat urged agreement on Budget Scenario Three being discussed in the budget working group, and on appointing two additional personnel. CMS Executive Secretary Hepworth reported that Australia had expressed interest in co-funding an officer at the Marine Turtle IOSEA MOU regional office in Bangkok, Thailand, to work on CMS issues pertaining to the region, with the Secretariat being requested to provide additional funding, preferably through a budget increase. The EU expressed concern with establishing any additional posts. After budget discussions were finalized, delegates agreed not to create any new posts.

BUDGET: On Tuesday in the plenary, CMS Executive Secretary Hepworth introduced an overview of the outcome of the 2003-2005 budget (UNEP/CMS/Conf.8.18). Andy Williams (UK), Chair of the Standing Committee's financial working group, presented an introductory document on budget scenarios and options for reducing the costs of the Convention (UNEP/CMS/Conf.8.19 and Add.1). A working group on the budget was established, with Véronique Herrenschmidt (France) as Chair and Anderson Koyo (Kenya) as Vice-Chair. The working group met from Tuesday through Thursday. On Friday, the draft resolution on financial and administrative matters and terms of reference for the administration of the Trust Fund was adopted in plenary.

During discussion on the budget, Executive Secretary Hepworth noted that due to the US dollar devaluation, CMS reserves had been used to deliver programmes agreed by COP-7. He invited parties with contributions in arrears to expedite their payments. Hepworth explained that Scenario Three reflects the amount needed to maintain existing efforts and Scenario Four would allow carrying out the Strategic Plan. In the budget working group, delegates agreed to the Chair's proposal to consider a new budget proposal, taking into account Scenarios Two (no increase in the total 2003-2005 expenditure) and Three (maintenance of the 2003-2005 outputs), and add a new column reflecting saving measures pointed out in document UNEP/CMS/Conf.8.19. Delegates discussed a new budget document tabled by the Secretariat, assessing the saving options on measures to improve the financial position of the CMS Trust Fund (UNEP/CMS/Conf.8.19).

Working Group Chair Herrenschmidt tabled a revised budget reflecting discussions carried out up to that point. Delegates debated on: the budget grand total; how to allocate funds derived from the saving measures agreed upon on Wednesday; and options for distributing such savings among projects, fundraising and delegates' transport costs. Many delegates noted that more resources should be allocated to delivery of conservation projects and publications. Participants agreed on the amount to finance "outreach and fundraising" activities. Some delegates highlighted the potential savings that could be derived from negotiations between CMS and UNEP.

Herrenschmidt presented an updated version of the 2006-2008 budget, and delegates agreed to a grand total of US\$7,526,698 to be shared among parties. Delegates agreed that all contributions to the Trust Fund will be paid in Euros, on the basis of the exchange rate for the US dollar on 24 November 2005. Delegates requested the Secretariat to present the value of the total budget and the value of parties' core contributions in Euros.



Delegates also agreed to establish a new trust fund for voluntary contributions, and decided against charging non-parties any registration fee.

During the closing plenary, Argentina requested the Secretariat to note her country's reservations on the resolution regarding all contributions to the budget being paid in Euros, and delegates' decision that representatives from countries with contributions in arrears three years or more should be excluded from holding office in Convention bodies and denied the right to vote. Three countries announced voluntary contributions, namely: the UK £100,000 for the conservation of African bats, Belgium €50,000 and Monaco €10,000 to CMS conservation activities each year.

Final Resolution: In the final resolution (UNEP/CMS/Res.8.3/Rev.2), the COP, *inter alia*:

- adopts the 2006-2008 budget at the grand total of €6,618,655;
- agrees that all contributions to the Trust Fund should be paid in Euros;
- agrees to set the threshold of eligibility for funding delegates to attend the Convention's meetings at 0.2 percent on the UN scale of assessment, prioritizing the allocation of funding;
- approves the 2006-2011 medium-term plan and the programme outlined in the Strategic Plan;
- instructs the Executive Secretary to use all opportunities to improve the flow of income and the savings throughout the period 2006-2008;
- encourages all parties to make voluntary contributions to the Trust Funds to support requests from developing countries to participate in and implement the Convention throughout the triennium;
- requests the Executive Secretary to provide parties with a detailed list of core ongoing and future activities and projects not covered by the core budget to assist parties to identify those they intend to fund;
- decides that representatives from countries with contributions in arrears three years or more should be excluded from holding office in Convention bodies and denied the right to vote; and
- invites the UNEP Executive Director to consider, on a case-by-case basis, reducing the Programme Support Costs on voluntary contributions paid to the new CMS Trust Fund for Voluntary Contributions for the implementation of CMS activities.

FUNDRAISING PROJECT: On Thursday in plenary, the COP endorsed the private sector fundraising project (UNEP/CMS/Conf.8.20) and the CMS fundraising strategy (UNEP/CMS/Inf.8.17).

ELECTION OF THE STANDING COMMITTEE AND SCIENTIFIC COUNCILLORS

On Thursday, Scientific Council Chair Galbraith reported on progress in appointing councillors for the 2006-2008 Scientific Council, and, on Friday, the plenary appointed the 2006-2008 Standing Committee.

Final Resolution: In the final resolution (UNEP/CMS/Res.8.21), COP-8 decides to appoint to the 2006-2008 Scientific Council: Colin Limpus (Australia) for marine turtles; John O'Sullivan (UK) for birds; Roseline Beudels (Belgium) for marine mammals and large fish; Taej Mundkur (India) for Asiatic

fauna; and Roberto Schlatter (Chile) for neotropical fauna. COP also notes that the Standing Committee will decide appointments for three new councillor positions for Fish, By-catch and Africa.

COP-8 takes notes of the list of elected regional representatives on the 2006-2006 Standing Committee: Saudi Arabia, with Pakistan as alternate, for Asia; the UK, with Monaco as alternate, for Western Europe; Ukraine, with Hungary as alternate, for Central and Eastern Europe; Chad, with Senegal as alternate, and Tanzania, with Ghana as alternate, for Africa; Peru, with Bolivia as an alternate, for the Americas; and Australia, with New Zealand as alternate, for Oceania.

DATE AND VENUE OF THE FOURTEENTH SCIENTIFIC COUNCIL AND COP-9

On Friday, the plenary adopted a resolution on the date and venue of the next Scientific Council meeting and COP-9, noting that the next Council will meet several months before the COP, and that parties interested in hosting COP-9 should inform the Secretariat before the end of 2006.

Final Resolution: In the final resolution (UNEP/CMS/Res.8.20), the COP requests the Standing Committee to decide whether the next meeting of the Scientific Council and COP-9 should be decoupled on an experimental basis, taking into account the Secretariat's assessment on costs and personnel implications. The COP also invites parties interested in hosting COP-9 and/or proximate meeting of the Scientific Council to inform the Secretariat before 31 December 2006.

CLOSING PLENARY

On Friday afternoon, the closing plenary heard the report of the Credentials Committee, indicating that 75 parties were present, 62 submitted credentials and 58 were accepted. Credentials Committee Chair El Mastour Abdellah confirmed that parties with contributions in arrears are not eligible for voting or being elected.

As a final remark, Argentina rejected all references, in the relevant resolutions adopted, to the Falkland/Malvinas, South Georgia and South Sandwich Islands as UK territories, and the UK reiterated its position on the sovereignty of the Islands.

Recalling that the UN 2005 World Summit confirmed international support to achieving the 2010 target, UNEP Deputy Executive Director Shafqat Kakakhel congratulated COP-8 for a highly successful meeting, highlighting in particular the decisions on budget, strategic plan and climate change. He reiterated UNEP's commitment to support CMS, particularly on the participation of developing country representatives in CMS meetings and on avian influenza. Delegates adopted the meeting report (UNEP/CMS/Conf.8.L1 and Add.1), with some amendments.

The EU congratulated COP-8 for a successful meeting, referring in particular to the inclusion of 24 new species in the appendices, the resolution on climate change, and recommendations on migratory sharks and human-induced impacts on cetaceans. He remarked that COP-8 decisions will allow CMS to contribute to achieving the 2010 target, through the new Strategic Plan. CMS Executive Secretary Hepworth said he was delighted with the outcome of COP-8, noting unprecedented press coverage of the meeting. Chair Van Klaveren lauded the friendly and collaborative atmosphere of



COP-8, and indicated that the amendments to the Convention's Appendices and the resolutions adopted are signs of the parties' trust in CMS and its daughter agreements. He gavelled the meeting to a close at 5:29 pm.

A BRIEF ANALYSIS OF CMS COP-8

With the year 2010 fast approaching, COP-8 marked a crucial point in the Convention's history. Given CMS's recent history of financial struggle, the negotiations over the new strategic plan and budget were expected to determine whether CMS and its agreements can fulfill their ambition to contribute, alongside the other biodiversity-related conventions, to achieving the 2010 target of significantly reducing the biodiversity loss rate. Delegates came to Nairobi fully aware of the daunting task ahead of them, and their willingness to take on the heavy agenda and reach consensus on an increased budget indicated their commitment to success.

This brief analysis focuses on how this commitment was reflected in discussions on budgetary constraints and opportunities, sustainable use in relation to conservation, the relationship between the Convention and its daughter agreements and other organizations, and the great expectations created by COP-8.

FUELLING THE JOURNEY TOWARDS 2010

Budget deliberations often dominate the agenda of many MEA meetings, as all substantive decisions ultimately depend on resource availability for their implementation. Over the course of COP-8, the laborious and difficult work on the budget took a final positive swing. The significant increase in the final budget and its migration to the Euro generated a sense of relief, considering the far less generous financial provisions adopted at the previous COP and even in other fora, such as at the recent meetings of AEWA, the Ramsar Convention and UN Convention to Combat Desertification. Parties seemed to perceive the recent increase in CMS membership and activities as something worth investing in, granting to the Convention the opportunity to prove itself in the next triennium. Still, in the face of the many new agreements proposed at COP-8, prioritization of future activities will largely depend on voluntary funding. Although the Strategic Plan will provide guidance in this respect, some were concerned about "cherry picking" by donors. Targeting financing towards charismatic species or fashionable projects might jeopardize the prioritization of urgent, less "sexy" needs under the Strategic Plan, such as developing criteria and indicators for assessing conservation success.

Optimism spread, however, from the generous voluntary contributions pledged during the closing plenary, in particular for the development of an agreement on the African bats, a species with less public appeal than most. Another avenue for external funding is already being explored by CMS through an innovative financial mechanism, "Friends of CMS." This non-profit association aims to raise funds from the private sector in Germany to sponsor the CMS conservation activities. This sounds like a promising start, but the challenge lies in maximizing its effect.

TO USE OR NOT TO USE?

On substantive issues, many delegates were distressed by the issue of sustainable use being prominently addressed through the proposed adoption of the Addis Ababa Principles and Guidelines on Sustainable Use (AAPGs), as adopted by the Convention on Biological Diversity (CBD). With CMS being a conservation-focused convention prohibiting takings of Appendix I species, some feared that approving the AAPGs in the CMS context would encourage or justify taking, steering CMS onto an undesirable path. In relation to cetaceans, for example, CMS is currently the only relevant convention that is not use- or trade-based. Ultimately, COP-8 took a guarded step by deciding to refrain from considering using the AAPGs before full consideration by the Scientific Council of the specifics of highly migratory species in relation to sustainable use, an aspect not currently covered by the AAPGs.

However, a few delegates feared this might be a missed opportunity. Some argued that where use does take place, the AAPGs would provide a useful and realistic tool to assess sustainability. Others pointed out that the AAPGs also apply to non-consumptive use, such as scientific, aesthetic, recreational, cultural and educational use, and might thus be a useful tool in assessing whether these are carried out sustainably. If countries apply the AAPGs effectively, they can reduce the necessity of species listing and thereby contribute to achieving the 2010 target. Some delegates, however, suggested the implications of COP-8's decision might not have a noticeable impact, considering all CMS parties are also party to the CBD and have therefore subscribed to the voluntary application of the AAPGs in that forum.

FAMILY MATTERS

CMS's desire to step up its contribution to achieving the 2010 target was demonstrated by the debates on the need of the mother Convention to increase the number of its offspring agreements. However, this also brought to the surface discussions on the relationship between CMS and its daughter instruments, in particular when delegates addressed the institutional and legal framework of the proposed Central Asian Flyway (CAF). The concerned range states preferred to extend the geographical scope of the existing African-Eurasian Migratory Waterbird Agreement (AEWA), reasoning that there are 16 states common to AEWA and CAF ranges – more than half of the CAF range.

Financially and institutionally, delegates considered extension to be the logical option, however doubts arose over whether AEWA can decide on its extension without CMS COP approval. From a legal point of view, as the EU pointed out, they can, because they are separate entities under international law. Practically, however, it would be beneficial to consider the interests of the CMS family as a whole, and cooperate closely with the CMS Secretariat. During the final plenary, delegates agreed upon basic principles of "good family relationships." Nonetheless, as the number of agreements increases, the need to avoid CMS family squabbles will undoubtedly become more pressing, and will need to remain under close attention if CMS is to continue on its ambitious path.



“SMALL” IS BEAUTIFUL...

Although CMS is one of the smaller MEAs, it is proving to be ambitious, as demonstrated by its growing membership and the number of agreements concluded and under development. While some delegates expressed concern that the increasing number of agreements will dilute the Convention's efforts and finances, many expressed satisfaction with the expected development of several crucial memoranda of understanding, including on cetaceans in the South Pacific. Many approved CMS's increasing emphasis on marine species and their habitats, as evidenced by the adoption of resolutions on by-catch and on human-induced impacts on cetaceans, the listing of the Common dolphin on both Appendices, and the first-time appointment of By-catch and Fish Scientific Councillors. In this regard, several delegates expect CMS to make full use of its conservation mandate, taking a stand alongside other organizations that focus on species use, such as the International Whaling Commission and regional fisheries management organizations.

With an enhanced budget in place, CMS has now the opportunity to demonstrate its potential, especially as it engages in a remarkably wide and open range of partnerships, including with conservation NGOs and sustainable hunters' associations. Another good example of this inclusive attitude is the initiation of the Scientific Task Force on Avian Influenza. The importance of CMS continued leadership of the Task Force was indeed underlined in the avian flu resolution.

All in all, the cooperative atmosphere and the many concrete achievements at COP-8 raise high expectations for the future. Many already look forward to COP-9, with increased anticipation about the follow-up to outstanding issues such as the Gorilla Appendix II listing, the sustainable use debate, and the conclusion of a global migratory shark agreement. More than ever, whether CMS will live up to these great expectations will depend on voluntary contributions and actual achievements in implementing the ambitious agenda set at COP-8.

UPCOMING MEETINGS

CBD SBSTTA-11: The eleventh meeting of the Convention on Biological Diversity Subsidiary Body on Scientific, Technical and Technological Advice will meet from 28 November-2 December 2005, in Montreal, Canada. For more information, contact: CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@biodiv.org; internet: <http://www.biodiv.org/doc/meeting.aspx?mtg=SBSTTA-11>

GEF SIBERIAN CRANE WETLAND PROJECT STEERING COMMITTEE MEETING: This meeting will take place from 30 November-3 December 2005, in Almaty, Kazakhstan. For more information, contact: Kazakhstan National Coordination Unit; tel: +7-8300-566-0405; e-mail: Vera_Inyutina@ok.kz; internet: <http://www.scwp.info/>

FOURTH MEETING OF THE CBD WORKING GROUP ON ARTICLE 8(J) AND ABS-4: The meeting of the CBD Working Group on Article 8(j) will be held from 23-27 January 2006, and the CBD Working Group on Access and Benefit Sharing will meet from 30 January-3 February 2006, both in Granada, Spain. For more information, contact: CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@biodiv.org; internet: <http://www.biodiv.org/meetings/>

IOSEA MOP-4 AND LAUNCH OF THE YEAR OF THE TURTLE: The “Year of the Turtle – 2006” campaign will be officially launched on Wednesday, 1 March 2006. The Secretariat will be working over the coming weeks and months to promote activities to mark the event in Thailand. The fourth meeting of the signatory states to the MOU on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia will take place in Muscat, Oman, from 11-14 March 2006. For more information, contact: IOSEA Marine Turtle MOU Secretariat; tel: +662-288-1471; fax: +662-280-3829; e-mail: iosea@un.org; internet: <http://www.ioseaturtles.org/>

CBD COP-8: The eighth conference of the parties to the CBD will take place from 20-31 March 2006, in Curitiba, Brazil. For more information, contact: the CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@biodiv.org; internet: <http://www.biodiv.org>

CITES AC-22 and PC-16: The twenty-second meeting of the Animals Committee and the 16th meeting of the Plants Committee of the Convention on International Trade in Endangered Species will be held back-to-back, between July and September 2006, at a venue to be confirmed. For more information, contact: CITES Secretariat; tel: +41-22-917-8139; fax: +41-22-797-3417; e-mail: cites@unep.ch; internet: <http://www.cites.org>

ASCOBANS MOP-5: The fifth meeting of the parties to the Agreement on Small Cetaceans of the Baltic and North Seas will be held in Egmond aan Zee, the Netherlands, from 18-22 September 2006. For more information, contact: UNEP/ ASCOBANS Secretariat; tel: +49-228-815-2416; fax: +49-228-815-2440; e-mail: ascobans@ascobans.org; internet: <http://www.ascobans.org/>

EUROBATS MOP-5: This meeting will take place in September 2006. The date and venue of this meeting are to be confirmed. For more information, contact: Andreas Streit, UNEP/ EUROBATS Secretariat; tel: +49-228-815-2420/-2421; fax: +49-228-815-2445 e-mail: astreit@eurobats.org; internet: <http://www.eurobats.org/>

FOURTH WORLD CONSERVATION CONGRESS: This meeting will be held in 2008. The dates and venue for the meeting will be determined at the next IUCN Council meeting, which will take place from 20-24 May 2006. For more information, contact: Ursula Hiltbrunner, IUCN; tel: +41-22-999-0000; fax: +41-22-999-0002; e-mail: urh@iucn.org; internet: http://www.iucn.org/members/council_64/#wcc

RAMSAR COP-10: The tenth conference of the parties to the Ramsar Convention will be held in Changwon, South Korea, during 2008. For more information, contact: Ramsar Secretariat; tel +41-22-999-0170; fax: +41-22-999-0169; e-mail: ramsar@ramsar.org; internet: <http://www.ramsar.org>

CMS COP-9: The ninth conference of the parties to the Convention on Migratory Species will take place in 2008, with the date and venue to be set. For more information, contact: UNEP/CMS Secretariat; tel: +49-228-815-2401/02; fax: +49-228-815-2449; e-mail: secretariat@cms.int; internet: <http://www.cms.int/>