

CMS COP 9 HIGHLIGHTS: THURSDAY, 4 DECEMBER

On Thursday, plenary reconvened to discuss, among other things, proposals for species listings in CMS Appendices I and II. The Committee of the Whole discussed priorities for CMS agreements, information management and CMS operational instruments. Working groups met throughout the day and evening to address: the future shape of CMS; resources; species listings; flyway conservation; and ocean noise and migratory marine species.

PLENARY

RESOURCES: FRANCE reported on the progress of the resources working group, noting discussion will probably result in a recommendation close to the 5.5% increase option. CMS Executive Secretary Robert Hepworth stressed this option only allows for marginal enhancement of capacity building.

SPECIES LISTING PROPOSALS: Appendix I: Plenary adopted, without debate, the Appendix I listing of the: Black Sea population of bottlenose dolphin; Irrawaddy dolphin; Atlantic humpback dolphin; West African manatee; Baer's pochard; Egyptian vulture; Peruvian tern; yellow-breasted bunting; cerulean warbler; and streaked reed-warbler.

On the proposed cheetah listing, NORWAY expressed concern on the potential conflict with the quota system established under CITES. Scientific Council Vice-Chair Pierre Devillers (EC) suggested that the populations of the three southern African countries with a CITES quota be listed in Appendix II; this was accepted, and Algeria was requested to submit a revised proposal for adoption. On the barbary sheep, delegates were informed that Algeria had modified its proposal to an Appendix II listing, which was adopted. On the saker falcon, an informal group was established to hold consultations.

In the afternoon, CROATIA reported on the deliberations of the saker falcon group. She said it addressed two options: working on a compromise decision, or bringing the listing proposal to plenary for a vote, which they would try to avoid. Deputy Executive Secretary Lahcen Al Kabiri, supported by Chair Fernando Spina (Italy), said consensus should be sought, especially given the promotion of the birds of prey MOU.

Appendix II: Plenary adopted, without debate, the listing of the: Mediterranean population of bottlenose dolphin; West African population of clymene dolphin; African wild dog; and saiga antelope. On the North West African population of harbor porpoise, NORWAY stated it is unclear whether the population meets the listing criteria, but withdrew its concerns following explanations by MAURITANIA and William Perrin, appointed

CMS Councilor for aquatic mammals. Similar concerns were noted with regard to the Mediterranean population of Risso's dolphin, which is also covered by ACCOBAMS. Both proposals were adopted. Listing proposals for the maccoa duck and African skimmer were withdrawn.

Following opposition to the proposals to list the shortfin and longfin mako sharks, porbeagle shark and spiny dogfish, a group was established to hold consultations. Reporting on these deliberations, the EU said the group had not concluded its work and will continue in a restricted group consisting of the EU, Croatia, Argentina, Uruguay, Chile and New Zealand.

NOMENCLATURE: The Secretariat prepared a draft recommendation on standardized nomenclature for the Appendices (UNEP/CMS/Rec.9.4), based on Scientific Council deliberations, and stressed the need to harmonize nomenclature used in different MEAs and the CMS agreements.

CLIMATE CHANGE: AUSTRALIA reported on the climate change group, noting that a draft resolution (UNEP/CMS/Res.9.7/Rev.2) was finalized.

MARINE ISSUES: Reporting on the group on marine issues, AUSTRALIA said delegates agreed on a final draft on by-catch, while a sub-group on ocean noise will consider a final draft in an evening session. Highlighting procedural concerns regarding the late circulation of the resolution on marine species, he said discussion will continue. Argentina, on behalf of GRULAC, stressed the region's difficulty to reach a decision on marine species, due to limited time.

FUTURE SHAPE OF CMS: CHILE reported on the working group on the Convention's future shape. She noted agreement that the intersessional working group would be comprised of a regionally balanced group of parties on the basis of the new structure of the Standing Committee, which would then be opened up to the rest of parties, non-parties, parties and secretariats of CMS agreements and partner organizations.

SIGNING CEREMONIES: Delegates witnessed signing ceremonies for: a new Andean flamingo MOU, by Bolivia, Chile and Peru; a Memorandum of Cooperation between CMS and the Chico Mendes Institute for Biodiversity Conservation, Brazil; the MOU for the manatee and small cetaceans of Western Africa and Macaronesia (WATCH), by WDCS and WWF; and the African-Eurasian birds of prey MOU, by BirdLife International and South Africa.

COMMITTEE OF THE WHOLE

AGREEMENTS: Continuing discussions from Wednesday on the draft resolution on priorities for CMS agreements (UNEP/CMS/Res.9.2/Rev.1), the US cautioned against preempting results of the forthcoming sharks meeting, and ARGENTINA

requested deleting references to sharks. PANAMA called for a conservation agreement for raptors in Latin America. CMS Councilor Perrin noted that expanding the range of the South East Asian cetaceans agreement to the Indian Ocean would increase the number of range states from two to almost 20. WDCS suggested developing separate agreements for the two regions for marine mammals. IFAW cautioned against stopping the development of future agreements while deciding on the Convention's future shape.

INFORMATION MANAGEMENT: The Secretariat presented on changes in national report formatting and information systems (UNEP/CMS/Conf.9.18 and 9.20), highlighting that the Global Registry of Migratory Species will be part of the portal of the Global Biodiversity Information Facility. Resolutions on information priorities and national reports (UNEP/CMS/Res.9.3 and 9.4) were later adopted in plenary.

CMS OPERATIONAL INSTRUMENTS: Scientific Council Vice-Chair Devillers presented a paper on the review of the operational instruments of the CMS (UNEP/CMS/Conf.9.16), noting ways to improve CMS operation and highlighting guidelines for future policy development. MONACO, supported by many, noted that the document was interesting, but expressed discontent with its recommendations, stating, with the EU, that it should only have been tabled as an information document. The EU, with ARGENTINA, SWITZERLAND and others, said the document should be considered by the intersessional working group on the future shape of the CMS. UNEP commented on several incorrect legal interpretations of articles of the Convention and agreements, and ACCOBAMS expressed disagreement with almost all of the document's contents. AEW, with ACCOBAMS, stated that some of the document's recommendations were impractical. Vice-Chair Devillers responded that the recommended measures would only apply to future instruments.

WORKING GROUPS

FUTURE SHAPE OF CMS: The working group addressed a revised draft resolution (UNEP/CMS/Res.9.13/Rev.1) paragraph by paragraph. Delegates discussed how to involve the intersessional working group in the development of the new strategic plan, and agreed to state that if the Standing Committee or any other body of the Convention is asked by COP 9 to develop the strategic plan, this working group may be asked to undertake the work or contribute to its development. Delegates then addressed the group's terms of reference (UNEP/CMS/Res.9.13/Add.). They drafted text to ensure the intersessional working group will consult the secretariats of and parties to the CMS agreements, as well as partner organizations, and streamlined paragraphs on the group's composition. They also added a reference that UNEP will be informed on the process, along with other MEA secretariats and international organizations. A revised draft will be prepared for plenary's consideration.

RESOURCES: The working group reduced the proposed 2009-2011 budget to a 5% increase from the 2006-2008 budget by: rejecting any position upgrades; reducing the budget for information management, outreach and fundraising, and agreements and MOUs; and only starting the proposed P2 posts in 2010. Some delegates then requested that the budget be brought down to a 3.3% increase. Delegates debated whether to cut one of the three proposed new posts, which most delegates favored, or to reduce the budget for conservation grants and projects, which some argued could be compensated through voluntary contributions. Delegates later agreed to the former option, and then decided to reinstate most of the proposed budget for outreach and communication by reducing the budget for staff travel costs. Delegates agreed to a core budget representing a 3.3% increase.

Discussing the draft resolution (UNEP/CMS/Res.9.14/Rev.1), delegates debated whether to include a proposal to establish a finance and budget sub-committee in this resolution or in the one on the composition of the Standing Committee, deciding on the former for most of the sub-committee's tasks. They discussed, *inter alia*; merging the three proposed post titles into two; requesting UNEP's Executive Director to review the grading of posts, taking into account the outcome of the working group on the future shape of CMS, by 2011; and requesting the negotiation of allocating the programme support costs for activity implementation. Discussions continued into the night.

SHARKS: A small group discussed the proposed Appendix II listings of the shortfin and longfin mako sharks, porbeagle shark and spiny dogfish. Discussions focused on the possibility of moving forward the debate on the spiny dogfish by only addressing the northern hemisphere population. Reference was made to potential reservations to the proposals. Some changes to the documents were suggested, particularly with regard to reference to data gaps and future meetings to keep the issue under review. Delegates agreed to discuss these changes bilaterally, later in the evening.

FLYWAY CONSERVATION: The establishment of a CMS working group on flyway conservation was addressed in a small group. Delegates discussed the future working group's scope of work and terms of reference, specifically the need to: conduct technical reviews of the flyways of the world's migratory bird species; review current agreements and arrangements/frameworks for migratory bird conservation; and develop proposals for future action, which will guide potential development of future CMS agreements. Delegates felt the working group should start its work soon, to be able to report to the next Scientific Council meeting, and agreed on the need to find funding for the working group's operations.

OCEAN NOISE AND MARINE SPECIES: A small group finalized a revised draft resolution on ocean noise impacts on cetaceans.

Acknowledging the late tabling of the draft resolution on migratory marine species, delegates decided to leave open the option for plenary to adopt this text as a recommendation rather than a resolution. Delegates agreed on a revised draft text that, *inter alia*: takes forward the work programme proposed by the Secretariat; stimulates coordination within the CMS family and between CMS and partner organizations and avoids duplication of effort; and sets the direction for priority work for the Scientific Council until COP 10, including encouraging future action on arctic species and on marine protected areas.

IN THE CORRIDORS

Thursday was the decisive day for CMS COP 9 – the “litmus test,” as one seasoned delegate put it – on which it would become clear if a breakthrough would be achieved before the week's end. This, indeed, turned out to be the case. Although the proposals to list the saker falcon and several shark species on the Appendices did prove controversial in plenary, fruitful discussions in small groups left delegates relieved and confident that the issues would be resolved without having to come to a vote.

Marine issues also ended on a positive note. Late-night deliberations dispelled a series of procedural concerns allowing for agreement on a much-needed resolution on marine species. The text even included reference to arctic animals, which one delegate had feared would be left to “migrate away.” All in all, by most accounts, the outlook for coming to positive conclusions by an early fall of the gavel on Friday looked very likely.

ENB SUMMARY AND ANALYSIS: The *Earth Negotiations Bulletin* summary and analysis of COP 9 and the Gorilla Agreement MOP 1 will be available on Monday, 8 December 2008, online at: <http://www.iisd.ca/cms/cop9/>