



Convention on the Conservation of Migratory Species of Wild Animals

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36th Meeting of the Standing Committee

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Agenda Item 9.b

REVIEW OF THE CURRENT ORGANISATION AND ACTIVITIES OF CMS AND THE CMS FAMILY FIRST STEP OF THE INTER-SESSIONAL FUTURE SHAPE PROCESS

Cover prepared by the CMS Secretariat

Review in Annex I compiled by the consultancy firm ERIC on behalf of the Inter-Sessional Working Group regarding the Future Shape of CMS

1. The Ninth Meeting of the Conference of the Parties (COP9) adopted Resolution 9.13 which set up the inter-sessional process regarding the Future Shape of CMS Family (the Convention itself and its existing binding and non-binding agreements) with the objective of strengthening its contributions to the worldwide conservation, management and sustainable use of migratory species over their entire range.
2. The addendum to the Resolution outlined the Terms of Reference for the Working Group (ISWGoFS) which would lead the process. The ISWGoFS is composed of Parties with the same geographical composition as the Standing Committee (13 countries representing all regions): Switzerland was elected chair of the Group; Australia as Vice Chair; France; the UK; Kenya; South Africa; Morocco; Cuba; Peru; Yemen and India. Saudi Arabia and Ghana, as Chair and Vice Chair of the Standing Committee are ex officio members of the ISWGoFS.
3. The mandate of the ISWGoFS, which covers the current triennium (2009-2011), consists of 3 steps, the first of which focuses on the assessment of the current organization and activities of CMS Family with a view to underline the advantages and the drawbacks of the system in place. The process will culminate with making recommendations on the potential strategic evolution of CMS Family.
4. In February, the ISWGoFS started to discuss the way forward and to identify information that should be sought to provide a proper portrait of the operation of the CMS Family.
5. Following several rounds of consultations, the ISWGoFS developed a questionnaire, which was sent to all the Secretariats of the CMS Family in June, to fill in and provide the information required by the ISWGoFS.
6. The ISWGoFS, thanks to a generous contribution from the Government of France, was able to engage a consultant to facilitate the Working Group's tasks relating to the first step of the Future Shape process. ERIC, a UK-based consultancy firm, was appointed in August and began to prepare a detailed review of the CMS and its Family based on the completed questionnaires and other documentation.

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7. The preparatory work, in particular the collection of relevant material and the recruitment of the consultant, however encountered some delays. In order to enable the ISWGoFS to complete its tasks, the 36th Standing Committee meeting which was originally planned to take place in early October was therefore postponed to 2-3 December.
8. In view of the tight deadlines, ERIC was able to achieve remarkable progress on the analysis of a large amount of information. Similarly, the Secretariats of the CMS Family were able to produce and compile numerous documents, although some difficulties were encountered to complete the detailed questionnaires and to ensure a harmonised approach in their responses to common issues across the CMS Family
9. ISWGoFS met in Bonn from 19 to 20 October, thanks to a generous contribution from Germany, to further discuss the draft review compiled by the consultancy firm.
10. The review, in accordance with the Addendum to Res.9.13 has to be submitted to the members of the Standing Committee a month before its 36th meeting. This is so that they have sufficient time to examine it before the discussion at the meeting.
11. The ISWGoFS suggests that the review be considered as a working document as this would allow to for further inputs which are awaited from the Secretariats of the CMS Family and for any possible changes requested by the Standing Committee to be incorporated.

Action requested:

The Standing Committee is requested to consider the review in Annex I and provide further guidance to the ISWGoFS on completing Step 1 and embarking on Steps 2 and 3 as set out in the Terms of Reference.

**Review of the current organisation and activities of CMS and the CMS family
First step of the Inter-Sessional Future Shape Process**

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November 2009

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1.	1. GLOSSARY	3
2.	Introduction	5
2.1	Background	5
2.2	Methodology	5
3.	Overview of the current organisation and activities of CMS and the CMS Family 6	6
3.1	Overview of current organisation and activities	6
3.2	Agreement structure	8
3.3	Institutional structure	8
	3.3.1 <i>CMS</i>	8
	3.3.1.1 <i>The Conference of the Parties</i>	8
	3.3.1.2 <i>The Secretariat</i>	9
	3.3.1.3 <i>The Scientific Council</i>	10
	3.3.1.4 <i>The Standing Committee</i>	11
	3.3.2 <i>CMS Family</i>	11
3.4	Staffing complement	12
3.5	Financial overview	13
	3.5.1 <i>CMS</i>	13
	3.5.2 <i>Agreements</i>	14
	3.5.3 <i>MOUs</i>	16
4.	Critical analysis of the current system	18
4.1	Integration (co-location and merger) of the CMS Family	18
	4.1.1 <i>Integration between the CMS and the CMS Family</i>	18
	4.1.2 <i>Integration amongst the CMS Family</i>	20
	4.1.3 <i>Scientific and technical integration</i>	22
4.2	Current capacity of the CMS Family to carry out activities	23
	4.2.1 <i>Financial perspective</i>	23
	4.2.1.1 <i>Agreement implementation</i>	23
	4.2.1.2 <i>Party contributions and voluntary contributions</i>	24
	4.2.1.3 <i>PSC</i>	26
	4.2.1.4 <i>Trust Fund</i>	26
	4.2.2 <i>Institutional aspects</i>	27
	4.2.3 <i>Reporting and Information Management</i>	30
	4.2.4 <i>Capacity Building</i>	33
	4.2.5 <i>Scientific resource</i>	34
	4.2.5.1 <i>Scientific capacity</i>	34
	4.2.5.2 <i>Technical data perspective</i>	38
4.3	Strengthening cooperation with other international organisations and interested partners	41
	4.3.1 <i>Current examples of strengthening cooperation with other international organisations and interested parties</i>	41
4.4	Synergies and overlap of the CMS Family with other MEAs, IGOs and NGOs	43
	4.4.1 <i>Examples</i>	43
	4.4.1.1 <i>ASCOBANS</i>	43
	4.4.1.2 <i>ACCOBAMS</i>	45
	4.4.1.3 <i>ACAP</i>	45
	4.4.1.4 <i>Pacific Islands MOU</i>	45
	4.4.1.5 <i>West African Aquatic Mammals</i>	46
	4.4.1.6 <i>Bukhara Deer</i>	46
	4.4.1.7 <i>Dugongs</i>	46
	4.4.1.8 <i>West and Central African Elephants</i>	46
	4.4.2 <i>Advantages and Disadvantages of strengthening cooperation, synergies and overlaps</i>	47
5.	Conclusions	50
6.	Annex I – CMS and CMS Family data compilation Tables 1 - 35	52
7.	Annex II: List of CMS Partners	58

1. GLOSSARY

AC	Advisory Committee
ACAP	Agreement on the Conservation of Albatrosses and Petrels 2001
ACCOBAMS	Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area 1996
AEWA	Agreement on the Conservation of African-Eurasian Migratory Waterbirds 1995
AfESG	IUCN/SSC African Elephant Specialist Group
APB	Bird Conservation Belarus
ASCOBANS	Agreement on the Conservation of Small Cetaceans of the Baltic, North-East Atlantic, Irish and North Seas 1992
BLG	Biodiversity Liaison Group
BLI	BirdLife International
CBD	Convention on Biological Diversity 1992
CIESM	The Mediterranean Science Commission
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973
CMS	Convention on the Conservation of Migratory Species of Wild Animals 1979 (also known as the “Bonn Convention”)
CMS Family	CMS and related Agreements
COP	Conference of the Parties
CSAB	Chair of the Scientific Advisory Body
EC	European Community
EcoQO	Ecological Quality Objectives
EU	European Union
EUROBATS	Agreement on the Conservation of Populations of European Bats 1991
GBIF	Global Biodiversity Information Facility
GEF	Global Environmental Facility
GFCM	General Fisheries Council for the Mediterranean
GNF	Global Nature Fund
GRASP	Great Ape Survival Partnership
GROMS	Global Register of Migratory Species
HELCOM	Baltic Marine Environment Protection Commission
ICF	International Crane Foundation
IFAW	International Fund for Animal Welfare
IGO	International Government Organisation
IOSEA	Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia 2001
IOTC	Indian Ocean Tuna Commission
ITTO	International Tropical Timber Organisation
IUCN	International Union for the Conservation of Nature
IWC	International Whaling Commission
MEA	Multilateral Environment Agreement
MOC	Memorandum of Cooperation
MOP	Meeting of the Parties
MOU	Memorandum of Understanding
MOS	Meeting of the Signatories
MPA	Marine Protected Area
MSFD	Marine Strategy Framework Directive
NAMMCO	North Atlantic Marine Mammal Commission
NGO	Non-Governmental Organisation
ORF	Online Reporting Facility
OSPAR	Convention for the Protection of the Marine Environment of the North-East Atlantic 1992
Parties	Signatory States
PSC	Project Support Costs

PSSA	Particularly Sensitive Sea Area
Ramsar	The Convention on Wetlands of International Importance
RFMO	Regional Fishery Management Organisation
RSPB	Royal Society for Protection of Birds
SAC	Special Area of Conservation
SAR	Stock Assessment Review
SONAR	System of Online National Reporting
SPF	South Pacific Forum
SPREP	South Pacific Regional Environment Programme
SSC	Species Survival Commission
TC	Technical Committee
TRAFFIC	Wildlife Trade Monitoring Network
UNEP	United Nations Environment Programme
UNEP/GEO	UNEP Global Environmental Outlook
UNEP-WCMC	UNEP World Conservation Monitoring Centre
WAAM	Western African Aquatic Mammals
WAF CET	West African Cetacean Conservation and Research Projects
WCPFC	Western and Central Pacific Fisheries Commission
WDCS	Whale and Dolphin Conservation Society
WSSD	World Summit on Sustainable Development

2. Introduction

2.1 Background

1. Resolution 9.13 of the Ninth Meeting of the Conference of the Parties to the Convention¹ on the Conservation of Migratory Species of Wild Animals launched an inter-sessional process to explore the possibilities of strengthening the CMS and related agreements. The overall aim of this exercise is to enhance the contribution made by these agreements to the conservation of migratory species. An addendum to Resolution 9.13 established a working group to take forward the process and set out the terms of reference for this group² and sets out the phases of the work programme. The first step is an assessment of the organisation and activities of CMS and the CMS Family, underlining the advantages and drawbacks of the present system with particular reference to factors identified in paragraph 3 of Resolution 9.13, which include institutional, legal, organisational and budgetary issues. This document presents the first report and is drafted to assist the inter-sessional working group.

2.2 Methodology

2. This report is based on documentary analysis of key documentation including the relevant agreements and MOUs forming part of the CMS Family. Associated web-based information was also reviewed. In addition data was provided by the CMS Secretariat, including questionnaire returns in respect of the CMS Family instruments, completed by Secretariat staff and reflecting the opinion of the authors, and Agreement fact sheets collected by the Secretariat from other secretariats or co-ordinating units and forwarded to the authors of this report (hereafter ‘the researchers’) for review. As necessary, the researchers returned to the CMS secretariat as and when there seemed to be missing or incomplete information. All necessary questionnaires were provided and together with the other sources referenced above formed the basis of the analysis. Although much of the information in the questionnaires replicated that available in other documentary sources, regard was given to opinions expressed in the questionnaires as representing the view ‘on the ground’ concerning the operation of the CMS Family.
3. For each Agreement or MOU, the available documentation was entered into a table. These tables are included as Annex 1 to this report and form the basis of the synthesis of the data in order to produce the research findings. The tables draw upon the entire range of information sources available to the researchers (as outlined above). They contain information of specific criteria, namely: the coverage of the agreement; its legal status; the available institutional support and linkages; the administrative and financial capacity; and the steps taken to secure favourable conservation status. Alongside each of these factors, a middle column in the table allows explanation to be added which reviews the criteria outlined above. This information offers practical descriptions as to how the relevant criteria is met by explaining issues such as the legal status of the agreement, its secretariat and scientific capacity, financial provision and the like. The tables allow room for comment on the workings of the agreement drawing out potential strengths and weaknesses for each agreement.

¹ UNEP/CMS/Resolution 9.13 *Intersessional Process Regarding the Future Shape of CMS* adopted by the Conference of the Parties at the Ninth Meeting, Rome, December, 2008.

² UNEP/CMS/Res.9.13/Addendum *Terms of Reference for the Intersessional Working Group* adopted by the Conference of the Parties at the Ninth Meeting, Rome, December, 2008.

4. The compilation of this data in the form of tables allowed the researchers to quickly read across the tables and draw out both positive and negative features of the current CMS system without the need for elaborate coding. In this way the collated data could be synthesised paying particular regard to those features of the CMS system which formed part of Resolution 9.13³, but also adding in other facets that became apparent on a read across of the data.
5. In terms of the place of this report in future stages of the inter-sessional process, the report is intended to form the basis of discussion at the 36th Standing Committee Meeting. After review by the Standing Committee and the wider circulation of the report, the next step of the process, scheduled for 2010, is the generation of proposals for organisational and strategic change. Following further consideration by the Standing Committee these proposals will result in a detailed consideration of 3 options to be considered by 2011 – regionalisation, centralisation and species grouping - to allow for the appraisal of reform of the organisation and the functioning of CMS and its Family.. That being the case, this report is written in such a manner as to support the first stage of this work programme. As such it attempts to highlight factors at a sufficiently early stage in the build up to a revision of the CMS Strategic Plan⁴ due for revision at COP 10 in late 2011. The language (English) of this report was agreed in advance and its preparation was governed by CMS⁵ and UN⁶ standards.
6. The report next provides an overview of the current organisation and activities offering a structural account of CMS and CMS Family. Thereafter an operational analysis is provided which focuses on advantages and drawbacks of current arrangements. The final part of the paper offers a summary conclusion.

3. Overview of the current organisation and activities of CMS and the CMS Family

3.1 Overview of current organisation and activities

7. The conservation of migratory species presents distinct regulatory challenges given that a vast range of species may be considered broadly migratory in nature, in that a range of migratory behaviour and tendencies is exhibited. Thus migratory species are defined in the CMS to mean:

“...the entire population or any geographically separate part of the population of any species or lower taxon of wild animals, a significant proportion of whose members cyclically and predictably cross one or more national jurisdictional boundaries”⁷

8. In view of the predictable and cyclical movement of migratory species across national jurisdictions, any regulatory initiatives adopted in relation to such species must necessarily be multilateral in nature. Isolated domestic responses offer solutions of limited practical value in the wider context of the regulation of migratory wildlife, since they may be heavily undermined by a lack of concerted action in other states along the migratory route in question. The optimal solution for the conservation of migratory species is clearly through the form of an overarching and flexible international framework, providing a political impetus to regulate such species

³ See Point 3 of Resolution 9.13 (supra).

⁴ As agreed at CoP 8 – see UNEP/CMS Resolution 8.2 *The 2006-2011 strategic plan* adopted at Nairobi November, 2005.

⁵ Standard Terms and Conditions for Research and Development Projects, CMS.

⁶ General Conditions of Contracts for Services of Consultants or Individual Contractors, UN.

⁷ Art 1 (a) of the Convention of Migratory Species and Wild Animals, 1979.

generally as well as generating specific conservation measures and policies in respect of individual species.

9. The CMS was created to fulfil this function, with the elaboration of a distinct instrument to address migratory species mandated at the UN Conference on the Human Environment in 1972.⁸ This initiative was sponsored by the Federal Republic of Germany and in June 1979 the Convention on the Conservation of Migratory Species of Wild Animals was opened for signature in Bonn. The CMS entered into force on 1 November 1983 following ratification by the requisite fifteen Parties.
10. The CMS provides a pioneering structure for the regulation of migratory species, comprising a series of general commitments binding upon the Parties to address the conservation needs of such species, while providing a platform for the development of individual regional and species-specific instruments to generate further policies, conservation plans and protection measures. The operational requirements of the CMS are predicated upon the degree of individual threat to the species in question.
11. Species considered endangered under CMS are listed on Appendix I to the Convention. In relation to endangered species Parties undertake: to conserve and, where feasible and appropriate, restore those habitats of the species which are of importance in removing the species from danger of extinction; to prevent, remove, compensate for or minimise, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species; and to the extent feasible and appropriate, to prevent, reduce or control factors that are endangering or are likely to further endanger the species, including strictly controlling the introduction of, or controlling or eliminating already introduced exotic species⁹.
12. Species considered as having an unfavourable conservation status¹⁰ are listed on Appendix II to the Convention. These are defined under CMS as migratory species which have an unfavourable conservation status and which require international agreements for their conservation and management, as well as those which have a conservation status which would significantly benefit from the international cooperation that could be achieved by an international agreement¹¹.
13. Under Article IV (3), Parties that are Range States of migratory species listed in Appendix II shall endeavour to conclude AGREEMENTS where these would benefit the species and should give priority to those species in an unfavourable conservation status”. Guidelines for the conclusion of such AGREEMENTS are advanced under Article V of the CMS. The main objective of an Article IV(3) AGREEMENT is established in Article V(1), and is stated as being “to restore the migratory species concerned to a favourable conservation status or to maintain it in such a status”.
14. Article IV(4) states that “Parties are encouraged to take action with a view to concluding agreements for any population or any geographically separate part of the population of any species or lower taxon of wild animals, members of which periodically cross one or more national jurisdictional boundaries”. The overwhelming majority of the subsidiary instruments concluded under the auspices of CMS have been founded on the basis of Article IV(4).

⁸ At this juncture the conclusion of “a broad based convention” to address the particular needs of migratory species was recommended: Recommendation 32 of the Stockholm Action Plan, reproduced at (1972) 11 *International Legal Materials* 1416.

⁹ Article III(4) CMS.

¹⁰ For meaning of favourable conservation status see CMS Article I(1)(c).

¹¹ Article IV(1) CMS.

3.2 Agreement structure

15. Two types of instrument have been borne out of CMS:
 - (i) legally binding Agreements totalling seven, namely AEWa (in force 1 November 1999) , ACAP (in force 1 February 2004), EUROBATS (in force 16 January 1994), Gorillas (in force 1 June 2008), ASCOBANS (in force 19 March 1994), ACCOBAMS (in force 1 June 2001), and the Wadden Sea Seals Agreement(in force 1 October 1991);
 - (ii) and non-legally binding agreements in the form of 17 MOUs, action plans and cooperative action.
16. Some of these instruments were established under the aegis of Article IV(3), namely AEWa, ACAP, EUROBATS and Gorillas; and others under Article IV(4), namely ASCOBANS, ACCOBAMS, the Wadden Sea Seals Agreement, 17 MOUs (with a further 5 in draft form or being proposed) and all Action Plans. Of these AEWa, ASCOBANS, EUROBATS, Gorillas, are integrated within the CMS/UNEP system and ACAP, Wadden Sea Seals, ASCOBANS operate independently. All MOUs depend on the CMS Secretariat for Secretariat support; however there are a number of instruments where coordination is carried out by Parties such as the Monk Seal MOU, Andean Flamingos, Ruddy Headed Goose and Grassland Birds MOU and others by NGOs, such as the Pacific Cetaceans MOU.
17. The agreements and initiatives operate in different languages, for example: ACCOBAMS works in 5 languages (Arabic, French, English, Spanish and Russian); the Wadden Sea Seals Agreement in 4 (Danish, English, Dutch and German): ASCOBANS in 4 (French, English, German and Russian); AEWa in 2 (French and English); ACAP in 3 (French, English and Spanish); EUROBATS in 3 (French, English and German); and Gorillas in 2 (French and English).

3.3 Institutional structure

18. Like most other MEAs concluded to date, the CMS has developed a strong institutional structure. In this regard, a regular meeting of the COP is convened, in which policies towards migratory species are debated and advanced. The COP is supported by a Secretariat, the administrative heart of the Treaty, as well as by a Scientific Council, charged with providing expert technical advice, and a Standing Committee, established to provide policy and administrative guidance between regular meetings of the Conference of the Parties.

3.3.1 CMS

3.3.1.1 The Conference of the Parties

19. Under Article VII(1) the operative decision-making mechanism of the CMS is the COP. The meeting of the COP itself is convened by the Secretariat and each such meeting is to be held “at intervals of not more than three years”, which may be amended by a vote, while there is also a procedure for extraordinary meetings. To date, nine COPs have been convened.

20. The COP is charged with amongst other activities¹², reviewing the implementation of the Convention, and has particular responsibility for: reviewing and assessing the conservation status of migratory species; reviewing the progress made towards the conservation of migratory species, especially those listed in Appendices I and II; providing guidance to the Scientific Council and Secretariat; receiving and assessing reports from the CMS institutions, as well as by any party or Agreement and adopting amendments to the Appendices. In addition, the COP is also responsible for establishing and reviewing CMS' total budget and designating the date and venue of the next meeting, although in practice the location of the COP depends on Party sponsorship. Save for budgetary matters, decisions made at a COP generally require the assent of a two-thirds majority of the Parties present and voting. Observers may attend the COP and must be "technically qualified in protection, conservation or management of migratory species".

3.3.1.2 The Secretariat

21. Article IX(1) of the Convention establishes a Secretariat, and this institution was duly founded when CMS entered into force. Under Article IX(2), the Secretariat is provided by the Executive Director of the United Nations Environment Programme, to be supported "to the extent and in the manner he considers appropriate" by other suitable agencies and organisations technically qualified in the protection, conservation and management of wild animals. The CMS Secretariat, which absorbed the ASCOBANS Secretariat through a merger in 2007 and is also responsible for the 2008 Gorillas Agreement, operates under the administrative auspices of UNEP. It is based in Bonn where it is housed with a host of other UN Agencies including the Secretariats of AEWAs and EUROBATS in premises provided by the German Government (the former parliamentary offices known as "Langer Eugen"). A joint Agreements Unit was recommended in CMS Resolution 4.4 and the unit was established in July 2000 and since January 2001, the Secretariats of all co-located binding Agreements have thus been serviced jointly by the CMS Administration and Fund Management Unit. ACAP, ACCOBAMS and the Wadden Sea Seals Agreement have Secretariats outside the UNEP system, located respectively in Hobart, Monaco and Wilhelmshaven.
22. The functions of the CMS Secretariat include the requirements¹³: to arrange for and service meetings of the COP, Standing Committee and the Scientific Council; to maintain and promote liaison between the Parties, institutions established under Agreements and other relevant international organisations concerned with migratory species; to obtain reports and other information "from any appropriate source" that will further the objectives and implementation of the Convention; to "invite the attention of the Conference of the Parties to any matter pertaining to the objectives of this Convention"; to prepare reports on its work for each COP, and to "perform any other function entrusted to it under this Convention or by the Conference of the Parties". As part of this latter remit, the Secretariat has played an instrumental role in convening meetings and *ad hoc* talks that have led directly to the conclusion of subsidiary instruments.
23. The CMS envisages an ambitious role for the Secretariat and a key role is to develop synergies with other pertinent bodies and conventions. The Secretariat has developed a significant inter-agency liaison role in conjunction with the other Secretariats of the

¹² See Article VII CMS.

¹³ See Article IX(4) CMS.

leading wildlife treaties, and plays an active part in the Liaison Group of the Biodiversity-Related Conventions, which aims to foster closer links with these bodies as well as attempting to mitigate the potential duplication or conflict of work within these organisations. A series of Memoranda of Cooperation has also been signed with a number of other conventions and bodies.

24. A development of particular operational significance has been the growing practice towards “doubling-up” of administrative responsibilities of Secretariat personnel within the various subsidiary Agreements. This trend appears to have commenced in 2007 with the merger of the ASCOBANS Secretariat with that of CMS, which generated controversy at the Fifth Meeting of the Parties of ASCOBANS over additional salary costs generated by the move within the UN framework. In 2008 CMS’ Secretariat also took responsibility for the new Gorilla Agreement’s Secretariat. Having specialist officers and administrators within the CMS Secretariat balancing their central responsibilities with part-time stewardship of key subsidiary instruments may spread the limited funds of the CMS further, though this has implications for continuity of administration within the subsidiaries, as well as on the individual staff members.

3.3.1.3 The Scientific Council

25. The Scientific Council was established by the First COP in 1985 as provided for by Article VIII, to which any party may appoint a “qualified expert”. To date 80 members of the 112 Parties have been nominated. The Council’s autonomy is ensured as country members are appointed in their individual capacity as scientists not as representatives of their national Governments. In addition to these members, experts may also be selected and appointed by the COP. Where such experts are appointed, they are distinguished from those appointed by the Parties with the title “Appointed Councillor” and, the number of experts, the criteria for their selection and the terms of their tenure are specifically established by the COP. To date there are 8 Conference-appointed Councillors (confirmed at COP9), who have a specific remit, such as a species group, geographic region or specific threat (also see below 4.2.4.1).
26. Under the Rules of Procedure¹⁴, the Chairperson may invite any person or representative of any Party, non-Party State or organisation to attend, as an observer, meetings of the Council without the right to vote. Currently the Scientific Council has several permanent observers from representatives of organisations with which CMS has established a partnership agreement as well as those organisations identified by CMS/Res.6.8; the Chair can also invite any other representatives for ad hoc purposes. Resolution 7.12 also established that the advisory bodies to CMS Agreements can participate as observers in the meetings of the Scientific Council.
27. The COP determines the precise functions of the Scientific Council – hence the CMS agenda is largely dictated by the scientific priorities of the Parties – although the parent Convention itself also specifies a broad series of duties that this body should undertake. These functions are listed in Article VII(5) and include: providing scientific advice to the COP and the Secretariat and, “if approved by the Conference of the Parties”, to an Agreement, a body set up under the CMS or to a Party; recommending, coordinating and evaluating research and on migratory species; making recommendations to the COP as to migratory species to be included on either Appendix I or II; making recommendations to the COP on specific conservation and

¹⁴ Adopted by the Scientific Council on 8 April 1997 and approved by the Conference of the Parties on 15 April 1997

management measures to be included in AGREEMENTS; and recommending to the COP solutions to problems relating to the scientific aspects of the implementation of the CMS, with particular regard to habitats of migratory species.

28. In general, the Scientific Council meets twice between COP sessions to offer scientific advice and identify research and conservation priorities. COP9 decided that an extraordinary meeting of the Scientific Council would be convened in 2009.
29. In addition to these general arrangements specialist Working Groups are convened periodically, often on an *ad hoc* basis, to assist in brokering new subsidiary instruments, and latterly on a more permanent basis to provide continuity of work and specialist advice. The Council's Work Programme is maintained inter-sessionally by nine Working Groups – five on taxonomic groups and four on threats (climate change, by-catch, animal disease and sustainable use of migratory species).
30. The CMS Scientific Council adopted, in 2005 by the 13th meeting of the Scientific Council, its first Strategy Implementation Plan for the period 2006-2011. It is aligned with the CMS Strategic Plan 2006-2011 and it basically outlines the contribution that the CMS Scientific Council is intended to make to the implementation of the CMS Strategic Plan. The Plan identifies for each activity a deadline which is related to meetings of the Council and/or the COP that are supposed to review their progress. This is however a tentative timetable because the implementation of these activities relies on the availability of funds.

3.3.1.4 The Standing Committee

31. Although no provision for this institution was initially made in the text of the CMS, the Standing Committee was subsequently established at the first COP, held in 1985.¹⁵ The functions and purpose of the Standing Committee are to act on behalf of the COP in developing policies and providing administrative guidance between the regular meetings of the Parties to the Convention.¹⁶ The Standing Committee, the structure of which was revamped at COP9 to take account of the Convention's growth, has a membership consisting of representatives drawn from Africa, Asia, Central and South America and the Caribbean, Europe and Oceania, as well as the Depository and, where appropriate, the host of the next and previous COP.

3.3.2 CMS Family

32. The institutional structure of the various CMS subsidiary agreements broadly mirrors that of the parent Convention, with the provision of a management forum, in which operative decisions are made, and a technical forum, in which scientific and specialist advice is received with a view towards advancing the implementation of the instrument in question. There is no specific template for a subsidiary body within the CMS Family, although a consistent theme is the provision of a regular management meeting of the cohort of states and entities¹⁷ participating within the instrument, mirroring the COP to the CMS, most commonly in the form of a Meeting of the

¹⁵ UNEP/CMS/COP1/Resolution 1.1.

¹⁶ *Ibid.*

¹⁷ The Pacific Islands MOU, for instance, is open to signature by "the States and Territories of the Pacific Islands Region": Para 12 of the Pacific Islands MOU. It was determined at an early stage in the negotiations that the MOU that territories as well as states should be eligible to participate: *Report of the Second Workshop on the Convention on Migratory Species and Marine Mammal Conservation in the South Pacific* (Bonn: CMS, 2004), at 23.

Parties,¹⁸ in the case of a legally-binding instrument, and “regular meetings” (also known as “Meetings of Signatories”),¹⁹ in the case of a non-binding instrument.²⁰ Technical capacity remains variable, however. Some Agreements have specifically adopted a Scientific Committee,²¹ along similar lines to the parent Convention, while others share these functions alongside administrative review of the implementation of the Agreement within an Advisory Committee.²² Both EUROBATS and AEWa have established a Standing Committee for administration in addition to the Advisory/Technical Committee responsible for scientific issues. The MOUs generally receive scientific advice from the parent Convention but have increasingly “adopted” distinct technical committees from pre-existing bodies²³ or through NGO assistance,²⁴ but some MOUs have also established their own scientific/technical advisory bodies, e.g. IOSEA and West African Turtle MOUs.

3.4 Staffing complement

33. Secretariat staff is employed through UNEP and is managed in accordance with UN rules and regulations. The functions of the CMS and its subsidiary instruments are discharged by a staff drawn from a considerable array of sources. Key personnel within the CMS Secretariat are employed directly by UNEP/CMS, as are the majority of key personnel within some of the major Agreements. Secretariat functions for the MOUs are generally provided by the parent Convention. Additional support – and in some cases, such as ACCOBAMS, full coordination – in the form of finance and personnel is donated by individual Parties. AEWa has two Staff members fully funded by voluntary contributions of some Parties and has benefited from the services of a Junior Professional Officer between 2005 and 2008.
34. By and large CMS’s Secretariat provides co-ordination support to MOUs. However, in some instances, coordination and personnel may be provided by governments, NGOs and intergovernmental organisations. For example, for the Monk Seal MOU, the Government of Spain is coordinating the implementation of the Action Plan; and for the Pacific Islands Cetaceans MOU the CMS Secretariat is seeking to establish a coordination mechanism with SPREP. Personnel have also been provided by leading NGOs, such as ICF’s contribution to the Siberian Crane MOU, WDCS’s contribution to the Pacific Island Cetaceans MOU, AfESG’s contribution to the West African Elephant MOU, WWF’s contribution to the Bukhara Deer MOU and BirdLife International and its partners’ assistance with the Aquatic Warbler and Great Bustard’s MOUs.
35. Whilst in recent years there have been fewer secondments to the Secretariat from Parties, there have been some from NGOs assigned to the Secretariat for specific tasks

¹⁸ ACAP (Article VIII); ACCOBAMS (Article III); AEWa (Article VI); ASCOBANS (Paragraph 5); EUROBATS (Article V); Gorilla Agreement (Article V). The one exception to this is the Wadden Sea Seals Agreement, which undertakes to work through the existing institutions of the Wadden Sea Secretariat (preamble).

¹⁹ Aquatic Warbler MOU (paragraph 3); Bukhara Deer MOU (paragraph 2); Dugong MOU (paragraph 6); Great Bustard MOU (unnumbered); High Andean Flamingos MOU (paragraph 4); African Turtles MOU (paragraph 3); IOSEA (paragraph 3 of the “Basic Principles” section); Mediterranean Monk Seal MOU (paragraph 5); Pacific Islands Cetaceans MOU (paragraph 6); Birds of Prey MOU (paragraph 13, specifically listing this forum as a “Meeting of the Signatories”); Ruddy Headed Goose MOU (paragraph 8); Siberian Crane MOU (paragraph 2); West African Marine Mammals MOU (paragraph 6); West African Elephants MOU (paragraph 5).

²⁰ The only exception to this arrangement is the Slender-Billed Curlew MOU, where such an arrangement is conducted by correspondence or personal contact with central CMS staff.

²¹ ACCOBAMS (Article VIII, establishing a Scientific Committee); AEWa (Article VII, establishing a Technical Committee); Gorilla Agreement (Article VI, establishing a Technical Committee).

²² ACAP (Article IX); ASCOBANS (Paragraph 6).

²³ Mediterranean Monk Seal MOU (paragraph 4, nominating the Atlantic Seal Working Group); West African Elephants MOU (paragraph 4, nominating the IUCN African Elephant Specialist Group).

²⁴ Birdlife International performs such a role in relation to the Great Bustard MOU and Aquatic Warbler MOUs, while WWF performs this role in the Bukhara Deer MOU: Questionnaires.

(in addition to the NGO staff helping to administer MOUs mentioned above). Finally, staffing complements are supplemented by an internship programme which supplies volunteer personnel – often postgraduate students - and short term consultants have been employed in recent years for ad hoc tasks.

36. The CMS Secretariat currently has seventeen permanent full-time and two part-time posts. Since the ASCOBANS merger, the CMS Executive Secretary and the Scientific and Technical Officer (counted among the seventeen permanent posts) have dedicated respectively 3% and 15% of their time to ASCOBANS, while the ASCOBANS Coordinator (not included above) works 25% of her time as CMS Marine Mammals Officer.
37. Two P2 posts are due to start in January 2010 but the project-related post for Sahelo-Saharan Antelopes has been frozen. The staffing in the Administration and Fund Management Unit is paid by UNEP through the 13% PSC. Further two permanent CMS members of staff dedicate some of their time to the new Gorilla Agreement.
38. CMS-affiliated offices have also been established in Bangkok, Thailand (since 2003) and Abu Dhabi, UAE (since 2009). The Office in Abu Dhabi has been recently established for a period of three years with funding provided by the government of the UAE. The Bonn-based Agreements benefit from the same administrative services as CMS, while the non-UNEP managed Agreements have their own administrative arrangements.

3.5 Financial overview

3.5.1 CMS

39. CMS's work is funded by Party contributions, the levels of which are decided at the COP every three years,²⁵ and voluntary contributions, both monetary and in kind²⁶, pledged either by States or institutions, including UNEP and NGOs, and the private sector. In reality this means that CMS has two budgets, a core budget, made up of Parties' mandatory contributions as members of CMS, and a voluntary contributions budget, made up by donations. Budgets approved at the COP are triennial, based on Party contributions and destined for use on executive direction and management, agreement development servicing, providing scientific and technical support, information and capacity building, office operational costs and project management. Voluntary contributions are sought for instance for specific conservation projects forming part of CMS's work programme²⁷; for organising meetings and new agreement development²⁸ and for publishing information material. There is a limit placed on how much a Party is expected to contribute, set at 22% of the total budget²⁹, but this does not prevent Parties from making voluntary contributions.
40. Income from core, or Party, funding and voluntary contributions is held in a Trust Fund administered by the Executive Director of the UNEP in Nairobi, subject to approval of the Governing Council of UNEP and the consent of the Secretary-General of the United Nations. Overhead charges for administering the Trust Fund takes from

²⁵ Art VII.4 CMS.

²⁶ Such as Germany's hosting of the CMS offices in Bonn.

²⁷ UNEP/CMS/Conf.9.5/Addendum/Annex.

²⁸ E.g. over €75,000 was raised for development of the Gorillas Agreement including the negotiation meeting and the First Meeting of Parties.

²⁹ Financial Regulations and Terms of Reference for the Administration of the Trust Fund for the CMS.

the income of the Trust Fund an amount equal to 13% of the expenditure for activities financed under the Trust Fund. The 13% charge was set by the UN General Assembly and therefore does not exclusively apply to UNEP. This charge is known as PSC and for the current core budget amounts to €798,762. PSC currently funds 5 CMS staff positions, namely the Administration and Fund Management Officer, 2 administrative assistants and 2 finance assistants. The value of this overhead charge applied to voluntary contributions may be allocated to specific projects upon application of the CMS Executive Secretary and at the discretion of the Executive Director of UNEP³⁰. Funding from the European Union by special arrangement is subject to a reduced 7% charge.

41. For the period 2006-2008 the core budget for executive direction and management, agreement development servicing, providing scientific and technical support, information and capacity building, administration, finance and project management, including PSC, was €6,364,225 with actual expenditure amounting to €6,140,736, leaving a surplus of €223,489³¹. Of the total €170,000 was spent on conservation grants and projects. At 31 December 2008 there was an estimated reserve balance of €702,338 of which €335,000 (US\$ 500,000) needs to be kept in reserve as per the Trust Fund's term of reference³². Voluntary contributions amounted to €2,680,696³³. The core budget for 2009-2011 is €6,573,922, slightly up on last triennium's core budget to account for inflation. For this period €170,088 has been earmarked for conservation grants and projects³⁴. Voluntary contributions have been estimated at €1,283,831 for 2009³⁵ while those received so far amount to €176,595.

3.5.2 *Agreements*

42. The implementation of Agreements is funded by Party contributions, agreed at their MOPs, and voluntary contributions which tend to be allocated to the implementation of their Action Plans. For AEWA, ASCOBANS and EUROBATS (all the UNEP-Agreements apart from the new Gorilla Agreement, which will come under this system when funds are paid), the income realised by each Agreement is held in a separate Trust Fund administered by the Executive Director of the UNEP based in Nairobi, subject to approval of the Governing Council of UNEP and the consent of the Secretary-General of the United Nations. This Fund is also subject to the 13% UNEP PSC overhead charge and there is to be a minimum amount kept in the fund as an "operational" reserve of 15% of all monies received or \$500,000 whichever is higher³⁶. AEWA, ASCOBANS and EUROBATS all benefit from the services of the AFMU in the CMS Secretariat funded through the 13% PSC. ACAP, the Wadden Sea Seals Agreement and ACCOBAMS have their own arrangements outside UNEP.
43. AEWA estimates its core funding from Parties for the period 2009-2012 at just over €3,606,000 and this has been allocated to cover: general management costs; implementation of the African Initiative; costs of Meetings of the Parties; the Technical Committee and the Standing Committee; support costs for the Wings Over Wetlands GEF project; and PSC. Voluntary contributions for 2009-2012 are allocated to high priority conservation projects and estimated at €4,310,950.

³⁰ UNEP/CMS/Resolution 9.14 Annex V par 5.

³¹ Information provided by CMS Secretariat.

³² UNEP/CMS/Resolution.9.14.

³³ Table attached to CMS questionnaire.

³⁴ UNEP/CMS/Resolution 9.14.

³⁵ Table attached to CMS questionnaire.

³⁶ UNEP/CMS/Resolution 8.3 paragraph 5.

44. ACCOBAMS receives Party funding which is expected to reach €666,000 for the period 2008-2010. 65% of this funding is used to cover the administration costs. The host country, Monaco covers rental and equipment costs. The 35% of the core Party funding is devoted to conservation activity.
45. The ASCOBANS' Secretariat merged with CMS's Secretariat in 2007³⁷, but maintains a separate trust fund. The 2007-2009 core budget of €534,494³⁸, was initially earmarked to cover personnel, meetings of the Parties and Advisory Committee meeting costs, equipment costs and other miscellaneous costs; however a surplus of €67,000 allowed further funding for conservation activities³⁹ and projects. Voluntary contributions amounted to €79,000 (113,689 USD) for that period. So far for 2009 only €27,100 (37,527 USD) has been received in voluntary contributions. For the period 2010-2012 the approved core budget is of €558,168⁴⁰ and no voluntary contributions have been yet pledged.
46. The Gorilla Agreement's first triennial budget (2009-11) was estimated €1,083,260 to cover the costs of the: Secretariat; meeting of Parties and Technical Committee; miscellaneous costs; and very modest conservation activities. Assessed contributions from parties over this same period would net only €54,000. However, to date, none of these contributions have been received.
47. The CMS Secretariat acts as Secretariat for the Gorilla Agreement and staff costs for 2009-2011 of €113,123 are to be absorbed by the CMS core budget⁴¹. UNEP, through GRASP, is also contributing €40,000 over three years in staff costs in support of the Agreement. The shortfall of €970,137 needs to be raised by voluntary contributions⁴². So far, €137,000 from France and €200,000 from Germany have been received. However, these funds are earmarked for conservation projects only.⁴³
48. EUROBATS' current core budget, for the period 2007-2010, is €1,276,029 and is destined for personnel, meetings of the Advisory Committee, equipment and miscellaneous costs and has been met by Party contributions. So far voluntary contributions pledged amount to €230,579⁴⁴.
49. The ACAP Agreement has its own Secretariat outside the UN system. Total funding for the current triennium, 2007-2009, of Australian \$1,986,000 was allocated to Secretariat costs, meetings of Parties' costs, Advisory Committee's meetings costs and conservation costs Australian \$462,000⁴⁵. Voluntary contributions amounted to Australian \$281,000 for this period. For the next triennium funding is estimated at Australian \$1,977,000 and has been fully allocated. The Wadden Sea Seals Agreement is funded by the Trilateral Cooperation Partners who also house its Secretariat⁴⁶.

³⁷ ASCOBANS/MOP5/Resolution 2d.

³⁸ ACCOBAMS/MOP5/Resolution 2c.

³⁹ Report of the 16th Advisory Committee Meeting, Bruges, Belgium, 20-24 April 2009.

⁴⁰ UNEP/ASCOBANS/MOP6/Res 5.

⁴¹ UNEP/CMS/GOR-MOP1/6.

⁴² Estimates for Gorilla Agreement - UNEP/CMS/GOR-MOP1/6.

⁴³ UNEP/CMS/GOR-MOP1/6.

⁴⁴ EUROBATS questionnaire q 18.

⁴⁵ UNEP/AC3/Doc.8/Attachment C

⁴⁶ No further financial information was made available.

3.5.3 MOUs

50. As stated in all the texts of all CMS MOUs, the implementation and furtherance of activities under MOUs are voluntarily funded, be this directly from Signatories or from other sources. The CMS Secretariat acts as Secretariat for all MOU's. CMS's current core budget allocates €162,000 (€54,000 per annum), for those administered from Bonn, an amount which is also intended to cover partnership work and the development of new instruments⁴⁷.
51. Since 2002, the secretariat for the Bangkok-based IOSEA Marine Turtle MOU has secured over USD 1.4 million in voluntary contributions from Governments, and a further 0.2 million from other sources, for the operation of the IOSEA programme. The IOSEA MOU's income is deposited in a Trust Fund administered by UNEP which is subject to UNEP's 13% PSC. For the period 2008-2010 IOSEA's indicative budget for personnel, meetings, equipment and miscellaneous costs was US\$975,755; whereas actual expenditures are lower, linked to the actual level of voluntary funding received. PSC covers about 75% of the annual cost of a team assistant. The IOSEA Coordinator also serves as a part-time CMS Senior Advisor, a post funded by CMS in exchange for CMS work and advisory services⁴⁸.
52. The implementation of some MOU's is better funded than others; compare the Ruddy Headed Goose's funding for only one research project⁴⁹ with the Great Bustard's four year funding⁵⁰. Some MOUs benefit from regular funding from signatories implementing their own national activities, e.g. the Siberian Crane MOU is helped by the Mongolian government every year in the form of an estimated US\$20,000 given directly to the Onon-Baljinsky National Park⁵¹. Others receive ad hoc funding such as CMS, RSPB and BirdLife International's Aquatic Warbler's Senegal funded research⁵². UNEP also provides in kind funding, as with IOSEA which benefits from free office space and administrative support at UNEP's Thailand Regional Office for Asia and the Pacific⁵³.
53. Most MOUs do not deposit their income in a Trust Fund and therefore it is difficult to ascertain where and how amounts were spent given that projects are funded directly or through partner organisations. For example the Monk Seals MOU is directly coordinated by one of the Parties, the Spanish Government, which is funding operational costs of €145,000 for the period 2009-2011. Project costs for this MOU are estimated at €1,500,000⁵⁴ and these costs again are likely to be met by the Spanish Government and fall outside the CMS/UNEP income and expenditure streams.
54. In the case of the Siberian Crane MOU, the Range States agreed in principle to the concept of establishing an International Trust Fund to sustain MOU-related activities. It has been suggested that the proposed fund, in respect of which no decision has yet been taken, would be set up under the MOU and managed by UNEP⁵⁵.

⁴⁷ UNEP/CMS/COP9/Resolution 9.14/Annex VIII.

⁴⁸ MT-IOSEA/SS.5/Doc.10 Agenda Item 11.

⁴⁹ From the Danish Spatial and Environmental Planning, CMS summary sheet.

⁵⁰ Austria has funded a coordination unit since 2005 and Hungary has pledged to continue funding until 2009.

⁵¹ UNEP/CMS/SC-6/5/Add.1/par65

⁵² Aquatic warbler questionnaire.

⁵³ IOSEA/SS.5/Doc. 10 Agenda Item 11 par2

⁵⁴ Monk Seals' MOU Questionnaire.

⁵⁵ UNEP/CMS/Conf.9.9 Agenda Item 1

55. The Dugongs and Birds of Prey MOUs are wholly funded by the UAE with a budget allocation of US\$3,600,000⁵⁶ for the 2009-2011 triennium and is managed by UNEP.

Table 1: Staff and Financial Information for all CMS Family Instruments⁵⁷

Description	CMS	AEWA	ASCOBANS	EUROBATS	ACCOBAMS
Staffing Level					
2004	D1 (100%) P5 (100%) P4 (4 x 100%) P3 (100%) G6 (2 x 100%) G5 (100%) G4 (4 x 100%) G3 (100%)	P4 (100%) GS5 (100%) ATO (100%) ⁵⁸	P3 (100%) GS4 (100%)	P4 (100%) GS5 (100%) GS4 (50%)	Exec. Sec (100%) ⁵⁹ Sec (100%) Admin Asst (100%)
2005	As above	P4 (100%) GS5 (100%) ATO (100%)	P3 (100%) GS4 (100%)	P4 (100%) GS5 (2 x 50%) GS4 (50%)	Exec Sec (100%) Sec (100%) Admin. Asst (100%)
2006	D1 (100%) P5 (2 x 100%) P4 (4 x 100%) P3 (100%) G7 (100%) G6 (2 x 100%) G5 (4 x 100%) G4 (3 x 100%) G3 (100%)	P4 (100%) GS5 (100%) ATO (100%)	P3 (100%) GS5 (100%)	P4 (100%) GS5 (2 x 50%) GS4 (50%)	Exec. Sec (100%) Sec (100%) Admin Asst (100%)
2007	As above	P4 (100%) GS5 (100%) GS4 (2 x 50%) ATO (100%)	D1 (3%), P4 (15%), P2 (75%) ⁶⁰ GS5 (100%)	P4 (100%) GS5 (2 x 50%) GS4 (50%)	Exec. Sec (100%) Sec (100%) Admin Asst (100%)
2008	As above	P4 (100%) P2 (2 x 100%) ⁶¹ GS5 (100%) GS4 (2 x 50%)	D1 (3%), P4 (15%), P2 (75%) GS5 (50%) ⁶²	P4 (100%) GS5 (2 x 50%) GS4 (50%)	Exec. Sec (100%) Sec (100%) Admin. Asst (100%)
2009	D1 (100%) P5 (3 x 100%) P4 (7 x 100%) P2 (4 x 100%) G7 (100%) G6 (3 x 100%) G5 (5 x 100%) G4 (3x100%) ⁶³ G3 (100%)	P4 (100%) P3 (100%) P2 (2 x 100%) GS5 (50%)	D1 (3%), P4 (15%), P2 (75%) GS5 (50%)	P4 (100%) GS5 (2 x 50%) GS4 (50%)	Exec. Sec (100%) Sec (100%) Admin. Asst (100%)
Assessed Contribution					
2004	US\$1,636,977	US\$408,075	US\$184,432	€233,898	€96,424

⁵⁶ With \$1,400,000 going to the Birds of Prey's activities Birds of Prey MOU in Africa and Eurasia questionnaire.

⁵⁷ Awaiting information from ACAP. The Gorillas Agreement has no staff but is currently serviced by the CMS Secretariat. Wadden Sea Seals was unable to provide relevant information as the Secretariat personnel is the same personnel that deal with all Trilateral Sea Cooperation.

⁵⁸ Associate Technical Officer appointed with effect from 1 July 2004.

⁵⁹ The staffing arrangements differ from the other agreements. The Executive Secretary and the secretary are directly employed by the Department of External Relations of the Monaco Government, and the administrative assistant employed by the Agreement is paid for by the Trust Fund which was created in 2005. During the previous triennium this job was covered by the Italian voluntary contribution from 2003.

⁶⁰ The P2 position was included in the budget for 2007 and 2008 as a consultancy, but with its own budget line.

⁶¹ The first of these posts is the existing ATO from previous years. The second is an Associate Information Officer appointed with effect from 1 October 2008.

⁶² The GS5 position was included in the budget for 2008 as a consultancy, but with its own budget line.

⁶³ Includes two part time posts.

Description	CMS	AEWA	ASCOBANS	EUROBATS	ACCOBAMS
2005	€1,856,382	US\$788,433	US\$188,089	€239,107	€142,358
2006	€1,869,715	€481,067	US\$197,845	€266,195	€219,642
2007	€1,979,923	€493,293	€93,031	€310,585	€202,564
2008	€2,514,587	€767,454	€150,457	€301,417	€213,141
2009	€1,895,846	€740,403	€190,987	€318,278	€207,879
Voluntary Contributions					
2004	US\$136,489	US\$110,79	US\$48,758	€96,789	€195,364
2005	US\$391,222	US\$424,970	US\$33,818	€37,856	€318,332
2006	US\$470,643	US\$511,407	US\$62,448	€46,787	€212,520
2007	US\$1,212,588	US\$308,289	US\$36,554	€126,267	€189,998
2008	US\$697,091	US\$1,460,817	US\$39,608	€53,057	€539,779
2009	US\$176,595	US\$102,171	US\$37,527	€51,255	€149,000

4. Critical analysis of the current system

4.1 Integration (co-location and merger) of the CMS Family

56. The institutional structure of the CMS provides considerable challenges and opportunities with regard to ensuring a unified and integrated whole. The key challenges are posed by a wide range of regulatory activity, with a host of subsidiary instruments negotiated with different priorities and objectives to address a highly expansive array of species in disparate areas, all of which have considerably different conservation needs. Given that resources are finite and time is pressured, in discharging the objectives and obligations under the Convention, the CMS institutions must necessarily advance initiatives on numerous fronts.
57. On the other hand, the activities and initiatives pursued to date under the auspices of the Convention also demonstrate considerable scope for integration between the parent Convention and the various subsidiaries, as well as between similar instruments. While integration between particular instruments may not always be appropriate, or even especially helpful, an advantage of the current arrangement has been the clustering of instruments, in relation to particular species or in respect of particular regions, which thereby maximises the scope for synergy and collaborative working practices.

4.1.1 Integration between the CMS and the CMS Family

58. Since approximately the Sixth COP in 1999, concerted efforts have been made within the CMS system to improve the integration of its constituent parts. All current CMS subsidiaries including the legally binding Agreements which function as broadly free-standing instruments, maintain a degree of interaction with the parent Convention, to a greater or lesser extent. There appears to be a generally high level of satisfaction with integration with the parent Convention.
59. The CMS Secretariat provides secretariat functions for the Gorilla Agreement and directly or indirectly to seventeen MOUs. There are clear advantages to this arrangement. In the first instance administrative pressures are eased for emerging or small-scale instruments in the immediate short-term, as these bodies may draw upon the resources and experience of the central CMS institutions. A further advantage is that the parent Convention also has a clear appreciation of the key needs of these

instruments and is in a position to act accordingly. The Gorilla Agreement, for instance, reported a highly positive experience, considering this arrangement to be the “optimum solution”, not least given the lack of funding and the fact that three to four members of the CMS staff are regularly and routinely involved in gorilla conservation work.

60. Nevertheless, there are also disadvantages to the CMS Secretariat arising from integration on this basis. Chief among these is that the arrangement by which the CMS provides full Secretariat services clearly presupposes that the CMS Secretariat has sufficient resources in terms of personnel, finance and logistics in order to sustain such an arrangement effectively. As observed in the staffing section it is clear that this is not the case, with a small central staff expected to service an increasing number of instruments. Although a number of the returns relating to MOUs did not comment on the long-term viability of these arrangements, certain other MOUs did report an increasing degree of concern over this system. In particular, the Saiga MOU noted with alarm that the lack of an Agreements Officer during 2007-08 clearly impeded progress under this instrument, while lamenting that staff levels are too low to service the MOU effectively on the current basis. The lack of data to confirm this means that it is not possible to state definitively that this remains an institutionalised problem, but it is somewhat difficult to appreciate how the problems articulated with regard to one MOU would not be substantively replicated in others that follow a near identical arrangement.
61. A second major disadvantage of this policy is that the current arrangements appear to maintain instruments at their present level of activity and participation. Given that the resources available to service the subsidiaries are growing ever more restricted, it follows that the potential for developing the necessary outreach programmes and increasing the agreements in scope and participation may be compromised by centralisation if sufficient resources cannot be sourced. Indeed, while the Gorilla Agreement reported a high level of satisfaction with the current arrangements, it further noted that additional staff would give the Agreement a “further boost”. Likewise, ASCOBANS, which was subsumed within the CMS Secretariat in 2007, has also reported a significant degree of difficulty with these arrangements, given that the initial demarcation of central and specific duties of the staff – which received a net reduction in the merger – has proved rather optimistic to discharge the demands of the Agreement in practice⁶⁴. Having recognized the institutional and sustainable problems that ASCOBANS had been facing, it was agreed that it should be subsumed within the CMS Secretariat and that these arrangements were to be implemented for a provisional three year period.
62. A weakness of the MOUs with a permanent Secretariat relationship with the CMS is that the Signatories to such instruments have demonstrated limited interest in developing the instruments’ own unique identity.
63. Some instruments have adopted a part-time relationship with the central CMS system, with institutional support forthcoming from both the CMS Secretariat as well as an additional specialist forum. In this respect, the Pacific Islands MOU offers a good example, whereby the Marine Mammal Officer and central Secretariat primarily administer the agreement, while external assistance is provided by SPREP and the WDCS. Considerable advantages have been yielded by this individual arrangement, given that continuity with the CMS system is ensured while SPREP has generated a

⁶⁴ “Merger of CMS and ASCOBANS Secretariats: Progress”, Doc. CMS/StC32/8.

specific Action Plan for marine species generally and whales and dolphins in particular. The use of SPREP facilities would permit the envisaged Pacific Islands Officer to be based in Apia, Samoa, within the geographical area serviced by the MOU, as opposed to Bonn. WDCS funds a part time coordination officer for the Pacific Islands MOU which also provides support to the CMS Secretariat, for example by preparing all documentation for the last MOS.

64. In other instances, a looser relationship with CMS is envisaged, for example under the Bukhara Deer MOU, which is effectively operated by a donation from WWF, the key integration duties are seen as providing CMS with relevant information about conservation activities.

4.1.2 *Integration amongst the CMS Family*

65. It is clear that synergies between certain agreements are more advanced than in the case of others. The reasons for this disparity appear to be grounded in Secretariat location, species coverage and regional compatibility.
66. As far as the location of secretariats is concerned, a particular strength of the system was identified as being the co-location of AEWA, EUROBATS, CMS and ASCOBANS' Secretariats within the UN Tower in Bonn. AEWA reported that an excellent working relationship had been established with ASCOBANS and EUROBATS, given that the three Secretariats in question are located in the same building, with examples being loaning staff to assist at meetings and mutual assistance on IT issues. This is clearly an operational advantage as, notwithstanding the obviously different nature of the species in question, there is a strong possibility for constant dialogue between key personnel on issues of difficulty and the opportunity to share experiences and examples of good practice.
67. On a species level, a number of subsidiaries have been developed in recent years that deal with the same broad array of species. A particular example is that of the cetacean agreements, for which four separate instruments, namely ACCOBAMS, ASCOBANS, Pacific Island MOU and West African Marine Mammals MOU, have been developed since 1991 that deal, to some degree, with particular species of cetaceans. A clear example of synergy has been the formal geographical linkage of the ASCOBANS and ACCOBAMS Agreements, by virtue of the extension of the former agreement.⁶⁵ ASCOBANS and ACCOBAMS have enjoyed a relatively close relationship since the inception of the latter agreement. They encourage coordination and synergies in scientific intersessional work carried out by working groups. In April 2007, a joint workshop on⁶⁶ Selection Criteria for Marine Protected Areas for Cetaceans was held. Nevertheless, a difficulty created by the attempted synergising of instruments addressing broadly the same subject matter is that they do not follow a standard template, with the ASCOBANS and ACCOBAMS Agreements differing strongly in scope, application, operation and strength of obligation. A document was tabled at ASCOBANS MOP6 setting out the advantages and disadvantages of extending ASCOBANS to include large cetaceans which would provide a closer degree of harmonisation between the two Agreements. However, the matter has so far not progressed further.⁶⁷ The difficulties inherent in these processes are clear – not only are there significant logistical challenges in the amendment of an agreement on

⁶⁵ Resolution No. 4: Extension of the ASCOBANS Agreement Area, adopted at the Fourth MOP in 2003.

⁶⁶ Information provided by ASCOBANS 22/10/2010.

⁶⁷ ASCOBANS MOP6/Doc.5-04 (AC).

these terms, but there is also political opposition from the ASCOBANS Parties, many of which advocate retaining a small cetacean focus.⁶⁸

68. In practice, it seems that the different scope and operation of the various agreements has conspired against full and meaningful synergies. ACCOBAMS reported that it has an effective relationship solely with ASCOBANS, although it should be observed that the two cetacean-orientated MOUs are of relatively recent vintage and there has been a narrow passage of time – especially in the case of the Western African Aquatic Mammals MOU – within which to form such synergies. It should also be observed that ACCOBAMS offered assistance to the Pacific Islands MOU in developing conservation measures at an early stage in the life of the latter instrument.⁶⁹
69. A degree of promise for future synergies within this species sphere is raised by the appointment in 2007 of a part-time (25%) post of Marine Mammals Officer (the rest of the officer’s time is spent as ASCOBANS Coordinator). As noted above, this provides scope for integrated policies and a strong lead from the central CMS organisation, although, as a disadvantage, the fact that the officer in question is required to spend a considerable proportion of their time specifically administering ASCOBANS clearly reduces the time available to perform these central facilitative functions. Moreover, “marine mammals” encompasses a considerable array of differing species with vastly different conservation needs and this post is not as narrowly focussed, as it might initially seem.
70. Likewise, the fact that a number of subsidiary instruments address like species is no guarantee of effective synergy. AEWA, for instance, noted that integration with other bird instruments “could be improved”, especially in the specific case of the Siberian Crane and Raptors MOU and Central Asian Flyway, although an effective relationship with ACAP was reported. It is nonetheless rather telling that AEWA reported its most effective synergies to be with co-located Agreements addressing bats and cetaceans on IT and administrative issues rather than with those applicable to avian fauna.
71. An alternative approach has been to develop regional, as opposed to species-based synergies, such as locating the IOSEA MOU/Senior CMS Advisor at UNEP’s Bangkok office and the 2008 Birds of Prey and Dugong MOUs in Abu Dhabi (UAE). The IOSEA MOU has succeeded in involving many countries in CMS-related marine turtle work; despite about a quarter of its membership (of 30 Signatory States) not being CMS Parties. Though the full potential of these regional approaches has yet to be realised, they can facilitate coordination of resources and offer the potential to develop centres of regional expertise on migratory species generally and individual species subject to subsidiary instruments specifically. Considerable benefits were reported in this respect under the 2008 Dugong Agreement, which is operated out of the recently opened CMS Project Office in the UAE. It should also be observed, however, that the UAE has undertaken to provide generous, consistent and sustained funding to underwrite these arrangements. As such, it may be suggested that there is some degree of correlation between the effective sourcing of sufficient funding and the success of regional synergies.

⁶⁸ *Report of the Thirteenth Meeting of the Advisory Committee to ASCOBANS* (Bonn: ASCOBANS, 2006), at 8.

⁶⁹ Indeed, representatives of ACCOBAMS have already pledged to “collaborate and share experiences and expertise with the Pacific Islands Region”: *Report of the First Meeting of the Signatories to the Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region* (Bonn: CMS, 2007), at 3.

72. Furthermore, it should also be observed that a disadvantage of the system may lie in an overly generalised approach. The mere fact that species agreements exist within the same broad region does not in itself provide a platform for effective integration. A clear example of this issue was noted by the West African Elephant MOU, which counselled that existing CMS initiatives in the region are marine, as opposed to terrestrially based, and that “[w]hile there are many arguments for consolidation and merger of such agreements in the name of “streamlining”, this would almost certainly complicate and undermine the success of the MOU to date. The Signatories of the West African Elephant MOU rejected the idea of extending the MOU to Central African populations.
73. In order to accommodate the working languages of Parties to CMS and subsidiary agreements work in different languages including Arabic, Russian, Dutch, German, Spanish, French, English, Danish, Chinese and Portuguese; with English being a working language common to all of the agreements.

4.1.3 Scientific and technical integration

74. Integration of scientific and technical information requires ensuring consistency and best practice in the compilation of information, developing information management tools, increasing access to information on migratory species already being collected by Secretariats and possessing the ability to analyse the data collected. For the CMS Family, integration is required not only across the CMS Family but also between biodiversity-related conventions, particularly on current data on various trends which impact on migratory species, for example information on ecosystem status, climate change and sea and land based pollution. Integration has become more essential with the need to meet the 2010 biodiversity targets and biodiversity indicators development by the Convention on Biological Diversity.
75. Although the purpose of the GROMS database (an information system concerning scientific information on migratory species and their populations) was not to integrate information, it resulted in a key mechanism for achieving integration of technical information across the CMS Family. The rationale behind GROMS was to combat the problem of scattered information by summarising knowledge about migratory species within one information system⁷⁰. Originally funded by the German Ministry of the Environment, it was handed over to CMS in 2005, but could not be maintained due to a lack of funding. However, recently an agreement has been signed with the GBIF allowing GROMS to be embedded in the GBIF Data Portal⁷¹. One of the main advantages of GROMS is that it is a relational database; this allows it to provide expert queries to identify gaps and contradictory data⁷². The evaluation of GROMS highlighted some improvements that are required including the introduction of quality control to ensure the reliability of the data, the establishment of a Scientific Board to ensure the scientific pertinence and reliability of the data in the long term and its integration within the world network of web-based species information systems⁷³.
76. The CMS Information Management System is also a technical information integration tool specifically built to enable the collection, management, analysis, use and dissemination of the scientific and management information that is necessary for the implementation of the CMS and CMS’s family at local, regional and global levels.

⁷⁰ UNEP/CMS/Conf.8.12.

⁷¹ UNEP/CMS/COP 9 Final Report 2008.

⁷² UNEP/CMS/Conf.8.12.

⁷³ UNEP/CMS/Conf.8.12.

4.2 Current capacity of the CMS Family to carry out activities

4.2.1 Financial perspective

4.2.1.1 Agreement implementation

77. It is difficult to assess whether CMS and its Family have the financial capacity to carry out their activities given that both the number of activities and budgets are agreed by the Parties and thus the Parties can ensure that only activities which can be funded are approved, as well as approving activities on the understanding that they be funded from voluntary contributions. For example CMS Family proposed to establish a global System of Online National Reporting (known as SONAR) to be introduced in 2008⁷⁴ to resolve the reporting burden that was impeding proper implementation of the agreements. However, the Online System did not receive core funding at COP 9 as it was not seen as a funding priority and is now dormant⁷⁵ pending funding from voluntary contributions. This type of decision-making has the disadvantage that more resources may be required to implement the activities of CMS and its Family than are actually being approved.
78. Work plans or action plans and their implementation are a good baseline for assessing capacity. When looking at CMS's 2006-2008 work plan only two activities have not been implemented due to lack of finances, namely review of the report of hunting on Migratory Species and the rescue and monitoring of Manatees in Senegal⁷⁶. In three out of the 7 Agreement Secretariats the lack of finances is impacting on the implementation of their work plan. AEWA has an immediate need to raise €600,000 to fund a gap in the Wings over Wetland UNEP-GEF African Eurasian Flyways Project. The ASCOBANS Secretariat viewed the lack of funding as impeding the implementation of work-intensive aspects of the work plan to a satisfactory degree. The new Gorilla Agreement has not received any funding.
79. A further three Agreement Secretariats have requested more finance for staffing levels to better implement their Agreements. Given that staff levels have not broadly increased since 2002 and all the Parties and activities of the Agreements have increased this is a credible appeal. The Wadden Sea Seals Agreement Secretariat view their funding as sufficient to carry out their current Action Plan and believe that additional, ad hoc financing can be raised if needed. No separate budget for the Seal Management Plan exists as funding is part of the Parties' existing trilateral and national budgets.
80. Most MOU's activities, both operational and project work appear underfunded. There is a small allocation (€162,000) as part of the CMS' triennial core budget for management of the 17 CMS MOU⁷⁷ which must also cover the development of new instruments and partnership work. The IOSEA MOU has successfully raised sufficient voluntary contributions to meet basic operational costs, which most other CMS instruments receive as core funding, but this leaves little if any surplus for project activities. Staff levels are insufficient to meet operational requirements. Even one additional member would enable the Bangkok-office to extend CMS' general

⁷⁴ UNEP/CMS/Resolution 8.24.

⁷⁵ UNEP/CMS/Inf.9.19.

⁷⁶ UNEP/CMS/Conf.9.5/Addendum/Annex.

⁷⁷ UNEP/CMS/COP9/Resolution 9.14/Annex VIII.

migratory species work in the region; and to enhance IOSEA's capacity to strengthen institutional partnerships and fundraise in support of project activities⁷⁸.

81. The Pacific Islands Cetaceans' 2008-12 Programme explicitly identified the inability to fund a designated Marine Species Officer to oversee the coordination of its initiatives previously operated under SPREP to be a considerable impediment to the progress of the various Action Plans to date⁷⁹. The lack of a formal coordinator for the Pacific Islands Cetaceans MOU has also been identified by the signatories as a key impediment to progress that must be addressed at the earliest opportunity⁸⁰ and it has been reported that lack of resources, including accessing sustained funding is one of their greatest conservation challenges⁸¹. It is clear that not having a coordinator is disadvantageous as it means the lack of a focal point for crucial activities such as fundraising on which the MOUs depend. Thus the Second Meeting of Signatories (MOS) to the Pacific Island Cetacean MOU endorsed a proposal⁸² to have a co-located CMS Regional Officer to coordinate the Pacific Island Cetacean MOU which would be focused on CMS and funded by CMS (mainly through donations) whilst hosted by SPREP. This proposal does not solve the funding problem but provides a road map for resolving this issue.
82. The Dugongs and Birds of Prey MOUs are fully funded through UAE for the first three years. The Siberian Crane MOU lacks finance for implementing most of its core provisions, including securing of safe habitats, monitoring of wild and released birds, and continued development of reintroduction techniques⁸³. The Saiga Antelope MOU lacks funding for a coordination unit as well as for an already delayed MOS (due in 2008) and thus progress during this critical phase of development where all range states have signed up to the instrument, including the Russian Federation, has been severely limited. The Bukhara Deer MOU cannot meet a key element of its action plan, namely development network for protection areas, due to lack of funding⁸⁴. Given that the West African Population of the African Elephant MOU's operating costs for the next three years are estimated at \$120,000 and it has only received pledges of €10,000 per year from CMS the funding is insufficient to cover its activities⁸⁵.
83. CMS, the Agreements and the various initiatives operate in different languages in order to accommodate Parties' working languages. However this has a cost implication in the way of translation services.

4.2.1.2 Party contributions and voluntary contributions

84. CMS and the CMS Family rely heavily on voluntary contributions to fund their activities including conservation projects, meetings and publications. In particular most conservation projects contained in Action Plans are funded voluntarily. The current practice is for Secretariat, management, administrative and general operational costs⁸⁶ to be covered by Party contributions with voluntary contributions being allocated to specific conservation projects. Thirty eight per cent of CMS's total

⁷⁸ IOSEA Questionnaire.

⁷⁹ Pacific Islands Regional Marine Species Programme 2008-12 (Apia: SPREP, 2007), at page 6.

⁸⁰ UNEP/CMS/PIC-1/Report pages 7-8.

⁸¹ Pacific Islands Regional Marine Species Programme 2008-2012 (Apia:SPREP,2007).

⁸² UNEP/CMS/PIC2/Doc 3-02.

⁸³ UNEP/CMS/SC-6/5/Add.1/par41c).

⁸⁴ UNEP/CMS/Bukhara Deer/Action Plan and Bukhara Deer questionnaire.

⁸⁵ UNEP/CMS/WAE1/Doc.8.

⁸⁶ The exception is office expenses which are covered by the host country.

budget comes from voluntary contributions and all of these are allocated to conservation projects with only 2.6% of Party contributions allocated to conservation work⁸⁷, with CMS's Small Grants Programme, destined to fund Concerted Action activities, now also funded by voluntary contributions⁸⁸.

85. There are few Parties in arrears of their core budget contributions to the CMS Trust Fund. There is a total of €112,471 unpaid pledges for 2008 and prior years. Unpaid pledges for 2009 to date amount to a total of €413,177. In 2008, 39 Parties were in arrears with amounts varying from €4 to over €26,000, and the average being €1,000.
86. AEWA's voluntary contributions would amount to over 55% of its total income if all materialised, with only 0.25% of project costs coming from Party contributions⁸⁹. A higher percentage of ACCOBAMS Party contributions go towards covering project work but this is due to the host country underwriting of operational costs. ASCOBANS' core budget has currently less than 1% allocated to conservation work and this is seen as seed funding to raise voluntary contributions. Although there is an agreement that any core budget surplus will go towards conservation work⁹⁰ and in the last two years there was a surplus of US\$90,000, this situation may only be sustainable whilst CMS's secretariat acts as the ASCOBANS Secretariat. The implementation of the Gorillas Agreement paints a similar picture with contributions from the six Parties totalling €54,000 over three years being insufficient to cover the €450,000 estimated cost of conservation work for the current budget. In this case Party contributions would not necessarily be earmarked to cover conservation projects.
87. EUROBATS' current budget estimates that voluntary contributions will amount to over 17% of its total income with no core budget monies going towards project work. All of the MOUs' activities are voluntarily funded. There are also core activities which are now funded by voluntary contributions, and concerns have been raised about funding all of the Small Grants Programme, destined to fund MOU activities, from voluntary contributions given that MOUs are already heavily dependent on income from this source⁹¹. As Parties may join an MOU (which are voluntarily funded) and not the legally binding Agreements (which require core budget funding) it could be argued that this is a disadvantage as it creates core budget free-riders who received support from the CMS Secretariat. However there are also advantages in collaborating with Range Parties, whether they are or are not Parties to binding Agreements, such as initiating a relationship which may develop further, the exchange of scientific support and data and assistance in meeting conservation objectives.
88. The advantage of this system is that Parties and other contributors have been amenable to provide funding for specific work and CMS and Agreement Secretariats, even without a dedicated fundraising staff member, have proven very adept at raising funds. For example the 2008 Dugongs and Birds of Prey MOUs' activities are fully funded⁹² for the next triennium by UAE, demonstrating the high value of attaining a sponsoring State prepared to make a significant and sustained investment in the conservation of migratory species. With the addition of a junior fundraising and partnerships officer, CMS and its Family can build on their strengths.

⁸⁷ UNEPCMS/Resolution 9.14.

⁸⁸ UNEP/CMS/ScC/Doc.3 Report Activity Planning 2009.

⁸⁹ UNEP/AEWA/MOP/Resolution 4.8/Appendix I.

⁹⁰ ASCOBANS/MOP5/Resolution 2c/Annex 1a.

⁹¹ UNEP/CMS/ScC/Doc.3 Report Activity Planning 2009.

⁹² Dugongs questionnaire.

89. However, voluntary funding by its nature is uncertain and funding may not always be so forthcoming, thus threatening a lack of continuity. Given that voluntary contributions tend to be project specific, it also means that there may be difficulties in planning for the future. Voluntary contributors have also shown in the past a definite preference towards supporting specific time limited projects or meetings rather than longer term activities or those of an operational nature⁹³, which presents a problem at least for MOUs who have no core operational funding.

4.2.1.3 PSC

90. UNEP charges 13% (the percentage level is set by the UN General Assembly) of the total income of the CMS, AEWA, ASCOBANS, EUROBATS and Gorillas Trust Funds as overhead costs, amounting to approximately €2,313,120 for their current core budgetary periods. The advantage of this system is that part of this money is ploughed back into CMS, e.g. PSC monies fund 5 CMS Secretariat staff positions which also support AEWA, ASCOBANS, EUROBATS and Gorillas. The disadvantage of this system is that voluntary contributions are also subject to this overhead charge. Given that donors provide monies for a specific purpose, application of PSC to these monies may make potential funders more reluctant, particularly if fundraising efforts are increased as planned.
91. UNEP has the discretion to use PSC monies for CMS activities, on the request of CMS's Executive Secretary. It was suggested by the Parties at COP8 and COP9 that the 13% levied on voluntary contributions received by CMS, totalling €337,075 for the current budget, be put back into conservation projects and used for supporting meetings. CMS' Executive Secretary has in the past requested from UNEP that some of those monies be allocated to conservation projects.

4.2.1.4 Trust Fund

92. As far as allocations are concerned, all CMS and CMS Family income is held in a Trust Fund which is managed, released and generally administered by UNEP in Nairobi whilst most activities are carried out in Bonn. Financial transactions are initiated and approved by the CMS and the UNEP-administered Agreements. Although payments are effected via Nairobi, this arrangement has proved to be efficient and allowed the Secretariat to close an account in Bonn.
93. Of the MOUs, only IOSEA has its own Trust Fund⁹⁴. Birds of Prey and Dugong MOUs have a separate income stream (US\$3 million for three years) which is deposited into CMS' voluntary contributions Trust Fund⁹⁵. Other MOUs are in the main funded directly through partner governments and organisations, and so CMS has no overview of how monies are spent. However, if the implementing bodies are using CMS funds, they must provide financial reports in accordance with the Letters of Agreement. This has the advantage of reducing administrative costs and reinforcing trust in Parties and partners but the disadvantage of not having a focal point for funds to be raised and of not being able to quantify monies.

⁹³ UNEP/CMS/WAE1/Doc.8.

⁹⁴ See MT-IOSEA/SS.5/Doc.10 Annex 1.

⁹⁵ Information provided by CMS Secretariat.

4.2.2 Institutional aspects

94. On a central level, broad concerns have been raised over the staffing complement of the CMS for a considerable number of years. Since the Fifth COP in 1997, the Secretariat has consistently observed that seemingly adequate staffing levels are often illusory and reflect neither the administrative demands of the Convention nor the true number of available posts in real terms. At this juncture, the Parties were cautioned that “[a]lthough the staff appeared numerous, several of them were seconded to CMS for a limited period or were part-time, and the appointments of several staff members would expire soon”.⁹⁶ In real terms, a warning was sounded that the Convention was “understaffed, with all the problems which that entailed”.⁹⁷
95. The Secretariat has formally declared staffing levels to be adequate on only one occasion, at the Eighth COP in 2005, at which point the Executive Secretary considered there to be a “full complement of staff” encompassing a “cohesive, flexible, creative team, able to respond rapidly to changing events” because all posts foreseen in the core budget were filled at that time.⁹⁸ In hindsight, this observation appears to have been a broad miscalculation, given that a considerably more damning appraisal was delivered at the Ninth COP in December 2008, with the activities of the Secretariat deemed to have been “hampered by understaffing”.⁹⁹
96. There are currently 5 vacant posts within CMS Secretariat but the appointment process has commenced. The 3 P2 positions will start in January 2010 as per budget approved by COP9. Vacancies per se do not seem to hamper staffing levels as by on large, until a suitable appointment is made the vacancy is either filled by external consultants, interns or other Secretariat and UNEP staff. An example is CMS’ current Executive Secretary post which is vacant but which is temporarily being filled by Ms Elizabeth Maruma Mrema of UNEP Nairobi. The process for appointing staff members has been streamlined by the Human Resources Action Plan agreed between the UNEP Executive Director and the UN Secretary General, which imposes a 120 day limit between the day of advertising a vacancy on CMS and UNEP’s websites to the day of appointment and where an appointment is not reached during that time, the whole recruitment process must start again. Further changes are scheduled from 1st January 2010, with the introduction of a new recruitment system called INSPIRA, replacing the current Galaxy system.
97. The root cause of these problems has been clearly identified as a lack of on-going structural investment within the administration of the CMS regime: permanent staffing levels have remained unchanged since the last major reappraisal in 2002; although during this time there has been a steady increase in the number of Parties, as well as subsidiary instruments and projects. The personnel level within the CMS is therefore being spread increasingly thinly among a proliferating degree of operational commitments. The disparity in operation capacity with the now rather sprawling CMS framework was starkly illustrated with reference to other biodiversity-related conventions, whereby CMS employs markedly fewer staff (34 staff with 144 Parties) than the CBD (91 staff with 190 Parties), CITES (28 staff with 175 Parties), WHC (94 staff with 186 Parties) (all UN administered) and the Ramsar Convention (22 staff with 159 Parties).¹⁰⁰

⁹⁶ Document UNEP/CMS/COP5/Report, at 12.

⁹⁷ *Ibid.*

⁹⁸ Document UNEP/CMS/COP8/Report/Report 1, at 4.

⁹⁹ Document UNEP/CMS/COP9/REPORT, at 7.

¹⁰⁰ Information taken from MEAs websites. Ramsar figures includes 4 interns and CITES has four vacant posts in addition to the 28.

98. Two other respondents (the Mediterranean Monk Seal MOU, Bukhara Deer MOU) declared that the staffing arrangements were broadly sufficient to cope with organisational demands at the current time, but observed that further development would require additional personnel. The Gorilla Agreement declared that it was pleased with the support received by the Secretariat and, while additional staff might provide a boost to activities, such a position would require sustained and guaranteed investment, with the *status quo* considered the optimal solution for the present.
99. Of particular concern, however, is that seven CMS subsidiaries declared their staffing quotas to be insufficient. These organisations include many of the most high-profile and long-standing instruments established under the CMS, which may have considerable implications for the image and perception of the Convention if operational effectiveness is compromised as a result of insufficient staffing levels.
100. AEWA reported perhaps the greatest discrepancy in staffing and noted that a “lack of resources” had compromised its ability to implement pertinent commitments. Moreover, AEWA considered that the current staffing levels represented the minimum required to administer the Agreement and that it was reaching the limits of its operational capacity. It was considered that three additional posts were required, encompassing two Regional Officers and a Capacity Officer, augmented by four support staff. Even without these additional appointments it was considered that the current levels of support staff need to be increased from two part-time posts to two full-time posts.
101. Considerable pressures may be observed in ASCOBANS, which was formally restructured in 2006 at the Fifth MOP to the Agreement, where a core budget increase of 25% was sought, and essentially rejected, to cover the increased salary costs incurred by the Agreement due to it having been brought under the umbrella of UNEP.¹⁰¹ The response of the Parties was to abolish the previously full-time post of Executive Secretary with responsibility for the operation of the Agreement essentially vested in the CMS Secretariat.¹⁰² At a minimum, ASCOBANS reports that the current administration post should be increased to full-time and that serious consideration be given to making the Co-ordinator’s post a full-time position (at P2 or P3).
102. ACCOBAMS also reported a need to increase staffing levels. At present, the ACCOBAMS Secretariat is largely underwritten by an on-going voluntary commitment by the Principality of Monaco, which provides the Executive Secretary and her assistant, with a further administrative assistant provided by ACCOBAMS. It is considered that “[t]o function”, the Permanent Secretariat of ACCOBAMS requires five members of staff, including the Executive Secretary – although no specific positions were noted beyond the need for such persons at a “good administrative and scientific level”.
103. The Pacific Islands MOU reported a need for additional support in key areas such as the need to appoint a CMS Pacific Islands Regional Officer, located at SPREP, given that the staffing levels have “perhaps limited the degree to which the Secretariat has

¹⁰¹ Resolution 1: Integration of the ASCOBANS Secretariat into the Agreements Unit of UNEP/CMS, adopted at the Third MOP in 2000. These developments were nonetheless viewed with optimism by the time of the Fourth MOP in 2003, with the Secretariat declaring that it “would now be able to provide even better service to the Agreement than in the past”: *Report of the Fourth Meeting of the Parties to ASCOBANS* (Bonn: ASCOBANS, 2003), at 4.

¹⁰² Resolution 2d: Joining the Forces of ASCOBANS and CMS for Improved Management and Operation of the ASCOBANS Secretariat, adopted at the Fifth MOP in 2006.

been able to take a proactive role in ensuring the implementation of the MOU”. The need for such an appointment has also be reinforced within the SPREP Marine Programme 2008-12, which explicitly identified the inability to fund a designated Marine Species Officer to oversee the coordination of these initiatives to be a considerable impediment to the progress of the various Action Plans to date.¹⁰³ In addition, the West African Elephants MOU declared the loss of its designated Programme Officer, an individual with significant experience in developing the initiative.

104. Elsewhere, the Saiga MOU noted with concern the diminishing capacity of current central staffing levels within the CMS to serve its MOUs as an effective Secretariat. In particular, it was considered that “the staffing levels are too low to manage this MOU since the Agreements Officer and the Special Assistant to the ES have also many other tasks to deal with”. This was considered to be a significant impediment to progress, not least given that due to a lack of a designated Agreements Officer in 2007 the Second Meeting of the Signatories was delayed and that “the MOU suffered considerably, and this was highly visible within the research, government and NGO sector”. The MOU reported that, as a minimum, a designated part-time manager for this instrument was required and that, ideally, central support should also be forthcoming in the form of a specific legal advisor (a task currently discharged centrally by an intern) and a fundraiser.
105. Three key staffing issues appear to be of particular significance to the CMS and need to be addressed swiftly. Firstly, it is striking that, although there have been a number of attempts at restricting the CMS, a consistent theme appears to be that such endeavours actually leave the Convention’s administrative structure with a net loss of personnel, who are then expected to assume a greater range of responsibilities. An early warning to this effect was sounded at the Seventh COP in 2002, whereby it was observed that notwithstanding the integration of the Secretariats of key Agreements, the human resources of the CMS actually decreased.¹⁰⁴ This has also occurred in the individual case of ASCOBANS, where the previous arrangement of two full-time members of staff has been replaced with a net total of less than 1.5 members of staff, spread across four separate positions, which are expected to address a further increased workload.
106. Secondly, pressures on staff have been steadily increasing to the point at which they are unsustainable. Although multi-tasking and multiple administrative responsibilities are synonymous with effective governance of a multilateral instrument, in some instances the degree of plurality of roles has expanded to a point where operational efficiency seems barely feasible. Notwithstanding the clear dedication, commitment and professionalism exhibited by the CMS staff to date, workloads in a number of key areas are unsustainable. Many Agreements have reached their operational capacity on current staffing levels, yet commitments under these instruments continue to expand, while it is unfeasible for staff to hold significant positions at both central and subsidiary level.
107. Thirdly the expansion of the CMS into new regions and in respect of new species is an undoubted testament to its success over the previous ten years. However, this has placed increasing pressure on the central administration, especially in relation to the provision of Secretariat services to more and more initiatives – just in 2008 7

¹⁰³ *Pacific Islands Regional Marine Species Programme 2008-12*, at 6.

¹⁰⁴ UNEP/CMS/COP7/Proceedings: Part I, at 7.

initiatives came into being, namely the Gorillas Agreement, the Birds of Prey MOU, Dugongs MOU, High Andean Flamingos MOU, Western African Aquatic Mammals MOU, Central Asian Flyways Action Plan and the Central Eurasian Aridland Mammals Action Plan- which are serviced with the same number of staff. It appears clear that there needs to be sustained investment at the Agreements Officer level to provide a series of additional operatives to effectively service the MOUs, Agreements and other initiatives.

4.2.3 Reporting and Information Management

108. Assessing the implementation of CMS and the Parties' compliance with agreements is dependent upon sound, consistent, reliable and up to date information. The main source of information for the CMS Family is national reports. All CMS Family agreements include provisions for signatories to submit national reports prior to ordinary meetings. Under Article VI(3) of the CMS the Secretariat is charged with the duty to obtain reports and other information, which will further the objectives and implementation of the Convention. Similar requirements are contained in AWEA (Art. VII(e)) and in EUROBATS (Art.VI). The legislative basis for this reporting requirement is however, dependent upon the legal status of the instrument. Whilst the requirement under the Convention and its daughter Agreements is legally binding, there is no binding legal requirement under the MOUs.
109. A number of issues have been identified in relation to the reporting requirements of the CMS Family. Whilst National Reports are of key significance in determining the status of the agreement, due to the increasing number of agreements, there is a mounting reporting burden on individual Parties. This burden may also prove prohibitive for potential signatories.
110. Reporting deadlines are often missed by numerous Parties. Whilst some Parties may report at a later date, there is also often a high percentage of non-compliance. Delays can impact on the assessment of the implementation of the Convention. When countries fail to report, there is a greater likelihood that the synthesis of submitted reports will be unreliable or distorted, thereby failing to provide the COP with a secure basis on which to make its decisions¹⁰⁵. At CMS COP 9, only 50% of Parties submitted reports by the deadline¹⁰⁶. At AWEA MOP4, 64% of reports due from Parties were submitted¹⁰⁷. As only 52% of AWEA Range States are a Party to the Agreement, the available assessment of the status of species covered by the Agreement is only 34% of the geographical scope. Some of the reasons provided for non-submission of reports include lack of finances, lack of national capacities, resources and cooperation as well as changes in personnel (UNEP, 2008).
111. Reporting Mechanisms have been said to be “...*outdated, cumbersome and costly for both Parties and the Secretariat*”¹⁰⁸. There are considerable differences in the scope and focus of the different agreements whilst some have a broad focus (CMS), others deal with specific taxonomic groups and often there is no or low geographic overlap¹⁰⁹. Across the CMS Family and across biodiversity-related Conventions in general there is no coordination of reporting periods and this in turn increases the

¹⁰⁵ UNEP/CMS/Inf.9.19.

¹⁰⁶ However, 85% of Parties submitted reports to ACAP MOP 3 (11 out of 13).

¹⁰⁷ 50% of African States reported and 74% of Eurasian States.

¹⁰⁸ UNEP/CMS/Inf.9.19 on the project proposal for SONAR 2010.

¹⁰⁹ For example AWEA covers 110 range states in Africa, Europe and Asia, whilst the High Andean Flamingo MoU covers 3 range states in South America.

burden on States due to multiple reporting requirements. Another concern is that the formats often change after each Meeting (CMS COP 9)¹¹⁰. This is often due to lessons learnt from the practical application of the form by the users.

112. Questions are sometimes duplicated across agreements and as a consequence this can lead to duplication of work. Where each agreement has identified a different national focal point this problem is compounded where national focal points do not communicate with one another. There is therefore a need for improved linkages between national focal points of the various agreements as a means to increase synergy and reduce duplication¹¹¹. It is also difficult for the Secretariats to consolidate individual reports into a single report that summarises the collective position of all Parties¹¹². This may be a result of the difficulties in analysing qualitative data as it may be difficult to quantitatively assess the actions to implement the Agreement and the effectiveness of actions with qualitative content¹¹³.
113. Reporting to an increasing number of agreements is time-consuming and costly. As highlighted in the ONLINE (SONAR) project proposal, reporting requires financial and human resources, diverse expertise, organisation and delegation of tasks¹¹⁴. Parties did not provide the requisite funding at COP9 as it was not viewed as a priority, so progress will depend on voluntary contributions.
114. To relieve the reporting burden on Parties between conventions and across the CMS Family, the UNEP-WCMC, through the 'Knowledge Management project', sought to harmonize reporting requirements. Two reports were produced, one on joint reporting for five biodiversity-related agreements (CMS, CBD, CITES, AEWa and IOSEA) in 2008. The other report, produced in 2007, looked at developing a joint reporting framework for CMS, AEWa and IOSEA, which could be expanded to other members of the CMS Family.
115. The 2008 Report¹¹⁵ highlighted the potential of an online depository to harmonize reporting obligations including national report formats¹¹⁶. It further proposed that due to the complexity and variety of information collected by national reports, any proposed harmonized report format would need to consist of two parts. The first part would deal with common or general information, containing information relevant to all Secretariats and a second part dealing with specific information relating to the implementation of particular actions/instruments under agreements¹¹⁷. The common guidelines recommended in the report could be extended to cover other appropriate biodiversity-related conventions and other CMS Agreements¹¹⁸. In the 2007 Report¹¹⁹, the format proposed contained both a generic section for CMS requirements and a more specific section for AEWa and IOSEA requirements.
116. If a joint reporting framework were expanded to cover the CMS Family, an online system would be more efficient and user-friendly allowing Parties only to complete

¹¹⁰ *Joint core reporting elements of biodiversity-related conventions and agreements* prepared by UNEP Division of Environmental Law and Conventions and UNEP-WCMC.

¹¹¹ UNEP/CMS/Inf.7.20.

¹¹² ACAP/MoP3/Doc.28.

¹¹³ ACAP/AC4/ Report paragraph 7.1.6.

¹¹⁴ UNEP/CMS/Info.9.19.

¹¹⁵ *Joint core reporting elements of biodiversity-related conventions and agreements* prepared by UNEP Division of Environmental Law and Conventions and UNEP-WCMC.

¹¹⁶ Ibid.

¹¹⁷ Ibid, page 4.

¹¹⁸ Ibid, page.5.

¹¹⁹ 'Joint reporting for CMS, AEWa and IOSEA' prepared by UNEP DELC and UNEP-WCMC, 2008.

the sections relevant to their requirements. At CMS COP 8, this was recognised in Resolution 8.24, which requested the adaptation of the national report format to facilitate on-line reporting on the implementation of the CMS Strategic Plan 2006-11. Currently, IOSEA offers online reporting and is regarded as one of the most advanced on-line systems of any MEA and possibly even the only such system in operation.

117. The CMS Family proposed to establish a global System of Online National Reporting (SONAR) to be introduced in 2008¹²⁰. However, the current status of SONAR is dormant¹²¹ due to a lack of funding from voluntary contributions. At COP 9 the hope was expressed that the progress of ONLINE System would be covered by Phase II of the “Knowledge Management” Project, which was then still under consideration by UNEP. A recent meeting in Geneva decided that online reporting and harmonisation would not form part of Phase II. However, this was qualified by the CMS Secretariat stating that a separate or specific sub-project may be required to introduce an IOSEA style online reporting system for CMS and other CMS Agreements¹²².
118. There are number of advantages to the current system. A number of instruments have provided a mandate for carrying out work on harmonization of reporting¹²³ and some instruments have introduced guidelines or explanatory notes to improve the quality of information (CMS and IOSEA).
119. Online reporting has some key advantages including: the reduction of the cost of developing information systems for Secretariats through shared costs; reduced overlapping in the questionnaire format of different agreements; reduced burden on national governments; removing or reducing the need for separate reporting mechanisms; and easier collection of information and assembly of reports on line by the Secretariat and other users¹²⁴. The IOSEA online reporting system has shown that a solid reporting foundation is required before the development of an online system. A number of the agreements have recognised this and have made advances to improve the basic format, for example the template for CMS COP 9 was significantly simplified compared with previous formats. The IOSEA online reporting facility also has a ‘lowest common denominator’ system built in for countries that have difficulties working online¹²⁵.
120. A significant barrier to streamlining procedures for reporting at the national level appears to be the differences in the reporting cycles of the different agreements. The lack of coherent and integrated reporting cycles was identified by the national pilot projects facilitated by UNEP for the harmonization of national reporting. In relation to harmonized formats, the CMS has expressed concern over losing the ability of the COP to alter the national reporting procedures. IOSEA also raised concerns about repeatedly altering existing templates to which users may be accustomed¹²⁶.
121. Online reporting systems will need common formats and a common dataset as well as an analytical tool linked to the on-line format¹²⁷, so there is a need for harmonization of definitions across common core documents¹²⁸; and there is a need for capacity

¹²⁰ UNEP/CMS/Resolution 8.24.

¹²¹ UNEP/CMS/Inf. 9.19.

¹²² UNEP/CMS/Conf. 9.20/Rev.1.

¹²³ UNEP/CMS/COP8/Res. 8.11 and 8.24 and CMS/MOP3/Res. 3.5.

¹²⁴ UNEP/CMS/Info.9.19.

¹²⁵ UNEP/CMS/Info.9.19.

¹²⁶ MT-IOSEA/SS.4/Doc.8.1.

¹²⁷ UNEP/CMS/Inf.9.19.

¹²⁸ Joint reporting for CMS, AWEA and IOSEA’ prepared by UNEP DELC and UNEP-WCMC, 2008.

building at national level and within the CMS and Agreement/MOU Secretariats for data collection, processing, reporting and management.

122. The CMS Secretariat, in endeavouring to assist in shortening time spent on reporting and in order to encourage a higher return of national reports, is sending out electronically a partly pre-filled report format to each Party¹²⁹. Parties are requested to check the information included and amend as appropriate, and to complete those sections where no information has been provided. A sample report is also available on the UNEP WCMC website. This is a positive measure and one to be encouraged until the on-line reporting system is up and running.

4.2.4 Capacity Building

123. Given the financial and human pressures in the delivery of conservation objectives, the building up of capacity, particularly in the areas covered by the newer agreements becomes a crucial means of marshalling scarce resources. Regional agreements continue to proliferate and the very titles of these (e.g. South American Grassland Birds, Indian Ocean and Pacific dugongs, C/W/E African Gorillas) indicate their distinct regional nature. At the same time, the growth in CMS Parties¹³⁰ largely involves new members from Asia (and Oceania), the Americas and Africa. Continued growth is expected to be outside of Europe and Africa, where there is currently a predominance of Parties, and there is a need to ensure that Parties to or members of regional species agreements also accede to the parent Convention. Moreover, it is not only the capacity of government Parties that matters as partnering with locally based NGOs is proving a most effective channel for promoting conservation.
124. A number of subsidiary instruments have proved adept at harnessing the expertise of local operators to date, which represents an important policy to ensure that local knowledge is used to address localised conservation problems. However, the danger here is one of fragmentation making it crucial that the CMS Secretariat has oversight of and can respond to such developments to ensure the protection of the migratory species within the CMS framework. This task is made much easier by building up local capacity. In this regard, a significant development could prove to be the establishment of Project Offices to assist in the coordination of key subsidiary instruments. Not only may such a policy promote administrative efficiency and the aggregation of resources, but it further provides a clear focal point for local conservation professionals and other operatives to participate in relevant CMS activities.
125. Account must be taken also of two particular objectives. The first is to combat the threat of climate change upon migratory species. The monitoring and understanding of the threats posed by climate change require robust scientific studies and targeted, applied dissemination of the findings. The practical application of techniques of adaption and mitigation may be required. Climate change demands not only a strong, central policy lead but a sharing of skills and knowledge through innovative programmes. In addition, it is increasingly vital that conservation measures are integrated into wider frameworks of sustainable development which itself is not always well understood. However, the integration of species protection into wider policies in areas such as transportation, energy, and waste management may produce significant rewards.

¹²⁹ UNEP/CMS/Conf.9.10.

¹³⁰ From 93 in November 2005 to 112 in August 2009, with a target of 123 Parties by 2011 in the Strategic Plan.

126. The mechanisms for capacity building are increasingly available via information systems and the open sharing of data which becomes accessible as and when it is needed. This and the delivery of training (whether face to face in regional workshops or through distance learning) to increase the conservation capacity within regional frameworks may not only assist in meeting conservation objectives but would strengthen the overall value placed upon being or becoming a Party to the Convention. There is room in this area not merely for scientific studies to produce appropriate guidance documents but also for consideration of social scientific work on knowledge transfer and best practice for capacity building in the wider context of programmes of sustainable development.
127. Clearly considerable good work takes place already but the emphasis here is on the great value that resources deployed for capacity building can deliver. One other important further mechanism for this is the internship programme. There is some evidence that interns remain involved with conservation work. Currently, however, interns from the developing world are in the minority. Internship should be viewed as a significant step in capacity building and might be more directly viewed as such. The internship programme is an illustration that building up individual capacity sits appropriately alongside efforts to improve institutional capacity.
128. In addition to internship programmes to capture the imagination of the next generation of conservation actors, a number of the subsidiary agreements have taken positive steps to compile databases of pertinent experts in the field. The identification of a cohort of key personnel available to participate within the activities of the various CMS agreements represents a further means of developing the operational capacity of these instruments. To date, activities have primarily centred upon the identification of scientific experts; there remains considerable scope to improve such activities to identify persons of potential value to the Convention drawn from other areas of conservation practice, such as those with legal and policy expertise, for instance.
129. There may well be synergies in the capacity building area with other activities within UNEP or conservation related MEAs (see below). Such coordination might achieve efficiencies and economies of scale. Increasingly there is room for a much wider range of stakeholders to become involved with and to support capacity building activities relieving pressures on the CMS Secretariat. It is important too that there is an iterative dialogue so that needs can be identified and met quickly and efficiently. Over time the CMS has developed to become global in reach, with this welcome expansion comes increased responsibility to ensure the capacity to deliver conservation objectives within all regions now covered by the CMS Family.

4.2.5 Scientific resource

4.2.5.1 Scientific capacity

130. Scientific endeavour within the CMS is most obviously directed on a central level through the activities of the Scientific Council. Most CMS Parties (80 of 112 have nominated their national expert) are represented on the Scientific Council, although it may be considered that coverage is slightly more fragmentary in relation to East and West Africa in this respect (18 of 39 African Parties have not nominated their Councillor, including eleven States in West Africa). Nonetheless, as noted below this is rectified by the appointment of a particular Councillor for African Fauna. A

Councillors' term is dependent on the Party who appointed them so they are either replaced by the Party or retire.

131. A particular strength of the system is the scope for the COP to appoint further experts to the Council. Where such experts are appointed, they are distinguished from those appointed by the Parties with the title "Appointed Councillor" and the criteria for their selection and the terms of their tenure are specifically established by the COP. Eight such experts were appointed for the triennium 2006-08,¹³¹ an arrangement that was continued for the current triennium. The eight experts are responsible respectively for African Fauna, Asiatic Fauna, Aquatic Mammals, Birds, By-catch, Fish, Marine Turtles and Neotropical Fauna. There are clear strengths to this system and it allows the Scientific Council to further develop its specialist advice in the context of broad species subject to multiple subsidiary instruments (such as birds, marine turtles and aquatic mammals) as well as cross-cutting anthropogenic threats to particular species (such as by-catches). Moreover, specific sectoral representation is also made through Councillors (African, Asian and Neotropical species). A case could be made for the expansion of the system to include additional areas, not least the Pacific Region. Additional threats might also be given additional scientific consideration, especially given the increased emphasis in recent years upon climate change, which might also be complemented by consideration for pollution issues and directed hunting. The appointed Councillors' term is for one COP and their appointment must be reviewed and as the case may be mandated at the following COP.
132. The Chair of the Scientific Council can also invite experts from other organisations to attend Scientific Council's meetings where there is an expression of interest. This is an advantage as it allows CMS and its Family to exchange data, knowledge and expertise with scientific experts from NGOs, MEAs and INGOs.
133. In 2007, the Forum for the chairs of the Scientific Advisory Bodies (CSAB) of the Biodiversity-related Conventions was established to improve collaboration between the scientific bodies of the biodiversity-related MEAs. In addition, in order to address common problems across MEAs, The Forum is an initiative which arose out of the BLG, which itself was founded to harmonize capacity building across all of the MEAs. With the introduction of the 2010 Biodiversity Targets, a key objective of the BLG is to develop capacity and to improve technical support.
134. The Scientific Council is also complemented by a host of Working Groups, which may be established for an *ad hoc* project – such as the development and drafting of a new subsidiary instrument – or of a greater degree of permanence, providing a platform for interchange between the Scientific Council as well as pertinent NGOs, such as the Cetacean Liaison Group proposed by WDCS and established at the Thirteenth Meeting of the Scientific Council. This allows a focused approach to specific scientific issues.
135. All subsidiary instruments have a degree of institutional scientific capacity, to a greater or lesser extent. This ranges from the central provision of scientific advice from the CMS itself, to supplementary activities by pre-existing institutions and expert groups or the activities of NGOs, to sophisticated bespoke arrangements within the larger and legally-binding Agreements. It is clear that the provision of appropriate and sustained technical advice is as essential to the operational effectiveness of the subsidiaries as it is to the parent Convention, without which it is impossible to gauge

¹³¹ Resolution 8.21, Institutional Arrangements: Standing Committee and Scientific Council, adopted at the Eighth COP.

the impact of conservation measures adopted to date, to identify the scale of current and emerging threats and to prioritise areas of activity within the context of finite budgets.

136. AEWA's Technical Committee is composed of 9 regional representatives (1 still to be appointed for Central Africa, 3 experts in environmental law, rural economics and game management, 3 experts from NGOs and 7 other experts (of which 1 post is vacant and the Chairman of the Standing Committee)¹³². 21 members attended the 9th Meeting of the Committee in 2008, including the Secretariat. EUROBAT's Advisory Committee acts as its scientific body at the 14th Meeting of the Advisory Committee in 2009 44 representatives attended (30 Party range states, 3 non-party range states and 11 observers). Each party is entitled to be represented on the Advisory Committee and may be accompanied by an advisor¹³³. ACAP's Advisory Committee, like EUROBATS acts as its scientific advisor and operates within 4 working groups.¹³⁴ It is composed of 13 Party representatives, 2 Committee Members (Chair and Vice-Chair) and the Secretariat. Its fourth meeting was held in 2008 in South Africa to which 46 delegates attended. ACCOBAMS' Scientific Committee last met in 2008 in Italy and was attended by 12 members and a further 18 assorted experts and observers. The newest Agreement for Gorillas has established a Technical Committee, which is to be composed of 1 representative from each range state, 1 representative from GRASP and 1 expert in environmental law, forest management and conservation and wild animal health¹³⁵.
137. The most formal autonomous scientific arrangements are to be found among the most extensive and well-supported of the Agreements. In this respect, ACCOBAMS has established a Scientific Committee, which is charged with providing technical advice to the MOP, elaborating conservation guidelines, conducting scientific assessments on the conservation of cetacean populations and facilitating the exchange of data.¹³⁶ The establishment of a specific Scientific Committee is seen as a major operational advantage of the Agreement, having "secured the support of high-level specialists, working in an exemplary spirit of partnership".¹³⁷ Nonetheless, concerns have been raised over its future effectiveness, given that central funding constraints have been experienced, as well as a perceived regional imbalance in the composition of this body.¹³⁸ Likewise, within AEWA, a distinct TC has been established since the inception of the Agreement which, until 2009 met annually. As in the case of ACCOBAMS, the TC is seen as a vital cog in the AEWA machinery. However, due to funding constraints, the Technical Committee is now scheduled to operate biennially, with a designed TC Forum established via an intranet to maintain and support the work and communication in the interim. It is too early to state whether this will prove to be an effective alternative to convening an official scientific meeting annually.
138. Elsewhere within the CMS Family, a process of scientific reform has been ongoing – especially within the context of some of the earliest subsidiary instruments. In this regard, neither EUROBATS nor ASCOBANS, negotiated within the early 1990s, provided a specific platform for scientific issues in the manner prescribed by later

¹³² Source AEWA website.

¹³³ EUROBATS.MoP5.Record. Annex12b.

¹³⁴ Seabird Bycatch, Breeding Sites, Taxonomy and Status and Trends Working Groups.

¹³⁵ Gorillas Questionnaire.

¹³⁶ Article VII(3) of the ACCOBAMS Agreement.

¹³⁷ *Report of the Second Meeting of the ACCOBAMS Contracting Parties*, (Monaco: ACCOBAMS, 2004), at 7.

¹³⁸ *Ibid.*, at 10.

agreements. In this respect, ASCOBANS had initially provided scope for technical and scientific issues to be addressed through its AC. A review of the Convention commissioned for consideration at the Fifth MOP in 2006 revealed a considerable level of dissatisfaction with the then arrangements,¹³⁹ which had accorded minimal time available within the various institutional meetings to address scientific concerns.

139. At ASCOBANS' Fifth MOP a Resolution was adopted that sought to redress these perceived shortcomings, declaring that since the AC was essentially tasked with providing advice on scientific, policy-related and administrative matters, it is therefore necessary to provide "a balance of scientists, policy-makers and administrators to adequately cover its role", stressing that the success of the AC essentially "depends on the ability of its members to allocate sufficient time to the work of the AC and its working groups".¹⁴⁰ Accordingly, for the 2007-10 triennium onwards, AC Meetings have been formally demarcated into two distinct sections, addressing administrative issues and scientific and policy matters.
140. A strength of this system is that it has seemingly provided a greater degree of coherence in discharging the AC agenda over the meetings in which this process has been operational. Nevertheless, this creates substantial pressure of time on the AC, which is usually convened across a period of four days and has to review financial, policy and administrative aspects of progress between MOPs, hence the true amount of time available to discuss scientific matters is heavily truncated in practice¹⁴¹. Moreover, concerns raised within the initial review at the Fifth MOP that delegations were composed more of administrators than scientists have continued to linger, which further reduces the scientific capacity of this organisation.
141. The debate within ASCOBANS at the material time was replicated in EUROBATS, which convened its AC Meeting shortly before the Fifth MOP to ASCOBANS. At this juncture, the AC to EUROBATS conducted a full review of the possibilities for administrative reform,¹⁴² before establishing a formal Standing Committee at the Fifth Meeting of the Parties.¹⁴³ The new Standing Committee meets annually and a considerable degree of satisfaction has been expressed by the delegates over the new streamlined approach to the AGREEMENT.¹⁴⁴ AEWA went through a similar process.
142. Elsewhere within the CMS Family, scientific arrangements are provided centrally by the CMS in the first instance, as part of its formal administration of the various MOUs and agreements. There are also examples of MOUs having established their own technical advisory bodies, e.g. IOSEA and West African Turtle MOUs. The advantages and disadvantages of this arrangement are broadly similar to those experienced in the general administration of these instruments, as noted elsewhere in this report. The primary advantages are that small-scale bodies with modest resources can access the central expertise of the parent Convention. On a less positive note, the constraints on time and resources at a central level to adequately service an expanding array of eclectic subsidiaries has adverse practical implications for the provision both of vital administrative and scientific support.

¹³⁹ UNEP/ASCOBANS MOP 5/ Doc.24 (O), submitted by WWF for consideration at the Fifth MOP, September 2006.

¹⁴⁰ UNEP/ASCOBANS Resolution 2b: Financial, Budgetary and Administrative Matters – Operating Procedures of the Agreement 2007-2010. In practice, these pressures are substantially replicated within the MOP given that there is often little difference in the personnel attending Meetings of the Parties and those of the AC, with similar issues raised in both fora.

¹⁴¹ ASCOBANS MOP5/DOC24 0.

¹⁴² Doc.EUROBATS.AC11.20.

¹⁴³ Resolution 5.8, Establishment of a Standing Committee of the Agreement, adopted at the Fifth MOP to EUROBATS in 2006.

¹⁴⁴ EUROBATS.StC2.Record, at 1.

143. In practice, most of the subsidiaries have received supplementary scientific support from external bodies, primarily pre-existing expert and advisory groups, or through specialist NGOs. Examples of this approach may be seen in the Great Bustard and Aquatic Warbler MOUs, in which technical support is provided by Birdlife International, while the Bukhara Deer MOU harnesses the expertise of the WWF Central Asia programme and there is scope for sustained input from local experts, who - according to the MOU reports - are all educated to doctoral level on conservation aspects of the species in question. Other subsidiaries are able to receive support from pre-existing expert groups and bodies – for instance the Pacific Islands MOU benefits from the marine conservation framework that currently exists through SPREP, while the Western African Elephant MOU reported benefits from collaboration with the AfESG from IUCN’s SSC developed and concluded the West African Elephant Conservation Strategy, with support from WWF. The advantages to the CMS of this broad policy of external support are clear – not only does it enable the parent Convention and subsidiaries to access such information freely, but also provides scope for further collaborative relations while avoiding the duplication of effort and initiatives.

4.2.5.2 Technical data perspective

144. Interrelated with the development of a more effective and efficient reporting system are two related but distinct issues. The first is the existence of accurate, up-to-date scientific and technical data in order to base planning and decision-making¹⁴⁵. The second issue is the availability and compilation of this information for use by the CMS Family. The first issue deals with the collection, quality assurance and analysis of the data to ensure its accuracy, whilst the second deals with the storage and management of the data to ensure that it is widely available to all relevant stakeholders and is in a format that can be used by those stakeholders. Whilst these two issues are closely linked they require different responses to resolve the problems.
145. There are both general and specific information challenges within the CMS Family. The existence of baseline data is an example of a general issue, for example ACCOBAMS reported that current knowledge on distribution, abundance, stock identity and population structure of cetaceans in the ACCOBAMS area is very scarce and patchy¹⁴⁶. For others there are specific information issues, which may reveal common issues for particular geographical areas. AEWA¹⁴⁷ has acknowledged that current levels of data for AEWA are poor, stating that this is in part due to a shortage of expertise, financial or logistical support in some parts of the Agreement area, which resulted in gaps in available population count data. This highlights the divergence in levels of scientific expertise for some CMS Range States. Addressing population threats is also hampered by gaps in basic species knowledge, as well as lack of monitoring or assessment in some CMS regions¹⁴⁸.
146. The availability of reliable, scientific information is one of the greatest challenges for CMS and the CMS Family. This issue was highlighted in the CMS Strategic Plan for 2006-11, as the first of its four stated objectives is ‘*to ensure that the conservation and management of migratory species are based on the best available information*¹⁴⁹’.

¹⁴⁵ UNEP/CMS/Conf7.6.

¹⁴⁶ ACCOBAMS/MOP2/Doc.50.

¹⁴⁷ AEWA/MOP4/Resolution 4.2.

¹⁴⁸ UNEP/CMS/PIC2/Inf.6-01.

¹⁴⁹ UNEP/CMS/Conf.9.18/Rev.1.

Information is essential in prioritising both scientific and management actions as it informs decision-makers about the abundance of migratory species relative to the threats facing them, and the ability to determine whether the populations are stable, increasing or decreasing.

147. There are however, some problems encountered in relation to both of these issues, these are:

1. *Access to scientific capacity*: This varies across the different instruments. Article IV(3) Agreements in general have specific scientific or technical committees (for example -AEWA, ACCOBAMS). A number of the MOU instruments receive their scientific support from partner organisations (Aquatic Warbler MOU), in particular NGOs. Other MOUs, for example the Siberian Crane and Western African Aquatic Mammals MOUs have no scientific committee and therefore rely on the scientific capacity of the CMS. As a consequence, the integration of scientific and technical data therefore needs to be addressed not only across the CMS Family and between biodiversity-related conventions but also with multiple NGOs.
2. *Funding*: Funding remains a major issue for the development of scientific capacity, for example ACCOBAMS has stated that research projects, whilst vital to the state of knowledge of the Agreement are often highly cost-prohibitive¹⁵⁰. The progress of GROMS has been hampered due to financial restrictions as has the strengthening of linkages with the on-going global environmental assessments, particularly through UNEP/GEO, which has not yet been implemented.
3. *Resources*: A lack of resources both in absolute terms and by comparison with other conventions has impacted negatively on the CMS Secretariat's scientific and technical capacity¹⁵¹.
4. *Compatibility and availability – from collection to dissemination*: For scientific data to be effective, population estimates need to be collected in similar ways across the CMS Family to ensure that comparisons are compatible¹⁵². The BLG stated that there is abundant data and information on biodiversity but that these data are often not available to the Conventions' scientific advisory bodies. The BLG stressed that the focus had to be on bringing together various sources of scientific information, including traditional ecological knowledge, in a coherent and comparable form, whilst at the same time being easy and user-friendly¹⁵³.

148. In response to these issues, the CMS Family has taken the following positive actions to address these either within instruments or across the CMS Family.

149. Response to data collection and analysis:

- The BirdLife Global Procellariiform Tracking Database, which exists due to the collaboration of scientists worldwide, facilitates the analysis of the global distribution of ACAP species. ACAP advised that data gaps still remain in the Tracking Database for the foraging range of some species during different stages of their life cycle.¹⁵⁴

¹⁵⁰ ACCOBAMS/MOP2/Doc.50

¹⁵¹ UNEP/CMS/COP9/REPORT

¹⁵² UNEP/CMS/COP9/REPORT

¹⁵³ UNEP/CMS/Conf.9.12

¹⁵⁴ SAR-9-11b.

- The CMS Information Management System¹⁵⁵ enables the collection, management, analysis, use and dissemination of the scientific and management information that is necessary for the implementation of the Convention and its agreements at local, regional and global levels. This is a ‘hub’ for the information generated by national and international expert agencies.¹⁵⁶
- Integrated efforts are pursued, via the BLG, for cooperation among scientific bodies and development of scientific advice, knowledge management for MEAs, capacity development and technical support for achieving the 2010 targets.

150. Response to data acquisition and custodianship:

- CMS Secretariat has seized opportunities to implement some of the Information Management Plan priority actions in conjunction with other multilateral treaties, therefore saving on resources and facilitating the development of a more harmonised inter-organisational approach to information management¹⁵⁷. This includes developing MOUs with partner organizations for the collection, management and use of information (IFAW, GNF, ITTO to name a few). Also working with the UNEP Knowledge Management Project to improve reporting between conventions and collaborating with Encyclopaedia for Life to build on existing efforts to establish an up-to-date, comprehensive database on listed species.
- CMS Information Management System - Systems currently interconnected through the CMS Information Management System include: Fishbase; Species 2000; IOSEA Online Report Facility and other technical databases; IUCN Red List; International Taxonomic Information System; and GBIF information.¹⁵⁸
- Science, Data and Marine Unit – Resolution 9.03 states that the IMP/IMS work should in future be led by a strengthened Science, Data and Marine Unit, and form part of a wider remit for scientific and conservation data management and be supported by other units with responsibility for website management and liaison with other bodies.
- IOSEA Marine Turtle Interactive Mapping System (developed by UNEP-WCMC and IOSEA Secretariat). The system is designed to facilitate the integration of public-domain field data, such as distribution, abundance, migration, trends, status, photographs, and information on index beaches, together with habitat information such as presence and extent of sea grasses, coral reefs, mangroves, priority areas such as Internationally and Nationally Protected Areas, and physical background parameters. While at the cutting edge of technology when it was first developed, both partners recognise that the interface needs to be upgraded to a GoogleEarth platform.
- A Memorandum of Cooperation between CMS and the GBIF was signed in October 2008 to work together to develop and share biodiversity data on migratory species. Having access to scientific data is vital for the advancement of science, the conservation and sustainable use of biodiversity, natural resource

¹⁵⁵ Developed out of UNEP/CMS/Resolution 6.5.

¹⁵⁶ UNEP/CMS/Conf.8.13/Rev.1

¹⁵⁷ UNEP/CMS/Conf.9.18/Rev.1

¹⁵⁸ UNEP/CMS/Resolution 8.10

management, policy-making, and education and public awareness. GBIF specialises in providing accessible biodiversity data. The purpose of the MOC is to facilitate the access to the GROMS database by CMS clients (e.g. COP and Scientific Council) and GBIF clients to GBIF primary data by the CMS constituency.

- In relation to the CMS Information Management system, the implementation of linking data related directly or efficiently to knowledge and information generated within CMS with other sources has not been established¹⁵⁹. In the same document it is also acknowledged that whilst the infrastructure is already in place, due to lack of implementation of some of the actions identified in the CMS Information Management Plan¹⁶⁰, much of the information available to the CMS Family remains fragmented and dispersed¹⁶¹. With the recognition of the vital role of scientific and technical information by all the MEAs, integrated programmes are being developed to resolve the current existing data problems in recognition that the harmonization of information management and reporting can lead to a more integrated process, reduction of duplication and greater sharing of information. This would support the more efficient and coherent implementation of the conventions and agreements involved.
- One of these integrated programmes is the development of a common information portal with other MEAs via a UNEP/WCMC project. However, it does not contain baseline data but has merely ready access to and cross-linkages among the strategic documents and information tools. The Secretariats of CMS and SCITES have a joint programme of work approved by their COPs and have fund raised jointly.

4.3 Strengthening cooperation with other international organisations and interested partners

4.3.1 Current examples of strengthening cooperation with other international organisations and interested parties

151. Given the considerable array of MEAs currently in existence, many of which are charged with addressing cross-cutting issues affecting the conservation status of migratory species, it is of vital importance that the CMS develops strong collaborative links with other regulatory bodies, as well as civil society. The crowded regulatory field within which the CMS operates offers considerable challenges of competition. In order to be in an effective position to strengthen cooperation with other relevant bodies and distinguish itself from other MEAs which are competing for resources, CMS and its Family would do well to ascertain and enunciate their precise role or niche within the biodiversity regulatory framework.
152. In a number of key respects, the CMS and its subsidiary organisations are in a relatively strong position to advance cooperative actions with key partners. A number of memoranda have been concluded with pertinent bodies recognising the experience and expertise of the Convention in relation to the conservation of migratory species, thereby providing a platform of cooperative activities. A series of joint work plans have been developed with, among others, the Council of Europe, which have resulted

¹⁵⁹ UNEP/CMS/Conf.9.18/Rev.1

¹⁶⁰ In particular, provide the basis for a continuous review of the Appendices, provide the means to monitor the effectiveness of the Convention and its contribution to global processes, enable the effective management and interlinking of information systems and reporting within the CMS Family and with other biodiversity MEAs relevant to CMS (in particular CBD, Ramsar and CITES).

¹⁶¹ UNEP/CMS/Conf.9.18/Rev.1.

in the elaboration of species action plans for bats, birds and marine mammals. Such organisations have also been important sources of funding throughout the tenure of the CMS. The appointment of a specific fundraising officer (albeit one with other duties) from 2010 onwards provides further impetus for grant capture – a development of real significance given that a number of the subsidiary bodies (such IOSEA and the Bukhara Deer and Saiga MOUs) have explicitly identified this as a pressing need to further their respective conservation programmes.

153. A further development of significance has been the endorsement at the Ninth COP of a mandate for the elaboration of a formal Programme of Work for Cetaceans,¹⁶² comprising a substantive review of the synergies between the CMS and other pertinent organisations with a view to identifying gaps and overlaps and thereby further ascertaining the precise contribution that may be rendered under the Convention to address the conservation needs of cetaceans. As noted elsewhere in this report, the regulatory bottleneck creates a substantial scope for the duplication and conflict of regulatory initiatives, which the parent Convention and its subsidiaries are currently working to address. Nonetheless, the pursuit of Programmes of Work, similar in scope to that of the Programme of Work for Cetaceans, will permit the CMS to develop a targeted series of projects to advance the conservation status of migratory species, while better harnessing the collaborative possibilities raised by pertinent external agencies.
154. A final means of strengthening cooperation has been forged primarily with the NGO community and research bodies in the form of what may be termed “friendship arrangements”. This has been most explicitly pursued to date within ACCOBAMS, which has developed a project to recognise the contribution of such actors on a more formalised footing, with the option to confer the status of an “ACCOBAMS Partner” upon organisations and entities that “have the potential to contribute to the mission of the Agreement” mandated at a preliminary stage in the operation of the Agreement.¹⁶³ The grant of such a status is designed to facilitate the involvement of such bodies in the implementation of the international priorities adopted by the Parties and to receive scientific information on a priority basis. Partner status has since been conferred upon a variety of organisations, ranging from NGOs to university laboratories and scholarly societies, which are subsequently entitled to use a unique logo to this effect.¹⁶⁴ With ACCOBAMS having subsequently acknowledged that such organisations “represent a substantial contribution to the successful implementation of the Agreement”,¹⁶⁵ the relationship has recently been formalised further with the Partners now required to present a report of relevant activities at each MOP and able to officially contribute to the evaluation of project proposals and the development of ACCOBAMS policies, as well as other scientific or technical instruments such as Conservation Plans and guidelines.¹⁶⁶ Such a policy could bear fruit within other CMS agreements and, indeed, has been successfully pursued by the parent Convention in the form of partnership arrangements with NGOs, such as the WDCS, WCS, BirdLife, IFAW and others – for a non exhaustive list of CMS partners see Annex II. NGO’s and IGO’s are able to sign species MOUs as “Collaborating Organisations”. A distinct entity called “Friends of CMS” is a national German non-profit society (exact legal status is

¹⁶² Resolution 9.9: Migratory Marine Species, adopted at the Ninth COP in 2008.

¹⁶³ Resolution 1.3: Awarding the Status of “ACCOBAMS’ Partner, adopted at the First MOP in 2002.

¹⁶⁴ Resolution 1.4: Adopting a Logo for the Agreement, and Conditions for its Use, adopted at the First MOP.

¹⁶⁵ Resolution 2.9: Recognising the Important Role of Non-Governmental Organisations (NGOs) in Cetacean Conservation, adopted at the Second MOP in 2004.

¹⁶⁶ Resolution 3.5: Strengthening the Status of ACCOBAMS Partners, adopted at the Third MOP in 2007.

registered association), which was founded to support CMS for effort in raising funds and awareness.

155. There are no real disadvantages to strengthening cooperation with other organisations and partners as long as CMS follows its mandate, keeps within the remits of its Agreements and has sufficient capacity to integrate and manage these new relationships. Where political sensitivities exist, these can be resolved by the Parties. The Secretariat was instructed by COP9 to develop a code of conduct for private partnerships to facilitate some of these processes to be considered by the 36th Standing Committee¹⁶⁷.

4.4 Synergies and overlap of the CMS Family with other MEAs, IGOs and NGOs

156. Closer synergies with other related MEAs and CMS agreements can be beneficial to the conservation work of individual agreement in that these synergies will help (i) avoid duplication of activities, (ii) enhance joint programmes, and (iii) improve mutual representation in meetings and field missions, thus permitting time and resources to be saved. In addition coordination between CMS range states might become smooth and consistent with national programmes and strategies, which will certainly enhance the CMS Family impact within Parties and range states. Below are examples of synergies, overlaps, some advantages and drawbacks of the current system and further potential synergies.

4.4.1 Examples

4.4.1.1 ASCOBANS

157. ASCOBANS is the only instrument within the region that applies solely to small cetaceans, although issues of importance to small cetacean conservation are addressed by other bodies operational in respect of these waters. Of particular importance to the work of ASCOBANS are the European Union (through the Habitats Directive and relevant by-catch mitigation policies and marine biodiversity policies), the IWC, HELCOM, OSPAR and NAMMCO. The Council of Europe, through the operation of the Bern Convention, is also relevant. Although few meaningful synergies have emerged with the Council of Europe, there have been no discernible conflicts.
158. The IWC is stymied by a lack of universal recognition of a regulatory mandate for small cetaceans, but such issues have been considered widely within its Scientific Committee, which has played an advisory role to ASCOBANS. In 1993 an IWC Resolution called attention to the conservation needs of harbour porpoises in the Baltic and North Seas and recognised “the relevance” of ASCOBANS¹⁶⁸. IWC advice was received in the drafting of the ASCOBANS Recovery Plan for Baltic Harbour Porpoises (Jastarnia Plan) and has represented at the ASCOBANS MOPs. Technical advice has been received in respect of by-catches and pollution issues.
159. Strong lines of communication have been consistently established with HELCOM since the inception of ASCOBANS¹⁶⁹, with a joint reporting scheme is ongoing, with HELCOM soliciting reports using the ASCOBANS¹⁷⁰ format and an exchange of the information received. HELCOM has targeted the establishment of a coordinated

¹⁶⁷ UNEP/COP9/Resolution 9.6.

¹⁶⁸ Resolution 1993-11: Resolution on Harbour Porpoise in the North Atlantic and the Baltic Sea.

¹⁶⁹ Document AC15/Doc. 34.

¹⁷⁰ Information provided by ASCOBANS 22/10/2009.

reporting system and database on Baltic harbour porpoise sightings, by-catches and strandings in conjunction with ASCOBANS by 2010: HELCOM Ministerial Declaration, adopted on 25 June 2003. HELCOM has also identified ASCOBANS as a key partner in the Baltic Sea Action Plan adopted in November 2007. The BSAP now forms the basis for all efforts of the Baltic riparian states to achieve good environmental status of the Baltic Sea by 2012. OSPAR has been identified as a forum through which the ASCOBANS agenda against contaminants in the North Sea may be effectively advanced¹⁷¹. OSPAR has instituted a programme of by-catch mitigation in respect of North Sea harbour porpoises, broadly in line with ASCOBANS objectives.¹⁷² ASCOBANS has also collaborated strongly with ACCOBAMS, attending meetings and facilitating document and information exchange. Discussions are ongoing between the two Secretariats with regards to options for reporting of observations of small cetaceans as part of the Contracting Parties' routine aircraft surveillance operations¹⁷³. These flights normally used to sight oil discharges could also be used to collect sightings data of cetaceans and transmit this data to ASCOBANS.

160. Relations between the European Union have historically been somewhat strained – ASCOBANS has in the past criticised the stance of the EU as “disappointing and unsatisfactory”¹⁷⁴ and “not helpful”¹⁷⁵ and the European Commission has declined to accede to the Agreement. Particular difficulties are encountered given that all current Parties to ASCOBANS are EU Member States that have vested exclusive competence for fisheries matters with the Community, which affects the Agreement’s ability to address by-catches. The establishment of a strong working relationship with DG-Mare and DG-Fisheries has been repeatedly emphasised within ASCOBANS¹⁷⁶ meetings and formal discussions have been held annually with the European Commission. During the triennium 2007-09, the Executive Secretary undertook two missions to Brussels to meet with DG-Mare and DG-Environment. Another positive step has been the representation of the EC at the 16th AC meeting and their registration for MOP6. AC 16 encouraged ASCOBANS’ participation in the Marine Strategy Coordination Group of the European Commission, with particular emphasis on ASCOBANS to contribute to the work of the Marine Strategy Framework Directive in securing a “good environmental status” within the Community waters incorporated within the Agreement area. ASCOBANS in the category “other marine co-operation fora” in the Coordination Group. ASCOBANS has also been included in the Working Group on Good Environmental Status (WG GES)¹⁷⁷.
161. The matter of ASCOBANS extending to larger cetaceans has been considered by MOP¹⁷⁸ and this can create overlaps with the IWC and may affect the well-established relationship with IWC who sees a demarcation of roles between ASCOBANS and itself to be respectively a focus and small and large cetaceans. It would also mean that more scientific and administrative resources would have to be dedicated to ASCOBANS, including re-branding of the Agreement. Restricting ASCOBANS to small cetaceans has meant that it has avoided political conflict with Norway and Denmark and also meant that scientific and conservations efforts have been able to

¹⁷¹ Resolution on Management and Further Needs, adopted at the Second MOP.

¹⁷² *Background Document on the Ecological Quality Objective on Bycatch of Harbour Porpoises in the North Sea* (London: OSPAR, 2005), at 3.

¹⁷³ Information provided by ASCOBANS 22/10/2009.

¹⁷⁴ Third Meeting of the AC, 1996.

¹⁷⁵ Fourth Meeting of the AC, 1997.

¹⁷⁶ Information provided by ASCOBANS 22/10/2009.

¹⁷⁷ ASCOBANS/MOP6/Doc5-02.

¹⁷⁸ Twelfth Meeting .

¹⁷⁸ CMS/ASCOBANS/MOP6/Doc.5-04

focus largely on one species. On the other its sister agreement ACCOBAMS includes large cetaceans and now borders with ASCOBANS Agreement area, thus inclusion of large cetaceans may create more synergies between the two Agreements.

4.4.1.2 ACCOBAMS

162. Of particular importance to the work of ACCOBAMS are the European Union (through the Habitats Directive and relevant by-catch mitigation policies and marine biodiversity policies), Council of Europe, the IWC, Barcelona Convention on the Protection of the Marine Environment of Coastal Regions of the Mediterranean and its associated Protocols, the Bucharest Convention on the Protection of the Black Sea against Pollution and CIESM. ACCOBAMS has pioneered a unique system to promote synergies with the Barcelona and Bucharest Conventions, through the establishment of Sub-Regional Coordination Units charged with implementing conservation priorities and collecting relevant data: Article V(1) of the Convention. ACCOBAMS has established linkages with other relevant organizations through the membership of its Scientific Committee.
163. So far, the EU has expressed little interest in formal accession to ACCOBAMS, and despite a divergence of views regarding driftnet policies and the use of acoustic deterrent devices, has been supportive of the development of Conservation Plans. The Council of Europe played a key role in the conclusion of ACCOBAMS, convening initial working groups towards the ultimate development of the Agreement and has participated at a host of meetings, pledging the availability of “its achievements and its institutional framework” to ACCOBAMS.¹⁷⁹

4.4.1.3 ACAP

164. ACAP has identified that it can play an important role with RFMOs by (i) providing information on the distribution of albatrosses and petrels and their potential overlap with fishing effort and (ii) recommending appropriate mitigation measures that may be adopted to reduce seabird bycatch. A number of RFMOs have expressed interest in entering into ‘arrangements’ similar to the ones entered into between the WCPFC, the IOTC and the Agreement Secretariat¹⁸⁰. The purpose of these agreements is the exchange of information and expertise that would assist in minimising the incidental by-catch of albatrosses and petrels.

4.4.1.4 Pacific Islands MOU

165. The main linkages are centrally with the CMS and through SPREP. SPREP has administered a pre-existing Marine Species Programme that had a strong application to cetaceans. The SPREP Whale and Dolphin Conservation Plan was annexed to the original text of the MOU, and an amended version based on the SPREP Whale and Dolphin Action Plan 2008-2012 was formally adopted at the Second Meeting of the Signatories. SPREP is likely to continue to play a primary role in developing later versions of the MOU Action Plan. CITES is also relevant, with the Solomon Islands having been identified as a hotspot for poorly regulated live trade activities.

¹⁷⁹ Report of the First Meeting of the ACCOBAMS Contracting Parties (Monaco: ACCOBAMS, 2002) at 6.
¹⁸⁰ ACAP/MoP3 Doc 8.

166. Representatives of ACCOBAMS have already pledged to “collaborate and share experiences and expertise with the Pacific Islands Region¹⁸¹. The IWC has been strongly active in the area, primarily through the Southern Ocean Sanctuary and associated research programmes but the political issue of commercial and scientific whaling has created sustained friction within the MOU area. Friction has been generated within CITES regarding the trade policies of certain Range States.¹⁸²

4.4.1.5 West African Aquatic Mammals

167. There are few pertinent organisations in situ within the area of operation of the MOU. It is envisaged that the Secretariat of the Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region will be the primary focus for institutional synergy.
168. CMS Family members, most notably ASCOBANS, ACCOBAMS and the Dugong and Marine Turtle MOUs, are likely to constitute the most immediate source of institutional synergy at present, along with the central CMS institutions.¹⁸³ With regard to small cetaceans, the IWC is likely to be of assistance in respect of research issues. There is no global body with expertise and competence over manatees in a manner analogous to the IWC.

4.4.1.6 Bukhara Deer

169. The preamble of the MOU emphasises links between the Range States and pertinent NGOs as opposed to other multilateral environmental agreements and linkages are primarily envisaged within the CMS institutions, with some data exchange ongoing with the CMS Saiga MOU.¹⁸⁴

4.4.1.7 Dugongs

170. Signatories of the Dugongs MOU undertake to “consider joining those international instruments most relevant to the conservation and management of dugongs and their habitat”.¹⁸⁵ The preamble specifically notes the role of the CMS and CITES. Notwithstanding a commitment to “take steps to ratify the most relevant international conventions addressing Monk Seal’s conservation”¹⁸⁶ (paragraph 2), the primary synergies between the MOU are likely to be established with the parent Convention.

4.4.1.8 West and Central African Elephants

171. The AfESG from the IUCN Species Survival Commission has played a significant role in the development and coordination of the West African Elephant MOU and the Central African Elephant Action Plan. The West African Elephant MOU grew out of an existing West African Elephant Conservation Strategy developed by the AfESG. One potential problem is that the origins of the division between Central and Western

¹⁸¹ “Report of the First Meeting of the Signatories to the Memorandum of Understanding for the Conservation of Cetaceans and their Habitats in the Pacific Islands Region (Bonn: CMS, 2007), at 3.

¹⁸² Selection of the Solomon Islands Population of *Tursiops aduncus* for Inclusion in the Review of Significant Trade; Document 8.5.1 presented at the Twenty-Third Meeting of the Animals Committee to CITES, April 2008.

¹⁸³ WAAM questionnaire.

¹⁸⁴ Bukhara Deer questionnaire.

¹⁸⁵ Paragraph 2, MOU on the Conservation and Management of Dugongs and their Habitats throughout their Range.

¹⁸⁶ Paragraph 2, Memorandum of Understanding concerning Conservation Measures for the Eastern Atlantic Populations of the Mediterranean Monk Seal.

Africa are not entirely clear and are perhaps based less on taxonomic distinction and more on geographic location of the lead Parties of the West African MOU.¹⁸⁷

172. One argument against the further development of a MOU on elephants in Central Africa is that the available resources might be used more effectively on the already-concluded MOU covering West Africa¹⁸⁸. However, concerns have been raised by AfESG that expanding the existing agreement to include Central African elephants would not be productive as the threats faced there are very different from those in West Africa. It has been recommended that in the case of a trans-boundary elephant population between West and Central Africa, a bilateral cooperative agreement should be pursued (for example between Nigeria and Cameroon) rather than trying to significantly increase the scope of the agreement.¹⁸⁹

4.4.2 Advantages and Disadvantages of strengthening cooperation, synergies and overlaps

Scientific Advice

173. Drawing specific lines of expertise with other conventions where there is overlap has been of benefit to the CMS Family. A clear example is ASCOBANS and the IWC where ASCOBANS has received advice from the IWC in establishing by-catch mitigation policies, as well as collaborating in addressing pollutants through the IWC's POLLUTION 2000+ programme. In fact, the IWC has adopted a Resolution "recognising the relevance" of ASCOBANS for the protection of the harbour porpoise and calling upon Range States to provide full information on population distribution and abundance, stock identities, pollutant levels, and by-catch mortality and to give "high priority" to reducing by-catches of such species.¹⁹⁰
174. The African Elephant Specialist Group (AfESG) acts as the technical advisor to the West African Elephant MOU.

Outsourcing MOU Coordination

175. With increased demands on the CMS Secretariat, calls on staff resources have been reduced through partnerships with collaborating organisations to support Range States and provide technical documentation (e.g., BirdLife International (BLI)) and outsourcing coordination of the MOU to such organizations. Under Aquatic Warbler MOU, the RSPB and APB (BirdLife partner in Belarus) have been providing coordinating functions for the MOU since 2004, initially through funds raised by RSPB, and since 2007 on a cost-sharing agreement with the CMS Secretariat. The main coordination functions provided by the agreement include the production of a newsletter, maintaining a web site for the Aquatic Warbler Conservation Team, coordinating and supporting the development, fundraising and implementation of dedicated monitoring and conservation projects, and preparing the Second meeting of signatories.¹⁹¹

¹⁸⁷ Central African Elephant Questionnaire.

¹⁸⁸ Central African Elephant Questionnaire.

¹⁸⁹ West African Elephant Questionnaire.

¹⁹⁰ Resolution 1993-11: Resolution on Harbour Porpoise in the North Atlantic and the Baltic Sea.

¹⁹¹ Aquatic Warbler Questionnaire.

176. The International Crane Foundation (ICF) is a CMS partner organisation for which the Convention co-funds the post of the Siberian Crane Flyway Coordinator for the Siberian Crane MOU.

Data exchanges

177. For the CMS Family, integration is required not only across the CMS Family but also between biodiversity-related conventions, particularly on current data on various trends which impact on migratory species, for example information on ecosystem status, climate change and sea and land based pollution. Integration has become more essential with the need to meet the 2010 biodiversity targets and biodiversity indicators development by the Convention on Biological Diversity.
178. The CMS Information Management Plan encourages these synergies by developing MOUs with partner organizations for the collection, management and use of information (IFAW, GNF, ITTO to name a few). Further activities include working with the UNEP Knowledge Management Project to improve reporting between conventions and collaborating with Encyclopaedia for Life to build on existing efforts to establish an up-to-date, comprehensive database on listed species.

Funding opportunities

179. WDCS paid for a half time officer during the period July 2007 to Dec 2008 based in Australia, mainly to support the Pacific Cetaceans Agreement. From August 2008 to June 2009 IFAW funded a full time officer based in Hamburg who focused on marine mammals and other species conservation work¹⁹². CMS, AEWa and the EU LIFE Programme have funded surveys for the Slender Billed Curlew MOU.¹⁹³

Common reporting

180. Following concerns about the role of migratory birds as potential vectors of HPAI H5N1, the CMS in close cooperation with AEWa established the Scientific Task Force on Avian Influenza and Wild Birds (the Task Force) in August 2005. It comprises 15 members and observers, including UN bodies, multilateral environmental agreements, and specialist intergovernmental and non-governmental organisations. Since August 2007, the CMS Secretariat and FAO have provided joint coordination of the Task Force. The Task Force enhances implementation of wider outreach, conservation and sustainability and promotes coordinated research and monitoring at the same time as reducing costs for all partners involved.¹⁹⁴

Development of MOUs

181. One example is the development of the West African Elephant MOU which arose out of the AfESG West African Strategy (see above). Another example is the development of the Siberian Crane MOU, which was developed by the International Crane Foundation. The development of the draft Houbara Bustard Agreement has been spearheaded by Saudi Arabia and is largely based on a review of existing documentation and studies. A contribution was made by the IUCN (formerly known as the World Conservation Union).

¹⁹² UNEP/CMS/Conf.9.34.

¹⁹³ Slender Billed Curlew Questionnaire.

¹⁹⁴ UNEP/CMS/Conf.9.25.

Joint Projects and Programmes

182. A number of MOUs have found financial and resource advantages by working in partnership with partner organisations. The Aquatic Warbler MOU is working with BirdLife International on a large-scale project to protect key sites for the Aquatic Warbler in Poland and neighbouring Germany. The project, which is funded by the EU LIFE Nature Fund and also supported by the RSPB aims to promote Aquatic Warbler-friendly management of 42,000 hectares (approximately 160 square miles) of fen and wet meadow, mostly in Poland, but also in a small part of Germany.
183. Facilitated by the CMS Siberian Crane MOU, GEF funded a six-year project to promote the conservation of wetlands vital for the Siberian crane and other migratory waterbirds in Asia. The project had been proposed by the International Crane Foundation (ICF) and CMS. GEF contributed a total of US\$10 million, with an additional US\$12.7 million in co-financing committed. The project was executed by ICF, under the aegis of the UNEP as well as in cooperation with CMS, and the Governments of China, the Islamic Republic of Iran, Kazakhstan and the Russian Federation. It focused specifically on conserving the international network of wetlands upon which the Siberian Crane depends, together with a wide range of other wetlands biodiversity. The results of this project, nearing completion at the end of 2009, will provide a basis to expand the wetland site networks and more widely apply the approaches that have been developed in each participating country.
184. AEWA is developing cooperation between the UNEP/AEWA Secretariat and NGOs regarding the coordination of Single Species Action Plans which is being outsourced through Memoranda of Cooperation to NGOs.

Overlapping of scientific and administrative capacity

185. This is an issue in terms of reporting – where countries have different national focal points for different agreements, it results in duplication of time, resources and information. The other big problem is the lack of synergy in terms of reporting timescales – recognition of this problem has led to the need for the on-line ‘live’ reporting system.

Drawing lines of expertise

186. The distinction in species coverage between IWC and ASCOBANS disadvantages accession to ASCOBANS by a number of new Range States, which would be required to adopt measures in respect of small cetaceans under ASCOBANS in part of their jurisdictional waters and in respect of large and small cetaceans under ACCOBAMS. Although not an insurmountable problem – France has acceded to both Agreements on this basis, while all new Range States are subject to overarching obligations under the EU Habitats Directive in relation to “all species” of cetaceans (Annex IV(a) of Directive 92/43/EC) - but creates practical and political difficulties that are not conducive to expediting the accession process to ASCOBANS.

Policies may be different and cause conflict

187. A difficulty with seeking further synergies is the existence of differing policies. For example the EU has expressed little interest in formal accession to ASCOBANS and

this can be due to a divergence of views regarding fishing polices, including driftnet policies and the use of acoustic deterrent devices.

188. Synergies with NAMMCO and ASCOBANS cannot be well developed, primarily due to the commitment by NAMMCO towards the sustainable harvest of cetaceans which is expressly precluded under ASCOBANS. Joint research activities have been stymied by a refusal to grant access to jurisdictional waters to NAMMCO research vessels by certain key Parties to ASCOBANS.¹⁹⁵

5. Conclusions

189. It is perhaps understandable that a significant portion of this report is given over to matters of resources. Resource issues begin with human resources. As the tendency has been for Secretariat capacity for MOUs to be provided by the CMS, the increase in the number of MOUs and species coverage has led to an overstretching the current staffing levels undermining the benefits that might otherwise flow from economies of scale through greater centralisation of staffing. While the work of the Agreements and MOUs remain underfunded and understaffed, with a reliance on short-term appointments, doubling up of personnel and a steady stream of interns there is a continual additional price to be paid in terms of a dilution of expertise. Major investment in the personnel structure would seem to be necessary merely to maintain the *status quo*. Capacity building is also a critical element in the implementation of CMS and its subsidiary instruments, particularly for recent acceding Parties and in the geographical and species areas touched by the newer instruments.
190. Finance, or rather the shortage of financial resources is a common theme through most of the questionnaires. When a MOU is supported by a fairly wealthy country as with the UAE support for the Birds of Prey MOU, significant problems are abated. This is not only due to the availability of resources but because the certainty of a resource base allows for better planning and co-ordination of activity. The availability of financial resource allows greater capacity building promoting a virtuous circle.
191. This reporting has also considered reporting processes whereby the MOUs, Agreements and the CMS require a national report to be produced. While there are plans to move towards more harmonised, consistent and easier (on-line) modes of reporting, progress has been faltering. While easier reporting may be important in securing the goodwill of Parties, many respondents attached to MOUs fear that a single format will not provide the relevant detail required for the particular conservation purposes of that MOU. It should be noted that rarely do all of the signatories submit a national report on time or at all for the ordinary meetings of the signatories. Inevitably this restricts the work of meetings which are hard to conduct without timely and accurate progress information.
192. The lack of national data submitted means that there are not always accurate data sets for particular species. Moreover current data sets not always updated (sometimes due to lack of resources). The new systems planned by CMS in this area are urgently needed. Data is crucial for measuring and monitoring. There is room for synergy and co-operation with other agencies and MEAs particularly since there are difficulties at present in measuring the impact of action plans and other programmes due to data shortfalls and methodological difficulties.

¹⁹⁵ North Atlantic Marine Mammal Commission: Annual Report 2001 (Tromsø: NAMMCO, 2001), at 19-20.

193. Interestingly, the legal status of agreements does not appear to be a matter of great significance. Although it may be regretted that MOUs are not legally binding, in practice this is not a vital issue, not least that commitments in the binding Agreements have not always been met by the Parties. The more important difference is a financial one - CMS and the Agreements having the stability provided by core funding and MOUs depending exclusively on voluntary contributions which could be withdrawn or not materialise at any time. The value of all of the instruments is the advancement of scientific research and official coordination of conservation efforts through the existing institutions and actors. The CMS work in this regard is admirable in many of the respects highlighted in this report. However, the issue is that effort when resource shortfalls stifle not only day-to-day work but also the capacity to innovate and instigate structural change.

6. Annex I – CMS and CMS Family data compilation Tables 1 - 35

Tables 1- 34 under revision – to follow.

Table 35 - Summary table of advantages and disadvantages of CMS and CMS Family

	Advantage	Disadvantage
Legal framework	Legally binding instruments have a secure financial foundation with their own core budgets (the exception being the Gorillas Agreement).	MOUs have no core budget to provide a secure financial foundation as they rely exclusively on voluntary contributions.
	The non-binding nature of an agreement may make it easier to attract Parties because it does not result in direct financial obligations and there is no need to go through complicated ratification procedures.	
Institutional structure	All instruments have some form of scientific input either through their own bodies or through CMS' Scientific Council.	Not all Agreements have a body dealing separately in management and scientific matters reducing their focus and the time they can spend on these very different matters.
		Some MOUs have no provisions for Parties to meet, therefore no decision-making body (e.g. Slender Billed Curlew).
Staffing	The CMS and CMS Family team is extremely dedicated (a small team handles a great deal of work) and multifaceted.	CMS Secretariat has an increased workload due to the increase in the number of Parties (32) and subsidiary instruments (2 Agreements, 11 MOUs and 2 Action Plans) since 2002, while staffing numbers have not increased proportionately in that period.
		CMS has less staff then other MEA's part of the UNEP structure when comparing the number of Parties they service: <ul style="list-style-type: none"> - CMS and CMS Family – 34 staff and 144 Parties/signatories; - CBD - 91 staff with 190 Parties; - CITES - 36 staff with 175 Parties; - WHC - 94 staff with 186 Parties; - Ramsar Convention - 22 staff with 159 Parties.
Finances	Donations fund projects and Parties can decide how much and to which projects they will contribute, taking ownership and special care of that project.	Not having the certainty of a resource base does not allow for long or medium term planning and co-ordination of activities.

	Advantage	Disadvantage
		A number of subsidiary agreements have reported that a lack of finances is impacting on the implementation of their work plans, e.g. the Gorilla Agreement has received no funding so far, the Siberian Crane MOU cannot finance monitoring of released birds, Bukhara Deer MOU can't develop a network for protection areas, The African Elephant MOU requires an estimated US\$ 120,000 to operate for the next three years but has only received pledges of €30,000 for that period.
	Legally binding agreements have core funding which is allocated to operational, scientific and information management ensuring that CMS and its Agreements can plan, assist all the other agreements which depend on their services and seek donations for conservation activities.	MOUs are exclusively funded by donations which makes them very vulnerable as this funding is ad hoc in some instances and may not materialise.
	The budget is approved by unanimity of the Parties so there is absolute consensus on what is to be done with the core budget.	It is difficult to assess whether the agreement have been properly implemented as only tasks that will receive funding are approved.
	UNEP charges PSC on the budgets CMS and UNEP administered instruments and puts some of this back in the form of personnel and other resources.	PSC applies to both the core budget and voluntary contributions and Parties who make donations may resent that not all of the money is going to activities.
		There is no clear fundraising policy or strategy across CMS and it's Family although it depends heavily on donations for its activities.
Centralisation	CMS, AEWA, EUROBATS, ASCOBANS and Gorillas are housed in the same building in Bonn, and through formal and informal meetings are able to share experiences, ask queries, and further support each other by loaning staff at peak times of activity (MOPs etc). They also share the services of the AFMU.	

	Advantage	Disadvantage
	All MOUs receive their Secretariat and most their Scientific support from the CMS Secretariat which allows sharing of expertise, experience in conservation, consistency of services, delivery of a strong central policy and understanding what the MOUs require.	This puts further pressure on already stretched resources.
	It is easier to co-ordinate and carry out training and capacity building in a centralised context.	
Regionalisation	The operation of a viable CMS/IOSEA office in Bangkok for six years demonstrates that CMS can function effectively away from headquarters.	IOSEA's success may be in part due to the support it received from UNEP where it is housed. There is little experience of the how the Abu Dhabi office function as it has just opened.
	May assist in the development of capacity within developing countries.	There may be issues with capacity building particularly in the newer agreement areas.
	Regional Project Offices would provide more focus on specific regional issues and would be based in areas with the greatest abundance of biodiversity.	However, transboundary cooperation in some regions may very difficult depending on the political situation within and between States, it can take years to develop and requires close and ongoing facilitation and coordination at all levels. For example in West Africa, the West African Elephant MOU recognises that harmonization of legislation across countries is necessary to ensure effective law enforcement and control of the ivory trade.
	ACAP, ACCOBAMS and Wadden Sea operate independently from UNEP and all three are well supported by Party funding.	
Species grouping	The merger of ASCOBANS and CMS Secretariats provided for a new post to be created in CMS: 75% of the marine mammal officer's time is dedicated to ASCOBANS and 25% of time dedicated to other CMS marine mammal work, thereby sharing resources and valuable experience across other Agreements. The officer also serves as the Joint Secretariat Focal Point for ACCOBAMS. The Officer also deals with , the CMS Pacific Islands Cetaceans MOU and is responsible for coordinating the WATCH (Western African Talks on Cetaceans and their Habitats) now in force as the MOU on Western African Aquatic Mammals (WAAM).	Higher than expected time consumption of the staff. Need for a comprehensive estimate of duties and time allocation, without this time commitments are exceeded.

	Advantage	Disadvantage
	Species grouping allows limited resources to be shared across species groups and thus is a more effective use of resources.	The scientific expertise required even for the same taxa may be different.
Scientific capacity	There is flexibility within the system to invite scientific experts onto the Scientific Council, including allowing outside experts to contribute which adds to CMS' political independence and science base.	
	Most of the subsidiaries agreements have received supplementary scientific support from external bodies, primarily pre-existing expert and advisory groups, or through specialist NGOs. Examples of include the Great Bustard and Aquatic Warbler MOUs, in which technical support is provided by Birdlife International, while the Bukhara Deer MOU harnesses the expertise of the WWF Central Asia programme.	A number of the MOU have no scientific capacity and are dependent on the CMS Scientific Council for expertise. Even those Agreements with Scientific support have stated that further funding is required to implement work programmes and support Working Groups.
	The creation of the Biodiversity Liaison Group provides common capacity building across all biodiversity-related MEAs.	
		In some range states insufficient capacity building and training for technical staff. In addition, there is not always sufficient technical equipment available in some range states to allow technical staff to undertake their duties e.g. ecological surveys and monitoring.
Reporting	A number of instruments have provided a mandate for carrying out work on harmonization of reporting (CMS, AEWAs).	Across the CMS Family and across biodiversity-related Conventions in general there is no coordination of reporting periods and this in turn increases the burden on States due to multiple reporting requirements. Another concern is that the formats often change after each Meeting.

	Advantage	Disadvantage
	Some instruments have introduced guidelines or explanatory notes to improve the quality of information (CMS and IOSEA).	Reporting deadlines are often missed by numerous Parties; whilst some Parties may report at a later date, there is also often a high percentage of non-compliance. This may be in part due to the increased reporting burden on a number of Parties.
	IOSEA On-line Reporting Facility (ORF) recognised as most advantageous.	
		Questions are sometimes duplicated across agreements as a consequence this can lead to duplication of work. Where each agreement has identified a different national focal point this problem is compounded where national focal points do not communicate to one another.
		An additional problem that has been identified is that it is difficult for the Secretariat to consolidate individual reports into a single report that summarises the collective position of all Parties.
Technical data	The IOSEA Marine Turtle Interactive Mapping System (developed by UNEP-WCMC and IOSEA Secretariat) is designed to facilitate the integration of public-domain field data.	
	A Memorandum of Cooperation between CMS and the GBIF was signed in October 2008 to work together to develop and share biodiversity data on migratory species. Integrated programmes are being developed by all MEAs to resolve the current existing data problems in recognition that the harmonization of information management and reporting can lead to a more integrated process, reduction of duplication and greater sharing of information.	For scientific data to be effective, population estimates need to be collected in similar ways across the CMS Family and other MEAs to ensure that comparisons are compatible.

	Advantage	Disadvantage
	The BirdLife Global Procellariiform Tracking Database, which exists due to the collaboration of scientists worldwide, facilitates the analysis of the global distribution of ACAP species.	ACAP has advised that data gaps exist in our knowledge of the foraging range of some species during different stages of their life cycle. ACAP is also in the process of negotiating MoU with relevant fisheries management organisations to obtain relevant data on seabird bycatch. Confidentiality clauses may restrict access/distribution of data amongst CMS affiliates.
		General data problem is the lack of baseline data on distribution, abundance, stock identity and population structure (e.g. ACCOBAMS). Addressing population threats is also hampered by gaps in basic species knowledge, as well as lack of monitoring or assessment in some CMS regions.
Synergies	You gain resources, gain expertise, gain networks, gain supporters, capacity, where the partner is already well established you come into an area and hit the ground running.	Risk that you may stray off your mandate or legal framework or not have capacity to support the relationship.
	Joint representation of multi Agreements at meetings and fora and the development of collaboration with other Intergovernmental and Non-governmental organisations.	The right expertise is required in order for joint representation to be successful as otherwise it may diminish the confidence of other organisations in the level of 'expertise' of the representative.
Activity rate	Rate of expansion in terms of Parties and in number of Agreements and MOUs indicates an increased awareness of the need to protect biodiversity and the import role played in national ecosystems by migratory species.	Rapid growth without consolidation can mean that limited resources are further stretched risking patchy implementation of all, newer and older, agreements.
		Key Range States still not a Party to the CMS, in particular USA, Canada and China.

7. Annex II: List of CMS Partners

CMS collaborates with the following organisations either in the development of conservation policy or on specific projects and fieldwork through formal memoranda of cooperation. CMS cooperates with a number of other organisations outside the framework of formal agreements. The list below is not conclusive.

AMMPA	- Alliance of Marine Mammal Parks and Aquariums
BLI	- BirdLife International
Cartagena	- Convention for the Protection and Development of the Marine Environment in the Wider Caribbean Region
CBD	- Convention on Biological Diversity
CBFP	- Congo Basin Forest Partnership
CIC	- International Council for Game and Wildlife Conservation
CITES	- Convention on International Trade in Endangered Species of Wild Fauna and Flora
FAO	- Food and Agriculture Organisation
FZS	- Zoological Society of Frankfurt
GBIF	- Global Biodiversity Information Facility
GNF	- Global Nature Fund
ICF	- International Crane Foundation
ICMBio	- Chico Mendes Institute for Conservation of Biodiversity
IFAW	- International Fund for Animal Welfare
ITTO	- International Tropical Timber Organization
IUCN	- International Union for Conservation of Nature
IWC	- International Whaling Commission
Museum Koenig	- Forschungsmuseum Alexander Koenig
Nairobi Convention	- Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region
NOAA	- National Oceanic and Atmospheric Administration
Ramsar	- Convention on Wetlands of International Importance especially as Waterfowl Habitat
SCA	- Saiga Conservation Alliance
SCF	- Sahara Conservation Fund
SPREP	- Pacific Regional Environment Programme
UNCCD	- United Nations Convention on Combating Desertification
UNESCO	- United Nations Educational, Scientific and Cultural Organization
WAZA	- World Association of Zoos and Aquariums
WCS	- Wildlife Conservation Society
WDCS	- Whale and Dolphin Conservation Society
WI	- Wetlands International
WHMSI	- Western Hemisphere Migratory Species Initiative
ZSL	- Zoological Society of London