



CMS COP11 HIGHLIGHTS: WEDNESDAY, 5 NOVEMBER 2014

CMS COP11 continued on Wednesday in Quito, Ecuador. CoW Chair Øystein Størkersen noted that working groups have been established for Budget, Avian and Aquatic species, as well as a drafting group on governance.

COMMITTEE OF THE WHOLE

RESOURCE MOBILIZATION: The Secretariat summarized its resource mobilization activities since COP10 (UNEP/CMS/COP11/Doc.14.4). He described efforts in raising both financial and human resources for activities during 2012-2014, including through new and innovative fundraising approaches. The Chair announced that this discussion would revert to the drafting group.

OTHER STRATEGIC AND INSTITUTIONAL MATTERS: Options for the Restructuring of the Scientific Council: The Secretariat presented key elements of the report on options for restructuring the Scientific Council (UNEP/CMS/COP11/Doc.17.1), including the draft Resolution (Annex II). He summarized the constraints of the current Scientific Council system, including expensive meetings with high numbers of sponsored delegates, a lack of resources for intersessional work and an uneven distribution of expertise. He said that the report concluded that the Scientific Council should: use limited resources more efficiently; adapt to the evolving needs of CMS; ensure balanced scientific expertise across all taxa and thematic issues; and support more intersessional activity. He reviewed the four proposed scenarios for a revised Scientific Council: Scenario A involves a smaller Council while maintaining broad and clearly defined expertise; Scenario B includes *ex-officio* members from key partner organizations; Scenario C features stronger regional representation; and Scenario D features broader representative membership compared to Scenarios A-C, but the full membership would meet only once per triennium while a subset with a strong scientific focus would meet intersessionally and lead the implementation of the COP mandate to the Scientific Council.

Several countries commented on the outlined options, with UGANDA, EGYPT, COSTA RICA and ECUADOR supporting Scenario C. The EU supported Scenario A with amendments. SWITZERLAND supported Scenario B or Scenario A with the inclusion of *ex-officio* members from key partner organizations. The US said that the CMS should aim for the best-qualified individuals on the Council, regardless of whether they belong to a party.

SYNERGIES AND PARTNERSHIPS: Draft Resolution: Enhancing the Relationship between CMS Family and the Civil Society: Ghana introduced the draft resolution (UNEP/CMS/COP11/Doc.21.3/Rev.1), saying it creates a formal avenue

for NGOs to engage with CMS. He noted that because NGOs will carry out the tasks, no additional burdens are placed on the Secretariat.

BRAZIL suggested the resolution focus on more equal engagement. AUSTRALIA suggested strengthening the reporting mechanisms for NGOs.

The CoW agreed to forward the draft resolution to the governance drafting group for discussion.

RULES OF PROCEDURE: The Secretariat introduced the proposed changes to the Rules of Procedure (UNEP/CMS/COP11/Doc.4 Annex 2 and 3) to be implemented at future COPs, noting that some issues relate to changes to the CMS practice of allowing proponents of proposals to include a species in Appendix II to amend the proposal, in light of advice from the Scientific Council, to include the species in Appendix I instead.

The EU proposed considering these changes in the drafting group. NEW ZEALAND said some of the proposed changes are substantial and welcomed their consideration in the drafting group.

PROCEDURAL ISSUES: Arrangements for Meetings of Conference of the Parties: The Secretariat introduced document UNEP/CMS/COP11/Doc.18.1, including 13 proposals, mostly of an organizational nature.

The EU proposed some changes, including a proposal for back-to-back meetings as a cost-saving measure. The CoW agreed to defer this issue to a friends of the Chair group.

Repeal of Resolutions: The Secretariat introduced the document and draft resolution (UNEP/CMS/COP11/Doc.18.2), proposing, *inter alia*, to change the term "Recommendation" to "Decision."

The EU supported the draft resolution but objected to renaming Recommendations as Resolutions or Decisions. Together with AUSTRALIA, he agreed to join a friends of the Chair group to address proposed amendments and comments.

A Review Process for the Convention: The Secretariat introduced the agenda item (UNEP/CMS/COP11/Doc.18.3/Rev.1). He said CMS is in a small category of MEAs that do not have a formal review process and outlined the processes used by other MEAs to enhance implementation and compliance. He asked delegates to adopt the draft resolution contained in the document's Annex on "Enhancing the Effectiveness of the Convention through a Process to Review Implementation."

SWITZERLAND, ISRAEL, IFAW and WILD MIGRATION supported establishing a compliance mechanism. PERU supported the resolution but said it is important to clearly define non-compliance. The EU said the proposal does not provide sufficient justification to establish a Working Group, especially given current resource limitations.

CoW Chair Størkersen emphasized this process will be voluntary and aims to build capacity and help parties comply.



NEW ZEALAND proposed establishing a Working Group to consider the need for, and modalities of, a process to enhance implementation of the Convention. The EU, ECUADOR, UGANDA and CHILE supported the establishment of such a group.

CoW Chair Størkersen then proposed, and delegates agreed, to form a Working Group.

CMS INSTRUMENTS: The Secretariat introduced relevant documents on: implementation of existing instruments (UNEP/CMS/COP11/Doc.22.1); developing, resourcing and servicing CMS Agreements (UNEP/CMS/COP11/Doc.22.2); and assessment of MoUs and their viability (UNEP/CMS/COP11/Doc.22.3).

The EU noted that MoUs not functioning properly are a problem for both the species and the credibility of the Convention and the MoUs. SWITZERLAND welcomed the report and draft resolution, noting that the introductory part on the criteria for assessing proposals for new agreements needs elaboration in order to provide guidance on the actual use of the criteria. SENEGAL, with the US, noted that additional MoUs are not a priority as long as existing ones are not fully operational.

The draft resolution was forwarded to plenary for adoption with minor amendments.

Concerted and Cooperative Actions: The Secretariat introduced the document on concerted and cooperative actions (UNEP/CMS/COP11/Doc. 22.4). He highlighted the report's main recommendations, including a proposal to eliminate the use of cooperative action and only use concerted action as of COP12, which would be applicable to both Appendix 1 and 2 species.

The EU supported consolidating the two categories of action and recommended, *inter alia*, implementation of the report be completed by COP12. CoW Chair Størkersen proposed, and delegates agreed, to endorse the draft resolution and forward it to the plenary for adoption.

Criteria for Amendments of the Appendices: The Scientific Council representative reported on progress made in developing guidelines for the assessment of proposals for the amendment of CMS Appendices (UNEP/CMS/COP11/Doc.24.2). Noting the paper on the use of the IUCN Red List Categories in assessing listing proposals to Appendix I and II of the Convention (Annex I), he introduced the draft resolution on guidelines for assessing listing proposals (Annex II).

CHILE, supported by BRAZIL, suggested that an intersessional working group is needed to improve the guidelines. AUSTRALIA said the Scientific Council should retain the flexibility to decide what species are appropriate for inclusion in the Appendices. NEW ZEALAND and ETHIOPIA mentioned the challenges IUCN guidelines can pose for migratory species, whose populations may be abundant but nonetheless at risk. CITES noted that these guidelines will make it easier for CITES and CMS to work together, but said mismatches between the respective appendices of the two conventions represent lost opportunities for sharing action on key species.

Noting general support for the draft resolutions, Chair Størkersen said the CoW would revisit the issue on Thursday morning.

CROSSCUTTING CONSERVATION ISSUES: Ecological Networks: The Secretariat introduced the relevant documents (UNEP/CMS/COP11/Docs.23.4.1.1 and 23.4.1.2).

The EU, with UKRAINE, supported the adoption of the proposed resolution.

THE PHILIPPINES, supported by BIRDLIFE INTERNATIONAL, proposed highlighting the need to address threats to important sites across the ecological network. On promoting coordinated conservation and management measures across a migratory range, ARGENTINA proposed deleting reference to "within and beyond the limits of national jurisdiction."

A working group was tasked with addressing revisions to the proposed resolution.

Programme of Work on Climate Change and Migratory Species: Costa Rica introduced its draft resolution and the programme of work prepared by the Scientific Council Climate Change Working Group (UNEP/CMS/COP11/Doc.23.4.2). Colin Galbraith, Scientific Councillor for Climate Change, provided an overview of CMS's work on climate change.

ECUADOR supported the resolution and draft programme of work. The EU supported the resolution, with some amendments, and the continuation of the Working Group, but noted, together with AUSTRALIA, that the draft programme of work requires further elaboration. EGYPT endorsed the resolution and draft programme of work but noted that the latter has no timeframe.

Renewable Energy Technologies Deployment and Migratory Species and Guidelines: Jan van der Winden, Bureau Waardenburg, introduced the review and guidelines (UNEP/CMS/COP11/Doc.23.4.3.1). He said there are already some impacts on migratory species from renewable energies, especially from biomass, hydropower and wind energy.

The Secretariat then introduced the draft resolution on renewable energy and migratory species, highlighting one bracketed paragraph and the recommendation to establish an energy task force.

BRAZIL, EGYPT, SOUTH AFRICA, ARGENTINA and CHILE supported the draft resolution, though some countries suggested amendments. The Chair requested the submission of amendments to the draft resolution and closed the session.

WORKING GROUPS

AVIAN WORKING GROUP: The Avian Working Group convened to consider six documents and draft resolutions (UNEP/CMS/Doc.23.1.1-6) as well as agreed to discuss the five listing proposals for migratory birds in CMS appendices, and choose the next COP-appointed councillor for migratory birds.

AQUATIC ISSUES WORKING GROUP: This group discussed draft resolutions on the Single Species Action Plan for the Loggerhead Turtle in the South Pacific Ocean (UNEP/CMS/COP11/Doc.23.2.2) and Sustainable Boat-Based Wildlife Watching Tourism (UNEP/CMS/COP11/Doc.23.4.5).

On the former, parties agreed to the text, subject to the outcomes of bilateral discussions regarding submitted comments. On the latter, some delegates expressed concern that the annex to the decision providing recommended elements for, *inter alia*, national guidelines and regulations for boat-based wildlife watching may be too prescriptive. Parties agreed to draft a simplified version and circulate it for further comment.

DRAFTING GROUP ON GOVERNANCE: Parties discussed the draft resolutions on enhancing the relationship between the CMS family and civil society (UNEP/CMS/COP11/Doc.21.3/Rev.1). A revised draft on this decision was presented, to which delegates agreed. Delegates also discussed the draft resolution on the analysis of shared common services between CMS family instruments (UNEP/CMS/COP11/Doc.16.2). Following lengthy debate, delegates agreed, *inter alia*, on revised preambular text acknowledging the need for more information.

IN THE CORRIDORS

While this might be the "Shark COP," it doesn't mean CMS has teeth. Most major MEAs have a process for reviewing the effectiveness of implementation; CMS does not. To remedy this, a draft resolution proposes an intersessional working group to explore possible compliance mechanisms to improve CMS's effectiveness. This draft resolution provoked a "surprisingly" lengthy amount of discussion in the CoW. Some parties were reluctant to consider a compliance mechanism, despite the improved effectiveness this could bring to CMS and benefits to parties. As one exasperated delegate noted, "it's not about being sent to the sin bin."