

**SUMMARY OF THE NINTH CONFERENCE OF THE PARTIES TO THE CONVENTION ON MIGRATORY SPECIES OF WILD ANIMALS AND RELATED MEETINGS:
27 NOVEMBER-5 DECEMBER 2008**

The ninth meeting of the Conference of the Parties (COP 9) to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) was held from 1-5 December 2008, in Rome, Italy. Approximately 300 representatives from governments, inter- and non-governmental organizations as well as scientists convened to discuss urgent conservation responses to address the rapid decline of migratory animal species across the globe under the theme of “2010 and Beyond: Wildlife Renaissance.”

During the week, COP 9 reviewed implementation under the CMS Strategic Plan 2006-2011, including: reports from Convention and agreement bodies, states, and partners; measures to improve the conservation status of CMS Appendix I and II species; information management, capacity building, outreach and communication; cooperation with other Conventions and partners; key policy issues such as climate change and wildlife diseases; and proposals for amendments to the CMS Appendices. COP 9 also discussed the resources and “future shape” of the Convention, focusing on budget and administration, and institutional matters.

COP 9 was preceded by several associated meetings from 27-30 November: the first Meeting of the Parties (MOP 1) to the Gorilla Agreement; the seventh UN Environment Programme (UNEP)/Global Environment Facility (GEF) Siberian Crane Wetlands Project Steering Committee meeting; the 34th CMS Standing Committee meeting; and the Aridland Mammals meeting. COP 9 was followed by the second Meeting to Identify and Elaborate an Option for International Cooperation on Migratory Sharks, from 6-8 December.

CMS COP 9 was considered to be a successful meeting, touching upon a range of institutional, key policy and species conservation issues. The meeting adopted 17 resolutions and five recommendations. It listed 11 species on Appendix I of the Convention, including three dolphin species and the West African manatee, as well as the cheetah, with the exception of the populations of Botswana, Zimbabwe and Namibia for which

quotas are in place under the Convention on the International Trade of Endangered Species of Wild Fauna and Flora (CITES). Species listed in Appendix II include the African wild dog, saiga antelope and several dolphin populations. Following intense negotiations, mako sharks, the porbeagle shark and the northern hemisphere population of the spiny dogfish were also listed on Appendix II. The proposal to list the saker falcon on Appendix I was eventually withdrawn, but a resolution was adopted that sets out the direction for future work on this species, and proposes listing it at COP 10 unless its conservation status improves significantly. Other highlights of the meeting included: the adoption of a modest but flexible core budget for the next triennium representing a 3.3% increase compared to the 2006-2008 budget, also providing for two new Secretariat posts; resolutions on climate change impacts on migratory species, ocean noise, by-catch and marine species; and the establishment of an intersessional process on the future shape of CMS, aiming to address a series of institutional issues.

A BRIEF HISTORY OF CMS

Migratory species are vulnerable to a wide range of threats, including habitat shrinkage in breeding areas, excessive hunting along migration routes, and degradation of their feeding grounds.

IN THIS ISSUE

A Brief History of CMS	1
Gorilla Agreement MOP 1 Report.....	2
Other COP 9 Associated Meetings	4
CMS COP 9 Report.....	4
A Brief Analysis of CMS COP 9.....	15
Upcoming Meetings	16
Glossary	17

This issue of the *Earth Negotiations Bulletin* © <enb@iisd.org> is written and edited by Nienke Beintema, Reem Hajjar and Elsa Tsioumani. The Digital Editor is Anders Gonçalves da Silva, Ph.D. The Editor is Pamela S. Chasek, Ph.D. <pam@iisd.org> and the Director of IISD Reporting Services is Langston James “Kimo” Goree VI <kimo@iisd.org>. The Sustaining Donors of the *Bulletin* are the United Kingdom (through the Department for International Development – DFID), the Government of the United States of America (through the Department of State Bureau of Oceans and International Environmental and Scientific Affairs), the Government of Canada (through CIDA), the Danish Ministry of Foreign Affairs, the German Federal Ministry for Economic Cooperation and Development (BMZ), the German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (BMU), the Netherlands Ministry of Foreign Affairs, the European Commission (DG-ENV), and the Italian Ministry for the Environment, Land and Sea. General Support for the *Bulletin* during 2008 is provided by the Norwegian Ministry of Foreign Affairs, the Government of Australia, the Austrian Federal Ministry of Agriculture, Forestry, Environment and Water Management, the Ministry of Environment of Sweden, the New Zealand Ministry of Foreign Affairs and Trade, SWAN International, Swiss Federal Office for the Environment (FOEN), the Finnish Ministry for Foreign Affairs, the Japanese Ministry of Environment (through the Institute for Global Environmental Strategies - IGES), the Japanese Ministry of Economy, Trade and Industry (through the Global Industrial and Social Progress Research Institute - GISPRI), and the United Nations Environment Programme (UNEP). Funding for the translation of the *Bulletin* into Spanish has been provided by the Ministry of Environment of Spain. The opinions expressed in the *Bulletin* are those of the authors and do not necessarily reflect the views of IISD or other donors. Excerpts from the *Bulletin* may be used in non-commercial publications with appropriate academic citation. For information on the *Bulletin*, including requests to provide reporting services, contact the Director of IISD Reporting Services at <kimo@iisd.org>, +1-646-536-7556 or 300 East 56th St., 11A, New York, New York 10022, USA.

As a result of international concern over these threats, CMS was adopted in 1979 and entered into force on 1 November 1983. CMS, also known as the Bonn Convention, recognizes that states must be the protectors of migratory species that live within or pass through their national jurisdictions, and aims to conserve terrestrial, marine and avian migratory species throughout their ranges. CMS currently has 110 parties.

The Convention was designed to allow for expansion and revision of commitments and to provide a framework through which parties may act to conserve migratory species and their habitat by: adopting strict protection measures for migratory species that have been characterized as being in danger of extinction throughout all or a significant portion of their ranges (species listed in Appendix I of the Convention); concluding agreements for the conservation and management of migratory species that have an unfavorable conservation status or would benefit significantly from international cooperation (species listed in Appendix II); and joint research and monitoring activities. At present, over a hundred migratory species are listed in Appendix I.

CMS also provides for the development of specialized regional agreements for Appendix II species. To date, seven agreements and 14 memoranda of understanding (MOUs) have been concluded. The seven agreements aim to conserve: populations of European Bats; cetaceans of the Mediterranean Sea, Black Sea and contiguous Atlantic area; small cetaceans of the Baltic and North Seas; seals in the Wadden Sea; African-Eurasian migratory waterbirds; albatrosses and petrels; and gorillas and their habitats. The fourteen MOUs aim to conserve: the Siberian crane; the slender-billed curlew; marine turtles of the Atlantic coast of Africa; marine turtles of the Indian Ocean and Southeast Asia; the Middle-European population of the great bustard; the bukhara deer; the aquatic warbler; West-African populations of the African elephant; the saiga antelope; cetaceans of Pacific island states; dugongs; the Mediterranean monk seal; the ruddy-headed goose; and grassland birds. These agreements and MOUs are open to all range states of the species, regardless of whether they are parties to the Convention.

COP 6: The sixth meeting of the COP (4-16 November 1999, Cape Town, South Africa) adopted resolutions on: institutional arrangements; financial and administrative matters; by-catch; information management; Southern hemisphere albatross conservation; and concerted actions for Appendix I species. Seven species were added to Appendix I, including manatees of the marine areas of Panama and Honduras. Thirty-one species were added to Appendix II, including dolphins of South-East Asia and the whale shark. Recommendations were approved on cooperative actions for various Appendix II species.

COP 7: The seventh meeting of the COP (18-24 September 2002, Bonn, Germany) added 20 species to Appendix I and 21 to Appendix II, with the fin, sei and sperm whales, and the great white shark being listed on both. COP 7 also adopted resolutions on: electrocution of migratory birds, offshore oil pollution, wind turbines, impact assessment, and by-catch. The COP adopted decisions on, *inter alia*: future action on the Antarctic minke, Bryde's and pygmy right whales; improving the conservation

status of the leatherback turtle; an agreement on dugong conservation; the American Pacific Flyway Programme; and the Central Asian-Indian Waterbird Flyway Initiative.

COP 8: The eighth meeting of the COP (20-25 November 2005, Nairobi, Kenya) addressed: the review of CMS implementation; sustainable use; the target to significantly reduce the current rate of biodiversity loss by 2010; measures to improve the conservation status of Appendix I species, including projects on Sahelo-Saharan antelopes and the Siberian crane; measures to improve the conservation status of Appendix II species, including raptors, migratory sharks and marine turtles; proposals for amendments to Appendices I and II; the CMS 2006-2011 Strategic Plan; the CMS Information Management Plan; and financial and administrative arrangements. The meeting added 11 species to Appendix I and 16 to Appendix II, with the basking shark, bukhara deer and short-beaked common dolphin listed on both, and witnessed the signing of new MOUs on the West-African elephant and the saiga antelope.

GORILLA AGREEMENT MOP 1 REPORT

The first Meeting of the Parties (MOP 1) to the Agreement on the Conservation of Gorillas and their Habitats (the Gorilla Agreement) was held on Saturday, 29 November. The meeting was briefly resumed on Monday, 1 December, and on Wednesday, 3 December, to resolve outstanding issues. Approximately 60 participants attended the meeting, representing five parties, four non-party range states, 17 non-range states, ten non-governmental organizations, UNEP, UNEP-World Conservation Monitoring Centre (UNEP-WCMC) and UNEP-Great Apes Survival Project (GRASP). MOP 1 was chaired by Samy Mankoto, UNESCO, with John Mshelbwala, CMS Scientific Council Chair, as Vice-Chair. Participants discussed, among other things, a draft action plan, the establishment of a Technical Committee, and financial and administrative matters.

OPENING: On Saturday, Chair Mankoto welcomed participants to the meeting, noting significant progress since the Paris Primate Meetings in 2007. He stated that the Gorilla Agreement entered into force on 1 June 2008, and that six out of the ten gorilla range states have signed it. CMS Executive Secretary Robert Hepworth highlighted successes in gorilla conservation to date, expressing hope that the UN Year of the Gorilla 2009 will generate additional resources for conservation projects. Delegates adopted the meeting's agenda and rules of procedure (UNEP/CMS/GOR-MOP1/Doc.1 Rev.1 and Doc.4).

REPORTS: Ian Redmond, GRASP, presented on the conservation status of gorillas (UNEP/CMS/GOR-MOP1/Inf.5), stressing the need to "point a finger at those who are paying the man with the chainsaw," and to address sociopolitical pressures in gorilla habitat. He described the important ecological role of gorillas as "gardeners of the forest," and underscored the income-generating potential of ecotourism.

The CMS Secretariat summarized the report by the CMS and GRASP Secretariats (UNEP/CMS/GOR-MOP1/Doc.5), which addresses progress with regard to the Agreement's Action Plan, the Year of the Gorilla 2009, liaison with other organizations, and areas for future action.

SECRETARIAT: Executive Secretary Hepworth recalled that the CMS Secretariat has been operating as the Secretariat for the Gorilla Agreement. He suggested that MOP 1 request CMS COP 9 to confirm this mandate given to the Secretariat by the CMS Standing Committee. He also suggested that the associated costs be covered by the CMS Trust Fund. Delegates agreed to both suggestions.

REPORTING FORMAT: The CMS Secretariat highlighted efforts to harmonize reporting across CMS and its agreements, and suggested that reporting for the Gorilla Agreement follow this format. WWF proposed the establishment of an *ad hoc* working group to look into the specificities of a gorilla-relevant reporting format, focusing on monitoring.

On Monday, in a resumed MOP 1 session chaired by Vice-Chair Mshelbwala, delegates discussed a draft resolution (UNEP/CMS/GOR-MOP/Res.1.1). Following several textual suggestions, they decided to resume discussions on Wednesday.

On Wednesday, delegates discussed the revised draft resolution. They addressed the scope of the monitoring system, deciding that it should focus on population dynamics of gorillas and law enforcement activities, and agreeing not to include the monitoring of habitat. They decided that the working group will operate by correspondence. Debate centered on the role of WWF in this process. WWF clarified that it intends to facilitate the development of a simple, harmonized system, to be implemented by the relevant actors in the field. WWF stressed that it does not aim to conduct the monitoring activities itself.

Final Resolution: In the resolution on monitoring and reporting for the Gorilla Agreement (UNEP/CMS/GOR-MOP/Res.1.1/Rev.1), the MOP:

- decides that a monitoring system will be adopted, as part of the reporting system for the Agreement, to assess: population dynamics of gorillas; and law enforcement, including numbers of successful seizures and prosecutions, and the outcome and follow-up of judicial decisions;
- decides to establish an *ad hoc* working group, which will develop an appropriate format for the monitoring systems by 1 July 2009;
- calls upon each party and invites other range states to appoint a representative by 31 January 2009 to participate in the working group;
- accepts the offer of WWF to facilitate the work of this working group in collaboration with the Secretariat and to assist range states with the implementation of the monitoring system when necessary;
- invites the participation of a number of organizations as observers to the working group, and welcomes the participation of others, where appropriate, and approved by the parties;
- decides to commence the implementation of the monitoring system by 31 December 2009;
- calls upon all parties and invites other range states to use the data derived through the system as a substantial part of their national reports; and
- requests the CMS Secretariat to facilitate the integration of the national report format to the MOP into the national report format of the CMS COP.

TECHNICAL COMMITTEE: On Saturday, Chair Mankoto invited range states to nominate Technical Committee members, proposing that the range states' GRASP focal points assume these positions. After extensive debate, the meeting decided that range states may submit their nominations to the Secretariat after MOP 1. The meeting established an *ad hoc* working group to select three additional Committee members, with different areas of expertise.

On Monday, delegates discussed a draft resolution (UNEP/CMS/GOR-MOP/Res.1.2). Following several textual suggestions, they decided to resume discussions on Wednesday.

On Wednesday, delegates reviewed the revised draft resolution. Discussion focused on wording in relation to: nomination of scientific and/or technical experts, rather than government representatives; diversity of expertise within the Committee without excluding relevant categories of expertise; an acceptable procedure to timely establish the Committee and allow it to elect its Chair; and establishment of the Committee's rules of procedure by its members.

Final Resolution: In the resolution on establishment of the Technical Committee (UNEP/CMS/GOR-MOP/Res.1.2/Rev.1), the MOP:

- decides to establish a Technical Committee to provide scientific and technical advice and information to the MOP in line with Gorilla Agreement Article VI section 4(a) (tasks of the Technical Committee);
- requests each range state to appoint one expert to the Committee with the professional capacity in wildlife conservation to provide such scientific and technical advice;
- decides that the Committee will establish its own rules of procedure;
- requests the parties and non-party range states to propose these experts to the Committee in accordance with Article VI.1(c) (composition of the Technical Committee) by the first meeting of the Committee; and
- requests the UNEP-GRASP Secretariat to appoint a member to the Technical Committee.

ADMINISTRATION AND FINANCE: On Saturday, Rosaline Beudels-Jamar, CMS Scientific Council, noted that various conservation projects have been proposed for the four gorilla taxa, underlining the need to finance these projects. Executive Secretary Hepworth presented the Secretariat's budget estimates (UNEP/CMS/GOR-MOP1/Doc.6 and Annexes A and B). Delegates accepted the estimated budget and expressed support for minimum annual contributions of €3000. Various participants acknowledged the need for extrabudgetary resources.

On Monday, delegates approved the proposed text on financial and administrative matters, which is to be included in the meeting's report, without amendment. In this text, MOP 1 notes and agrees on the budget estimates prepared by the Secretariat, and recognizes the need to find additional funding for project implementation. In its final session on Wednesday, the meeting officially accepted that parties' minimum annual contributions be set at €3000.

ACCESSION: On Saturday, the meeting noted progress towards accession by Angola, Cameroon, Equatorial Guinea and Uganda.

ACTION PLAN: On Saturday, Ian Redmond introduced the draft action plan, which is comprised of separate documents for the four different gorilla taxa (UNEP/CMS/GOR-MOP1/7a-d). Acknowledging that these documents are based upon IUCN's regional Gorilla Action Plans, delegates adopted the Cross River and Mountain Gorilla Action Plans with minor textual amendments.

On Monday, delegates adopted the Eastern Lowland Gorilla Action Plan without amendment. Ian Redmond introduced the Action Plan on the Western Lowland Gorilla, noting that this subspecies is declining the most rapidly. The Republic of Congo described challenges with regard to gorilla conservation in the country, and said it will submit reservations concerning this Action Plan to the Secretariat. Ian Redmond suggested adding reference to the major threat of Ebola. Uganda proposed including preambular reference to existing national programmes. The document was adopted with these amendments.

OTHER COP 9 ASSOCIATED MEETINGS

15TH SCIENTIFIC COUNCIL MEETING: This meeting took place on 27-28 November and was chaired by Scientific Council Chair John Mshelbwala (Nigeria). The Council acknowledged the great value of the CMS Small Grant Programme and made a strong plea for financial support through the CMS Trust Fund. Council members endorsed the creation of a joint UN Food and Agriculture Organization (FAO)-CMS Task Force for Emerging Diseases of Wildlife, a new initiative following the example of the FAO-CMS Task Force on Avian Influenza. The Council reviewed the conservation status of Appendix I and II species as well as new listing proposals. Discussion on proposals for Appendix I focused on the barbary sheep and the saker falcon; the first proposal was withdrawn, while two options regarding the second proposal were forwarded to COP 9. After a lengthy debate, the Council concluded that the porbeagle shark and the spiny dogfish meet the criteria for Appendix II listing, acknowledging differences in conservation status between the northern and southern hemisphere populations. The Council extended the terms of office of its Chair and Vice-Chairs.

34TH STANDING COMMITTEE MEETING: This meeting took place on Sunday, 30 November, and was chaired by outgoing Standing Committee Chair Andrew McNee (Australia). The Committee took note of the offer made by the United Arab Emirates to provide funding for a regional coordination unit for the birds of prey MOU, the dugong MOU and the western part of the IOSEA marine turtles MOU. The Secretariat reported on efforts to increase collaboration with CITES, with emphasis on saiga antelopes, African elephants and sharks, noting that the CITES Standing Committee has approved a draft joint work programme. There was a lengthy debate on credentials and eligibility to vote. Participants also considered a draft COP resolution on the future shape of CMS. CMS Executive Secretary Robert Hepworth described proposals for the composition of the Standing Committee, including an enlargement of the Committee to reflect CMS growth.

SIBERIAN CRANE MEETING: The seventh UNEP/GEF Siberian Crane Wetlands Project Steering Committee met on 29-30 November. The meeting discussed the implementation of

this multi-million dollar GEF project, which covers Kazakhstan, Iran, China and the Russian Federation, and in which CMS is involved through its Siberian crane MOU.

ARIDLAND MAMMALS MEETING: The meeting on Aridland Mammals of Eurasia took place on Sunday, 30 November, and was chaired by Pierre Devillers, CMS Scientific Councilor for the EC. Participants discussed the proposed CMS project "Concerted Action on the Large Mammals of the Aridlands of Eurasia," which will establish a network of protected areas acting as corridors for animals to migrate in response to climate change. It was noted that the project will cover nearly 100 species, including the Asiatic lion, tiger, wild camel, and Przewalsky horse, extending from Mongolia to Syria. Participants agreed that the main threats to large mammals are habitat destruction, poaching and space consumption by human activities. Discussing case studies from Syria and Mongolia, delegates called for increased efforts with regard to establishment of protected areas, protection and reintroduction of species, and ecological research.

CMS COP 9 REPORT

On Monday, 1 December 2008, CMS COP 9 commenced with a high-level ceremony, chaired by CMS Executive Secretary Robert Hepworth. Statements were made by: James Butler, Deputy Director-General of the UN Food and Agriculture Organization (FAO); Executive Secretary Hepworth; His Serene Highness Prince Albert II of Monaco; Stefania Prestigiacomo, Italian Minister of Environment, Land and Sea; Fabio De Lillo, Environment Counselor to the City of Rome; and Chris Butler-Stroud, International Chief Executive Officer of the Whale and Dolphin Conservation Society (WDCS). Delegates also watched a video message by UNEP Executive Director Achim Steiner.

Standing Committee Chair Andrew McNee (Australia) invited delegates to submit their opening statements to the Secretariat for inclusion in the meeting's report. Delegates adopted the meeting's rules of procedure (UNEP/CMS/Conf.9.4/Rev.1), and elected Fernando Spina (Italy) as COP 9 Chair and Alfred Oteng-Yeboah (Ghana) as Vice-Chair. Chair Spina stressed that CMS and its agreements provide a unique example of addressing conservation challenges with regard to migratory species. Delegates elected Vice-Chair Oteng-Yeboah as Chair of the Committee of the Whole (COW), and Mohammad Sulayem (Saudi Arabia) as Vice-Chair. They also: adopted the meeting's agenda and work schedule (UNEP/CMS/Conf.9.1/Rev.4 and 9.2/Rev.3); established a credentials committee, as well as a resources working group, chaired by France; and admitted observers.

OVERVIEW OF IMPLEMENTATION

On Monday, Executive Secretary Hepworth presented an overview of the Secretariat's activities (UNEP/CMS/Conf.9.5 and 9.5/Add.), calling for an increase in staffing levels, especially at the junior level.

Many parties congratulated the Secretariat on its efforts. WDCS commented that the core budget should be increased. France, on behalf of the European Union (EU), urged delegates to reflect on the practical arrangements for future Convention

activities, with Monaco underscoring the need to structure agreements and Memoranda of Understanding (MOUs) under the Convention.

REPORTS

DEPOSITARY: On Monday, Germany, as Depositary and host government, presented the Depositary's report (UNEP/CMS/Conf.9.6). He noted 17 new signatories since COP 8, bringing the number of contracting parties to 110.

STANDING COMMITTEE: On Monday, Standing Committee Chair McNee presented the Committee's report (UNEP/CMS/Conf.9.7). He noted achievements to date with regard to: the development of nine new agreements, notably the Gorilla Agreement; investments in Appendix I projects; an increasing focus on migratory marine species; outreach, including the celebration of the Year of the Dolphin 2008; and fundraising, notably the increase in voluntary contributions. He highlighted the Committee's proposal for an intersessional process to address the future shape of CMS.

SCIENTIFIC COUNCIL: On Monday, Scientific Council Chair John Mshelbwala (Nigeria) presented the Council's report (UNEP/CMS/Conf.9.8), elaborating on intersessional activities and the last two Council meetings. He said the pre-COP 9 Council meeting had underlined the vital importance of the CMS Small Grant Programme and its positive impact in the field, and had urged that the Programme be returned to the core budget.

AGREEMENTS: On Tuesday, the Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS), the Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas (ASCOBANS), the Agreement on the Conservation of African-Eurasian Waterbirds (AEWA) and the Agreement on the Conservation of Populations of European Bats (EUROBATS) presented their reports, highlighting activities and developments (UNEP/CMS/Inf/9.15.1-4, respectively). Progress was also reported by the Indian Ocean – South-East Asian (IOSEA) Marine Turtle MOU, the MOU concerning Conservation Measures for the West African Populations of the African Elephant, and the MOU concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa. The Agreement on the Conservation of Albatrosses and Petrels (ACAP) reported that the ACAP Secretariat will be established in Hobart, Australia. Chad, the Republic of Congo and the Democratic Republic of Congo urged development of an MOU on Central African elephants.

STATES: On Tuesday, UNEP-World Conservation Monitoring Centre (UNEP-WCMC) presented an analysis of the CMS national reports (UNEP/CMS/Conf.9.10), highlighting national conservation problems and measures taken to counteract them. She noted, *inter alia*, that: national legislation on migratory species conservation is often lacking; there is minimal reporting on efforts to minimize climate change impacts; and parties and regional fisheries management organizations need to improve their reporting on by-catch. Many countries highlighted national conservation initiatives.

PARTNERS: On Tuesday, the following partners described relevant activities and priorities: UNEP; the Intergovernmental Science-Policy Platform for Biodiversity and Ecosystem Services; the UNEP-Caribbean Environment Programme; the

Council of Europe for the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention); Wetlands International; BirdLife International; the International Fund for Animal Welfare (IFAW); the International Whaling Commission (IWC); the Regional Activity Centre for Specially Protected Areas; WWF; and WDCS. Executive Secretary Hepworth, on behalf of the Secretariat of the Convention of Biological Diversity (CBD) as the Secretariat to the Biodiversity Liaison Group (BLG), presented the BLG's report (UNEP/CMS/Conf.9.12).

CONSERVATION OF APPENDIX I SPECIES

The COW discussed this item on Wednesday. The Secretariat presented a document on major species projects (UNEP/CMS/Conf.9.14/Rev.1), describing concerted actions on, *inter alia*, Sahelo-Saharan antelopes. A representative of the Scientific Committee emphasized that all actions are taken in cooperation with other conventions and range states. Delegates approved the recommendations contained in the document, noting that some may be streamlined.

The Secretariat then presented a draft resolution on concerted and cooperative actions (UNEP/CMS/Res.9.1/Rev.1). Mongolia requested funding for single-species action plan development for the Dalmatian pelican and the swan goose. Delegates approved the list of species designated for concerted and cooperative actions included in the draft. They adopted the draft resolution in Friday's plenary.

Final Resolution: In the resolution on concerted and cooperative actions (UNEP/CMS/Resolution 9.1/Rev.1), the COP resolves that such actions be carried out during the 2009-2011 triennium for the species listed in the resolution, and that the COP review the results at its next meeting. It instructs the Scientific Council to prepare for each COP meeting a list of such Appendix II species for which conclusion of an agreement is not anticipated but which require attention, and directs the Secretariat to assist the Scientific Council in establishing this review process. Two lists of species attached to the resolution include species designated for concerted actions, and species designated for cooperative actions during 2009-2011.

CONSERVATION OF APPENDIX II SPECIES

This agenda item was discussed on Wednesday and Thursday in the COW, while discussions on elements of the related draft resolution on priorities for CMS agreements (UNEP/CMS/Res.9.2/Rev.1) were discussed under various other agenda items. After several revisions of the document, discussions on this item were concluded in Friday's plenary.

Discussing the draft resolution on Wednesday, the Latin America and the Caribbean Group (GRULAC) supported setting up a working group under the Scientific Council to revise the instruments. The EU stressed the new instruments under development should be linked to the intersessional process on the future shape, and called for focus on implementing existing agreements. IFAW cautioned against stopping the development of future agreements while deciding on the Convention's future shape.

On Thursday, Panama called for a conservation agreement for raptors in Latin America. Australia, Argentina and the US cautioned against preempting results of the forthcoming sharks meeting, with Argentina requesting deletion of references to sharks.

In plenary on Friday, the US requested that the section on marine turtles apply to the Pacific region, rather than to Pacific Islands. Executive Secretary Hepworth proposed a reference to the recommendation on cooperative action for the African elephant in Central Africa. On the development of a Central Asian Flyway instrument, Switzerland proposed involving the relevant regional agreements, including AEW, in view of a possible close collaboration between AEW and the new instrument, using all possible synergies. On marine mammals, delegates agreed to refer to all cetaceans rather than “small” ones. Delegates adopted the resolution with these amendments.

Final Resolution: In the resolution on priorities for CMS agreements (UNEP/CMS/Resolution 9.2/Rev.4), the COP decides that the focus for 2009-2011 should be on the implementation and operationalization of the existing agreements and on taking forward the work on the future shape of CMS. It expresses its satisfaction with the achievements made to conclude and implement CMS instruments, binding and non-binding, urges all range states to sign, ratify or accede to the appropriate agreements, and encourages the Secretariat to continue exploring partnerships with interested organizations specialized in the conservation and management of migratory species. The development of additional agreements should be linked to the outcome of the work on the future shape of CMS, and the COP acknowledges the importance of maintaining the momentum with regard to instruments already under development.

On birds, the COP decides to establish a working group on flyways within the framework of the Scientific Council. The decision includes provisions on the Central Asian Flyway, the East Asian-Australasian Flyway, the American Flyways and the Pacific Flyway (See deliberations on flyways on page 10).

On fish, the decision addresses sharks and sturgeons. The COP urges range states to ensure the definite conclusion and entry into effect of an instrument on sharks, and endorses the need to take steps to ensure the further protection of those threatened sturgeon species that are not already subject to international-level protection activities.

On marine reptiles, the COP supports the development of an appropriate CMS instrument on marine turtles for the Pacific region.

On marine mammals, the COP reiterates support for the development of a CMS instrument on cetaceans in South East Asia.

On terrestrial mammals, the COP calls upon range states to contribute to the implementation of the Sahelo-Saharan Antelopes Conservation Action; appeals to range states and others to support the development of an MOU or other instrument to complement the concerted action on Central Eurasian aridland mammals; and appeals to range states to form a working group to explore an instrument on sub-Saharan and African bats.

Finally, the COP decides to accept with gratitude the offer from the Abu Dhabi authorities to host and provide funds for an interim coordination unit for the dugongs MOU, the African Eurasian birds of prey MOU and the western area of the IOSEA marine turtles MOU. The COP also requests preparatory work on developing or extending an instrument on African elephants in Central Africa, as outlined in Recommendation 9.5 on African elephants. (See page 10.)

INFORMATION MANAGEMENT

This agenda item was addressed in the COW on Thursday. 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. Delegates addressed draft resolutions on information priorities and on national reports (UNEP/CMS/Res.9.3 and 9.4) without substantive comments.

On Friday, plenary discussed revised draft resolutions that reflected comments submitted in writing. On the resolution on national reports, ACCOBAMS suggested that the CMS agreements cooperate with, rather than participate in, the online system, and proposed deleting reference to CMS agreements’ contribution to the system’s costs. Both resolutions were adopted as amended.

Final Resolutions: In the resolution on CMS information priorities (UNEP/CMS/Res.9.3/Rev.1), the COP recommends that the CMS Secretariat liaise with the Secretariats of CMS agreements and MOUs to develop a common format for outcome-oriented national reports and a common system for online reporting, and subsequently with the Secretariats of other multilateral environmental agreements (MEAs). It also recommends the continued implementation of the Knowledge Management project under UNEP’s leadership.

In the resolution on the future of national reports (UNEP/CMS/Res.9.4/Rev.1), the COP requests the Secretariat to: advance harmonization of reporting with other international biodiversity-related conventions through the development of common reporting modules, via the framework of the BLG and in consultation with UNEP-WCMC; and continue to liaise with the CBD Secretariat and the other biodiversity-related conventions with a view to adopting suitable indicators to measure progress towards the achievement of the 2010 target.

OUTREACH AND COMMUNICATION

On Wednesday, the Secretariat provided an overview of outreach and communication activities undertaken under the Year of the Dolphin 2008 (UNEP/CMS/Conf.9.21), and planned initiatives for the Year of the Gorilla 2009 (YoG). The Secretariat also reported on the Outreach and Communication Plan 2009-2011 (UNEP/CMS/Conf.9.22/Rev.1), noting the need for resources to continue this work, as outlined in a draft resolution (UNEP/CMS/Res.9.5).

Numerous states and organizations expressed support for the YoG. Germany announced a donation of €200,000, France of €137,000 and Monaco of €30,000. Delegates highlighted national actions towards gorilla conservation, underscored the conservation needs of other large primates, and stressed that local organizations should be involved with the YoG. Chile proposed

focusing on flamingos in 2012. Several organizations highlighted their activities in collaboration with CMS. Discussion on the draft resolution was deferred, pending the outcomes of the budget deliberations.

In Friday's plenary, the Secretariat presented the revised draft resolution, which was adopted without amendment.

Final Resolution: In the resolution on outreach and communication (UNEP/CMS/Res.9.5/Rev.1), the COP: endorses the CMS Outreach and Communication Plan 2009-2011, as annexed to the resolution, and urges the Secretariat to undertake the activities listed in this Plan during the next triennium; agrees to provide the resources to support the Plan and the CMS Budget for 2009-2011; and invites CMS parties, CMS agreements and UNEP, and encourages partners, to assist the Secretariat in implementing the Plan by providing additional voluntary contributions.

COOPERATION

On Wednesday in plenary, the Secretariat introduced the agenda item (UNEP/CMS/Conf.9.23/Rev.1 and UNEP/CMS/Res.9.6/Rev.1), highlighting cooperation with FAO and biodiversity-related conventions, and underlining the input of NGOs and IUCN specialist groups. Many delegates supported enhanced cooperation with MEAs and partners. Guinea Bissau and Ghana called for cooperation with the Secretariat of the UN Framework Convention on Climate Change (UNFCCC). Norway and Monaco suggested collaboration with the Arctic Council on arctic megafauna. South Africa recommended developing a code of conduct for partnership with the private sector. The EU suggested reference to the UNEP-IUCN TEMATEA project on issue-based modules for coherent implementation of biodiversity-related conventions.

On Friday in plenary, delegates made several minor amendments to the draft resolution. Norway proposed that the Secretariat liaise with the CITES Scientific Committees and Secretariat in relation to future listing proposals. The resolution was adopted as amended.

Final Resolution: In the resolution (UNEP/CMS/Res.9.6/Rev.2), the COP:

- reaffirms the interest and importance for CMS of continuing to develop effective and practical cooperation with other biodiversity instruments and international organizations;
- encourages parties and others to make use of the web-based UNEP/IUCN TEMATEA issue-based modular system;
- mandates the Executive Secretary to continue to participate in the activities of the BLG;
- asks the CMS Secretariat to develop a new partnership agreement with UNEP on practical conservation work;
- requests the CMS Secretariat and partners to develop additional processes to streamline and coordinate their relationship;
- instructs the Secretariat to develop a code of conduct for partnerships with the private sector; and
- recognizes that adequate resources are required to allow partnerships to be developed, part of which could be provided through voluntary contributions from parties.

KEY POLICY ISSUES

CLIMATE CHANGE: On Monday in the COW, the Secretariat introduced the agenda item on the impacts of climate change on migratory species, including a draft resolution submitted by Australia and revised by the Scientific Council (UNEP/CMS/Res.9.7/Rev.1). Australia stressed the need to prioritize efforts for Appendix I species. Monaco, supported by WWF and WDCA, called for drafting a resolution on migratory arctic marine animals. WWF drew attention to mitigation, in addition to adaptation activities. The EU emphasized related resolutions developed under the Ramsar Convention on Wetlands of International Importance and AWEA. South Africa called for collaboration with the CBD *Ad Hoc* Technical Expert Group on Biodiversity and Climate Change.

A working group was established to address the draft resolution, which met on Tuesday and Wednesday. The working group discussed, among other issues, current and potential future climate change impacts on Appendix I species, and potentially adverse impacts of mitigation or adaptation activities.

On Friday, in plenary, St. Lucia stressed the particular vulnerability of small island developing states, requiring capacity building to adapt and respond to climate change, and further recommended support for regional workshops with regard to capacity building. The Philippines suggested additional language encouraging parties to provide financial and technical support for small island developing states and developing countries with small islands. On the impacts of climate change and climate change mitigation and adaptation activities, Brazil drew attention to language agreed at CBD COP 9, referring to the positive and negative impacts of climate change adaptation and mitigation activities on biodiversity. The UN Convention to Combat Desertification suggested referring to land degradation as a threat to migratory species. Delegates discussed the CMS mandate with regard to the UNFCCC on climate change issues, and concluded that climate change impacts on migratory species fall within the CMS area of competence. The draft resolution was adopted as amended.

Final Resolution: In the resolution (UNEP/CMS/Res.9.7/Rev.2), the COP urges parties:

- not to delay decision making and action, despite the remaining uncertainty surrounding the full scale of the impacts of climate change on migratory species;
- to identify which migratory species are most likely to be directly or indirectly threatened or impacted by climate change or climate change mitigation or adaptation activities;
- to foster and promote capacity building to implement conservation action on migratory species threatened by climate change; and
- to support increased capacity in the Secretariat to effectively address climate change issues.

It recommends that parties design and implement adaptation strategies for migratory species, and requests parties and the Secretariat to coordinate the incorporation of climate change impacts and relevant adaptation measures into species-specific action plans.

AVIAN INFLUENZA AND OTHER WILDLIFE

DISEASES: The item was discussed on Monday in the COW. Rebecca Lee, Wildfowl and Wetlands Trust and member of

the FAO-CMS Task Force on Avian Influenza, described the Task Force's work. She outlined the draft resolution on avian influenza (UNEP/CMS/Conf. 9.8/Rev.1), noting that the original draft has been expanded to also address other infectious wildlife diseases. Scott Newman, FAO and Task Force, described how human factors such as climate change, globalization and habitat destruction contribute to the spread of infectious diseases. He said the Task Force has created a framework for work on other diseases, and highlighted the proposed creation of a joint FAO-CMS Task Force for Emerging Diseases of Wildlife.

The EU, the Philippines, India and Argentina supported the draft resolution, with the EU urging that efforts focus on the most pressing animal diseases, India calling for more scientific knowledge on underlying causes such as habitat degradation, and Argentina noting the appropriateness of the Task Force being funded through voluntary contributions.

On Friday, plenary adopted the draft resolution with minor amendments.

Final Resolution: In the resolution on avian influenza and other wildlife diseases (UNEP/CMS/Res.9.8/Rev.2), the COP calls on the CMS Secretariat and the FAO Animal Health Service to co-convene a new task force, the Scientific Task Force on Wildlife Disease, and on the CMS Working Group on Migratory Species as Vectors of Diseases to become part of the broader focused Scientific Task Force. It endorses the "Scientific Summary of Highly Pathogenic Avian Influenza H5N1: Wildlife and Conservation Considerations," prepared by the Scientific Task Force on Avian Influenza and Wild Birds and attached to the resolution, and requests the Secretariat to ensure its maximum circulation. The COP agrees to provide appropriate funding in the CMS budget 2009-2011 for the work of CMS in relation to the Scientific Task Force on Avian Influenza and Wild Birds and related aspects of work on avian influenza.

MIGRATORY MARINE SPECIES: On Monday in the COW, the Secretariat introduced a discussion paper (UNEP/CMS/Conf.9.26/Rev.1) that included elements for a draft resolution on migratory marine species. COW Chair Oteng-Yeboah drew attention to draft resolutions on by-catch and ocean noise (UNEP/CMS/Res.9.18/Rev.1 and 9.19). Delegates discussed these draft resolutions, addressing, among other things, the definition of by-catch. Barry Baker, CMS Scientific Councilor for by-catch, urged commissioning a global assessment of by-catch. Iran called for cooperation with regional fisheries management organizations (RFMOs). The US drew attention to the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations. ACCOBAMS highlighted the Barcelona Convention on the Protection of the Mediterranean Sea against Pollution. Draft resolutions on migratory marine species, by-catch, and ocean noise were discussed throughout the week in separate working groups.

On Thursday, 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 discussed, *inter alia*, how to avoid duplication of efforts, and whether to include in the draft resolution reference to encouraging future

action on arctic species and marine protected area networks. These references were agreed. The draft resolution was adopted without amendment in Friday's plenary.

Final Resolution: In the resolution on migratory marine species (UNEP/CMS/Res.9.9/Rev.1), the COP:

- urges parties, the Scientific Council and the Secretariat to identify priority issues, species and habitats in the marine sphere requiring intervention by CMS in the next decade;
- recommends adopting the annexed Revised Secretariat Programme to Implement CMS Resolution 8.22 (adverse human-induced impacts on cetaceans); and
- requests the Secretariat to consider options for increasing linkages and synergies within the CMS family.

The COP requests the Scientific Council to, *inter alia*:

- commence work towards the species priorities identified in Resolution 9.2 (priorities for CMS agreements);
- seek avenues for research and dialogue on issues of common interest with the CBD, UNEP, UNFCCC, FAO, RFMOs and others on fisheries, and explore a closer working relationship with the IWC and the Arctic Council;
- review information on the current and predicted conservation status of all arctic migratory marine species listed in CMS appendices, including consideration of additional arctic migratory marine species for listing
- further consider existing initiatives and research relating to ongoing conservation efforts, such as the establishment of marine protected area networks; and
- facilitate the review of existing data on southern populations of shark species to assist parties with listing proposals for future COPs.

By-catch: In a by-catch working group on Wednesday, delegates discussed a revised draft resolution on by-catch (UNEP/CMS/Res.9.18/Rev.2), submitted by Australia. Debate centered on the definition of by-catch, with delegates deciding in the end not to include one. Delegates also discussed adding references to CMS agreements, data collection, and encouraging parties to implement measures to reduce by-catch.

Final Resolution: In the resolution on by-catch (UNEP/CMS/Res.9.18/Rev.2), the COP, *inter alia*:

- invites parties to improve reporting of by-catch information and data;
- encourages parties to apply appropriate fisheries management measures to mitigate by-catch of migratory species;
- requests the Scientific Council to continue to identify emerging and best practice by-catch mitigation techniques as relevant to CMS-listed species;
- requests the Secretariat to investigate the feasibility of producing an assessment of the impact of by-catch and discarding on migratory species, and to write to relevant RFMOs and other competent bodies inviting them to share with the Secretariat information on migratory species by-catch, by-catch policy and management
- requests the Secretariat to improve cooperation and communication between CMS and the FAO, and to communicate with other ongoing efforts to document by-catch in fisheries; and

- invites the Secretariats of CMS and relevant daughter agreements to improve cooperation and communication on by-catch issues.

Ocean Noise: In an ocean noise working group on Wednesday, delegates discussed revisions made by NGOs on the EU draft resolution on ocean noise impacts on cetaceans (UNEP/CMS/Res.9.19/Rev.1). In view of several points of contention, including whether to undertake impact assessments on all activities or just on newly introduced ones, delegates decided to defer discussions until Thursday, pending legal consultations. On Thursday, the working group discussed the draft and decided to continue consultations informally. On Friday in plenary, delegates discussed the revised draft resolution. WDCC expressed opposition to an earlier removal of a reference to precaution, but the draft resolution was adopted without amendment.

Final Resolution: In the resolution on adverse anthropogenic marine/ocean noise impacts on cetaceans and other biota (UNEP/CMS/Res.9.19/Rev.2), the COP:

- urges parties and invites non-parties to take special care and, where appropriate and practical, to endeavor to control the impact of emission of man-made noise pollution in habitat of vulnerable species and in areas where marine mammals or other endangered species may be concentrated and, where appropriate, to undertake relevant environmental assessments on the introduction of systems that may lead to noise-associated risks for marine mammals;
- calls on parties to adopt mitigation measures on the use of high-intensity active naval sonars until an assessment of their environmental impact on marine life has been completed;
- invites parties to provide the CMS Secretariat with relevant protocols/guidelines and provisions for the effective management of anthropogenic noise
- stresses the need to consult with any stakeholder conducting activities known to produce underwater noise pollution
- encourages parties to facilitate monitoring and assessment of noise, the compilation of a reference signature database, and studies on the impact of high-intensity active naval sonars and on the potential benefits of “noise protection areas”;
- urges parties to develop provisions for the effective management of anthropogenic noise in CMS agreements, and invites them to strive, wherever possible, to ensure that their activities falling within the scope of this resolution avoid harm to cetaceans and other biota; and
- instructs the Secretariat to draw the resolution to the attention of relevant intergovernmental organizations and initiatives, as well as the International Maritime Organization.

MIGRATORY TERRESTRIAL SPECIES: On Wednesday, Rosaline Beudels-Jamar, CMS Scientific Council, introduced the item (UNEP/CMS/Conf.9.28) in the COW, highlighting the existing concerted actions on Sahelo-Saharan antelopes and on Central Eurasian Aridlands, and possible future initiatives, including on Atlantic and North European megafauna. She also drew attention to a draft recommendation on tigers and other Asian big cats submitted by the Scientific Council (UNEP/CMS/Rec.9.3). Delegates then addressed the proposed

recommendations on Central Eurasian aridland mammals, Sahelo-Saharan megafauna, tigers and other Asian big cats, and African elephants (UNEP/CMS/Rec.9.1-3 and 5, respectively).

Jordan and Yemen expressed their formal interest in taking part in the Central Eurasian Aridland concerted action. Norway, with the EU, called for reference to existing initiatives on megafauna species. The EU suggested an assessment of conservation needs. India, with WWF, suggested that CMS engage in tiger conservation through existing initiatives, and IFAW and IUCN suggested assessing the added value of CMS in this regard. Pakistan suggested exploring mechanisms to compensate communities for long-term conservation. Kenya supported future action on the African elephant.

In Friday’s plenary, the Secretariat reported on informal discussions on these four draft recommendations. He noted that the first two had been amended to establish a link with the intersessional process on the future shape of CMS. On the African elephant, Monaco suggested, and delegates accepted, ensuring effective coordination between different initiatives on this species, and it was agreed that this recommendation should include both the forest and savannah sub-species of the African elephant. Delegates adopted the four draft recommendations.

Final Recommendations: In the recommendations on Central Eurasian aridland mammals (UNEP/CMS/Rec.9.1/Rev.1) and Sahelo-Saharan megafauna (UNEP/CMS/Rec.9.2/Rev.1), the COP requests the Scientific Council, in cooperation with the Secretariat, the Republic of Mongolia (for the aridland mammals) and other concerned parties, to pursue the respective Concerted Actions and associated Cooperative Action, which will in due course cover all threatened migratory large mammals of the temperate and cold deserts, semi-deserts, steppes and associated mountains of Central Asia, the Northern Indian sub-continent, Western Asia, the Caucasus and Eastern Europe (for the aridland mammals) and the Sahelo-Saharan region (for the Sahelo-Saharan megafauna). It is noted that these Actions will include Action Plans and status reports for all species concerned.

In both recommendations, the COP also:

- encourages range states and other interested parties to prepare, in cooperation with the Scientific Council and the Secretariat, the necessary proposals to include in Appendix I or II threatened species that would benefit from the Action;
- encourages the Secretariat to pursue efforts to bring into the Convention relevant range states that are not parties, and to liaise with other concerned conventions to enhance synergies;
- urges non-party range states to support the Actions in recognition of their global significance;
- appeals to range states and other interested parties to support the development of MOUs or other instruments for both these Concerted Actions and their Action Plans;
- encourages the Scientific Council and the Secretariat to envisage, in consultation with the parties concerned, an extension of the respective Action areas to the South-western Eurasian hot deserts (for the aridland mammals) and to the deserts of the Horn of Africa (for the Sahelo-Saharan megafauna) and associated biomes; and
- requests the Scientific Council and the Secretariat to report to CMS COP 10 on the progress of the respective Actions.

In the recommendation on tigers and other Asian big cats (UNEP/CMS/Rec.9.3/Rev.2), the COP:

- urges parties and range states to enhance mutual transboundary cooperation for the conservation and management of tigers and other Asian big cat species, and urges potential donor countries to support their conservation;
- calls upon the Scientific Council to review, in consultation with international conservation bodies, including the IUCN Cat Specialist Group, the conservation and management of tigers and other Asian big cat species and to propose any appropriate actions to COP 10;
- requests the Scientific Council and the Secretariat to ensure that all means that can effectively contribute to an improvement of the conservation status of Asian big cats and to awareness raising are taken within the framework of the Central Eurasian Aridland Mammals Concerted Action; and
- encourages the Secretariat to explore areas for complementing the ongoing efforts of existing international organizations and conventions, and to report to the Scientific Council and COP 10.

In the recommendation on elephants in Central Africa (UNEP/CMS/Rec.9.5), the COP:

- requests the Secretariat to include in its programme of work the development of an appropriate instrument on the conservation of the elephants in Central Africa, and to engage in relevant consultations with Central African range states;
- invites the Secretariat to establish a working group composed of representatives of range states and CMS partner organizations on the issue, noting that the Scientific Council shall be an additional member of this working group; and
- requests the Secretariat to review the work progress, both in the Scientific Council and the CMS Standing Committee during the intersessional period.

FLYWAYS: This issue was discussed in Tuesday's plenary, on Tuesday in the COW, and in a working group on Thursday evening.

In Tuesday's plenary, Wetlands International proposed establishing a CMS working group on flyway conservation, highlighting the Central Asian Flyway Action Plan and the UNEP-Global Environment Facility (GEF) African-Eurasian Flyway Project as CMS priorities. BirdLife International strongly supported the draft resolutions on CMS priorities, particularly on flyway conservation.

On Tuesday in the COW, Franz Bairlein, Director, Institute of Avian Research Vogelwarte Helgoland, Germany, addressed the importance and technical details of migratory bird conservation at the flyway level. Douglas Hykle, CMS Senior Advisor, introduced the UNEP-GEF Siberian Crane Wetlands Project, a US\$20 million GEF-funded project that is closely associated with the CMS Siberian Crane MOU. Claire Mirande, International Crane Foundation, said the Project aims to establish a network of critical sites. Among areas of success, she noted: legal protection of sites and species; research and monitoring; education and awareness; and establishment of a regional database on cranes and other indicator species, as well as sites. Noting that the Project's GEF support will end in 2009, she called for a long-term funding mechanism. National managers of the UNEP-GEF Siberian Crane Wetlands Project from China,

Russia, Kazakhstan and Iran presented national perspectives. Delegates then witnessed a ceremony during which certificates of the Western/Central Asian Site Network for the Siberian Crane and Other Waterbirds were awarded to two sites in Iran, one in India and five in Kazakhstan.

Executive Secretary Hepworth described a policy paper on future flyways (UNEP/CMS/Conf.9.27), as well as related policy options included in the resolution on priorities for CMS agreements (UNEP/CMS/Resolution 9.2). Switzerland, the Ramsar Convention and AEWA called for the inclusion of other birds than just waterbirds, with the Ramsar Convention noting that the present grouping of flyways is not relevant for some birds.

On Thursday evening, a small group addressed the establishment of a CMS working group on flyway conservation. 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.

The deliberations on flyway conservation were reflected in Resolution 9.2 on Appendix II species conservation, which was adopted in Friday's plenary (See page 6).

SPECIES LISTING PROPOSALS

On Wednesday, Scientific Council Vice-Chair Colin Galbraith (UK) presented the item in plenary (UNEP/CMS/Conf.9.29/Addendum), noting 13 proposals for Appendix I listings and 11 for Appendix II. He noted ongoing informal discussions on the Appendix I listing of the saker falcon and Appendix II listing of the spiny dogfish and porbeagle shark. Saudi Arabia, with others, opposed the Croatian proposal to list the saker falcon on Appendix I, noting it is based on insufficient data. He suggested: referring the issue to the birds of prey MOU; holding a survey in range states; and organizing a meeting for falcon range states in the United Arab Emirates. Croatia emphasized the listing proposal was accepted by the majority of the Scientific Council and pointed to the precautionary principle.

Discussion resumed on Thursday. On Appendix I listings, plenary adopted, without debate, the 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 (Botswana, Zimbabwe and Namibia) 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 these consultations. She said the group addressed two options: working on a compromise decision, or bringing the listing proposal to plenary for a vote, which they would try to avoid.

With regard to Appendix II listings, 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 negotiations will continue in a restricted group consisting of the EU, Croatia, Argentina, Uruguay, Chile and New Zealand. This group discussed the possibility of moving forward the debate on the spiny dogfish by only addressing the northern hemisphere population, also making reference 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.

On Friday, the European Commission (EC) reported to plenary on the consultations on the sharks' listing. He said the group had revised the proposal to take into account concerns for northern populations of the spiny dogfish, but had noted that there was insufficient data to support the listing of the southern populations. He said the lack of data on the porbeagle in the high seas warranted the listing of the species as a precautionary measure, and added that many countries have already developed and implemented national measures for its conservation. Noting that since an increasing number of proposed listings concern species of high commercial interest linked to CITES, Norway called for strengthening the review process of data and proposals, including the possibility of establishing expert panels outside the Scientific Council for marine species. Costa Rica expressed concerns with the insufficient scientific debate on the sharks' listings within the Scientific Council. Mauritania called for funding for national efforts for shark conservation.

Reporting on the saker falcon consultations, Croatia said that a draft resolution put forward by Saudi Arabia was discussed and accepted by the group, and noted that if the resolution was adopted by plenary, the proposal for listing would be withdrawn. In the afternoon, delegates considered a draft resolution submitted by Saudi Arabia (UNEP/CMS/Res.9.20), providing for a research programme on the species' conservation status, a workshop to be hosted by the United Arab Emirates in 2009 and a commitment for a listing at COP 10 in case the species' conservation status does not significantly improve. The resolution was adopted with a minor amendment and Croatia withdrew its listing proposal.

Delegates also agreed to the listing of the cheetah in Appendix I, with the exception of the populations in the three African countries with a CITES quota.

On sharks, plenary agreed to list the longfin and shortfin mako sharks in Appendix II, with Chile, Uruguay and Ecuador making statements for the record noting insufficient evidence on populations in their respective regions to merit the listing, and highlighting national conservation measures. The porbeagle shark was also listed, with Norway, Chile, Uruguay and Argentina making statements for the record, and Denmark delivering a territorial reservation on the listing on behalf of the Home Rule Government of the Faroe Islands. Senegal and Guinea strongly supported the listing. Plenary also approved the listing of the northern hemisphere population of the spiny dogfish in Appendix II.

Amendments to Appendix I: COP 9 listed the following species in Appendix I:

- 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;
- streaked reed-warbler; and
- cheetah, except the populations of Botswana, Zimbabwe and Namibia.

Amendments to Appendix II: The following species have been listed in Appendix II:

- cheetah, the populations of Botswana, Zimbabwe and Namibia;
- barbary sheep;
- Mediterranean population of bottlenose dolphin;
- West African population of clymene dolphin;
- African wild dog;
- saiga antelope;
- North West African population of harbor porpoise;
- Mediterranean population of Risso's dolphin;
- longfin and shortfin mako sharks;
- porbeagle shark; and
- the northern hemisphere population of the spiny dogfish.

Final Resolution: In the resolution on the saker falcon (UNEP/CMS/Res.9.20), the COP urges parties to: take action to improve the conservation status of the saker falcon and to support a workshop on the species' status and conservation needs to be held in the United Arab Emirates in 2009; and to assist in the delivery of a research programme on the species, initially supported by Saudi Arabia. It requests the Scientific Council to review progress at its next meeting, and strongly recommends that a party proposes to list the species on Appendix I at the next COP, unless there is a transparent and significant improvement in its conservation status, in particular that it is no longer considered by IUCN as vulnerable, endangered or critically endangered.

NOMENCLATURE

On Thursday, the Secretariat presented in plenary 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. On Friday, plenary adopted a revised recommendation incorporating comments submitted in writing, without comment.

Final Recommendation: In the recommendation on standardized nomenclature for the CMS appendices (UNEP/CMS/Rec.9.4/Rev.1), the COP adopts standard nomenclatural references for marine and terrestrial mammals, as recommended by the 15th and 14th meetings of the Scientific Council, respectively. It requests the Scientific Council to: consider adopting a standard nomenclatural reference for birds at its 16th meeting; and consider the implications of adopting the taxonomic list approved for inclusion on Annex I of ACAP as the Convention's standard nomenclatural reference for albatrosses and large petrels, and consider other relevant CMS agreements in the process of harmonization of taxonomic and nomenclatural references. The Secretariat is requested to raise, at the next meeting of the Chairs of the scientific bodies of biodiversity-related conventions, the feasibility of establishing a nomenclature and taxonomy panel to work towards the harmonization of species nomenclature used by the biodiversity-related conventions; and to transmit the resolution to the CITES Secretariat for it to be considered by the CITES scientific bodies.

CAPACITY BUILDING

The Secretariat introduced the proposed capacity-building strategy (UNEP/CMS/Conf.9.30/Rev.2 and Res.9.12) during Wednesday's plenary. The EU requested deleting references to regional CMS nodes and, with Chile, called for identifying capacity-building priorities. The Philippines suggested examining existing national capacity assessments. Iran called for regional and subregional thematic workshops and knowledge management projects. FAO noted its capacity-building activities on flyways and avian influenza and other wildlife diseases. Wetlands International highlighted its African-Eurasian Flyway training toolkit, noting the lack of funding for countries to implement it. Delegates adopted the resolution without amendment during Friday's plenary.

Final Resolution: In the resolution (UNEP/CMS/Res.9.12), the COP, *inter alia*:

- calls on parties to provide financial support for the capacity-building strategy;
- encourages parties to identify priorities for future research;
- requests the Secretariat to focus on cooperation with CMS agreements and other MEAs;
- requests UNEP to support the Secretariat in holding regional workshops; and
- instructs the Secretariat to work with the Scientific Council and agreement Secretariats to promote capacity building among parties, and to develop computer-based learning material.

FUTURE SHAPE OF CMS

Standing Committee Chair McNee introduced a draft resolution on the intersessional process on the future shape of CMS (UNEP/CMS/Res.9.13) on Wednesday in plenary, noting it was proposed by the EU and endorsed by the Standing Committee. Many delegates expressed support for the draft resolution and willingness to participate in the proposed intersessional working group to explore the issue, with Norway drawing attention to its draft terms of reference (UNEP/CMS/Inf.9.24). Switzerland and the EU stressed the need to link this process with the development of a new strategic plan.

The issue was then taken up in a working group, which met on Wednesday and Thursday. The group discussed the intersessional working group's structure and membership. Many supported establishing a core, regionally balanced group of parties, which would then be opened to broader consultations. The need to involve the CMS agreements and their Secretariats, non-parties and partner organizations was also stressed. Participants agreed to designate regional representatives to the intersessional working group, based on the new structure of the Standing Committee. Addressing a revised draft of the resolution, 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/Addendum). 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 stating that UNEP will be informed on the process, along with other MEA secretariats and international organizations.

On Friday morning, Chile reported to plenary on the working group's deliberations. She drew delegates' attention to a proposal on establishing a mandate for the intersessional working group to address the new strategic plan. In the afternoon, regional groups appointed members to the intersessional working group: the UK, France, Switzerland, Kenya, Morocco, Peru, Cuba and Australia, noting that Asian representatives will be nominated in due time. Plenary then adopted the resolution and terms of reference of the intersessional group.

Final Resolution: In the resolution on the intersessional process regarding the future shape of CMS (UNEP/CMS/Res.9.13/Rev.2), the COP: launches an intersessional process to explore the possibilities of strengthening the contribution of the CMS and the CMS family to the conservation, management and sustainable use of migratory species; and establishes an *ad hoc* working group tasked with drafting proposals on the future strategies and structure of the CMS and its family for COP 10.

It instructs the group to take into account: possibilities and options for a more integrated conservation programme under a broad umbrella of "CMS Multispecies Initiatives"; possibilities and options for various types of activities, including development of new agreements and implementation of existing agreements; options for ensuring a sound science base of a growing CMS

family; financial and institutional implications of all options; and the contents of the current Strategic Plan and the development of a new Plan for 2012-2017.

The COP also adopts the terms of reference of the intersessional group (UNEP/CMS/Res.9.13/Addendum/Rev.1), which state:

- the objectives of the group are to consider the issues set out in the above resolution, to identify the institutional, legal, organizational and budgetary impacts of its proposals, and to report to the Standing Committee;
- the group shall be composed of a core group of parties, with the same geographical composition as the Standing Committee, and including the Chair and Vice-Chair of the Committee;
- the group will work in cooperation and consultation with party representatives and the regional agreements' Secretariats, and endeavor to adopt recommendations by consensus; and
- NGOs and non-parties interested in participating can be consulted by the representative of the relevant region.

The terms of reference state that the group will report to the Standing Committee on the following steps: in 2009, an assessment of the current situation regarding the organization and activities of CMS and its family, underlining advantages and drawbacks of the current system; in 2010, proposals to improve current operations; and, in 2011, proposals for three different options for the future organization and the strategic development of CMS and its family. After each step, the report will be reviewed by the Standing Committee, and then sent to CMS and other agreement parties, UNEP, and other MEAs and international organizations concerned.

BUDGET AND ADMINISTRATION

FUNDRAISING: The Secretariat reported on fundraising efforts (UNEP/CMS/Conf.9.34) in plenary on Wednesday, highlighting the establishment of the "Friends of CMS." Egypt suggested targeting fundraising at the private sector.

BUDGET 2006-2008: The Secretariat presented on the execution of the budget 2006-2008 (UNEP/CMS/Conf.9.33/Rev.2) in Tuesday's plenary, highlighting activities undertaken and noting 95% collection of contributions. Several countries commented that their countries' contributions had not been reflected.

BUDGET 2009-2011: This item was introduced in plenary on Tuesday. The Secretariat presented two budget options, namely an increase of either 5.5% or 9% over the 2006-2008 budget. Executive Secretary Hepworth noted that the 5.5% option is a "zero real growth" option that includes contributions from new parties and is adjusted for inflation and other factors, noting that this option would only allow for marginal enhancement of capacity building. He said the 9% option would include four new posts and a full online reporting system for parties. Argentina, on behalf of GRULAC, requested inclusion of a 0% increase option.

A working group, chaired by France, met Tuesday through Thursday, often late into the night, to finalize the 2009-2011 budget and its associated resolution. Many delegates expressed concerns with budget increases, given the current global economic situation. Others commented that their main concern was being able to justify any increases in the budget, and asked for clarifications on several budgetary items. Once these were

clarified, delegates reviewed the budget line-by-line, and reduced the proposed budget to a 3.3% increase compared to the 2006-2008 budget by: rejecting any position upgrades; reducing the budget for information management, information technology services, outreach and fundraising, agreements and MOUs and reducing staff travel costs; and deciding on the creation of only two new P2-level posts that would start in 2010. Discussing the draft resolution (UNEP/CMS/Res.9.14/Rev.1), delegates added a request to establish a finance and budget sub-committee under the Standing Committee. They discussed, *inter alia*: 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 how overhead costs could partially come back to projects.

On Friday, France reported on the working group's deliberations in plenary. He highlighted consensus achieved on a budget that, among other things, allows for two new Secretariat posts, representing a significant success given the current economic times. Executive Secretary Hepworth expressed his appreciation to the group, as well as to the Secretariat's host country Germany for its generosity in providing €200,000 for gorilla conservation, €50,000 for the meeting on the elaboration of an instrument on sharks, to be held immediately following COP 9, and €15,000 for meetings of the intersessional working group on the future shape of CMS. WDCS stressed civil society's great concern about the slim budget and highlighted the pressure put on developing countries to implement effective conservation action. Germany said the agreed budget increase is a solid basis for further conservation and administrative work. He highlighted Germany's financial contribution to the sharks meeting, and encouraged parties' voluntary contributions. Delegates approved the budget and the resolution, following minor amendments.

Final Resolution: In the resolution on financial and administrative matters and terms of reference for the administration of the trust fund for CMS (UNEP/CMS/Res.9.14/Rev.1), the COP: adopts the annexed 2009-2011 budget; requests all parties to promptly pay their contributions, at the agreed scale; and confirms the willingness that the CMS Secretariat provide secretariat services to ASCOBANS. The COP:

- instructs the Standing Committee to establish a finance and budget sub-committee for the consideration of all financial and budgetary matters, which will meet one day prior to the start of Standing Committee meetings;
- requests the CMS Executive Secretary to seek for tender for Information Technology Services that could be alternatively provided by a more cost-effective external service provider;
- encourages all parties to make voluntary contributions;
- approves the creation of P2-level officers for scientific support, and partnerships and fundraising;
- invites the UNEP Executive Director to consider, on a case-by-case basis, the allocation of financial resources from the income generated under the Programme Support Costs for implementation of activities; and
- requests the UNEP Executive Director to undertake a review of the grading of the Secretariat's posts by 2011, taking into account the outcome of the working group on the future shape of CMS.

The annexes to the resolution outline the budget estimates for 2009-2011, the scale of party contributions to the UNEP/CMS Trust Fund for 2009-2011, the medium-term plan for 2009-2014, the terms of reference of the finance and budget sub-committee, and the terms of reference for the administration of the CMS Trust Fund. The total three-year budget to be shared by parties is €6,573,923.

CMS OPERATIONAL INSTRUMENTS

On Thursday in the COW, Scientific Council Vice-Chair Pierre Devillers (EC) 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 CMS, with some countries requesting more time to consider this important matter. 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. AEWA, 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. Delegates agreed to consider this document during the intersessional period.

INSTITUTIONAL ISSUES

STANDING COMMITTEE: In plenary on Wednesday, Executive Secretary Hepworth introduced the documents on the composition and operation of the CMS Standing Committee (UNEP/CMS/Conf.9.35/Rev.2 and Res.9.15). The EU suggested establishing a sub-committee for budgetary and financial matters.

In plenary on Friday, delegates elected to the Standing Committee representatives from the following countries: Saudi Arabia, Pakistan, Chile, Panama, Monaco, the Netherlands, Poland, the Philippines, Ghana, Senegal and Tunisia, with the following respective alternates: Syria, Iran, Argentina, Antigua and Barbuda, Norway, France, Georgia, New Zealand, Uganda, the Democratic Republic of Congo and South Africa.

Executive Secretary Hepworth presented the revised draft resolution, noting that it had been amended to reflect the establishment of a finance and budget sub-committee.

Final Resolution: In the resolution (UNEP/CMS/Res.9.15/Rev.1), the COP:

- resolves to re-establish the Standing Committee with terms of reference specified in the resolution;
- establishes rules for the Standing Committee, as specified in the resolution;
- requests members of the Committee to make every effort to pay their own travel expenses;
- requests the Secretariat to make provision in budgets for travel expenses for eligible representatives, following the rules as specified in the resolution; and
- specifies a set of duties of the regional representatives of the Committee.

SCIENTIFIC COUNCIL: In Friday's plenary, delegates re-appointed all the current members of the Scientific Council.

REGIONAL UNIT: In plenary on Wednesday, Executive Secretary Hepworth recalled the United Arab Emirates' offer to host a coordinating unit for the region's dugongs, birds of prey and marine turtles MOUs. Delegates applauded the offer.

SECRETARIATS' MERGER: In plenary on Wednesday, UNEP reported on the experimental merger of the CMS and ASCOBANS Secretariats' functions, noting that a mid-term review is being finalized.

OTHER BUSINESS

SIGNING CEREMONIES: On Thursday, 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. On Friday, the IOSEA marine turtles MOU was signed by France and Mozambique.

CMS MOVIE: On Friday in plenary, delegates viewed a preliminary version of a movie about CMS. Many delegates congratulated the Secretariat for producing the movie, with some delegates requesting more emphasis on Africa, various CMS agreements, and by-catch.

COP 10 DATE AND VENUE

In Friday's plenary, Executive Secretary Hepworth highlighted informal consultations about hosting COP 10, which is to meet in 2011, noting that no formal offers had been made. Delegates adopted a resolution with this understanding.

Final Resolution: In the resolution on arrangements for hosting COP 9 and 10 (UNEP/CMS/Res.9.17), the COP commends the government of Italy for hosting COP 9, and invites parties and non-parties with an interest in hosting COP 10 to inform the Secretariat no later than 31 December 2009.

CLOSING PLENARY

In Friday's plenary, delegates adopted the meeting's report (UNEP/CMS/Conf.9/L.1), with the understanding that corrections could be made for a two-week period after its circulation.

Chair Spina, Vice-Chair Oteng-Yeboah and Executive Secretary Hepworth made closing statements of appreciation. Shri Sevugan Regupathy, India's Minister of Environment and Forests, delivered a statement highlighting national conservation work. Italy expressed content with the outcomes of the meeting, notably on intersessional work on the future shape of the Convention, enlargement of the Standing Committee, and sharks listings.

Chair Spina closed the meeting at 5:45 pm.

A BRIEF ANALYSIS OF CMS COP 9

With a diverse agenda, ranging from major institutional issues to iconic species such as the cheetah and sharks, the ninth meeting of the Conference of the Parties (COP 9) to the Convention on Migratory Species (CMS) attracted the interest of many. As the year 2010 rapidly approaches, and the international community still struggles to find ways to meet the 2010 target to significantly reduce the rate of biodiversity loss, the CMS has an important role to play, especially since the CMS represents one example of a "Convention that works," as noted by its Secretariat in the meeting's background documentation. This brief analysis examines why this Convention works and what steps were taken at COP 9 to ensure its continued effectiveness, but also identifies some of the sticking points during the week's deliberations, as well as future challenges for the Convention in this ever-changing global environment.

A CONVENTION THAT WORKS ...

The CMS can demonstrate a number of outstanding achievements with regard to species conservation. Its Appendix I and II listings have contributed to the reversal of negative population trends of a number of species, most notably the saiga antelope and the Mauritanian and Madeira populations of monk seal. The Siberian crane Memorandum of Understanding, associated with the ambitious UNEP-Global Environment Facility Siberian Crane Wetlands Project, has led to some prime examples of habitat restoration and the establishment of a network of critical sites, which is expected to prove pivotal in the survival of this gracious and charismatic species.

Furthermore, acting as a framework Convention, CMS has kick-started a good number of regional species agreements and memoranda, the latest of which, on the Andean flamingo, received its first signatures during COP 9. Due to their specific focus on issues of regional interest, these instruments are generally well implemented and create a sense of ownership at the national and local level, which offers CMS a unique opportunity to work on the ground. Such work is complemented by a series of tangible projects, carried out in part through the CMS Small Grant Programme, which has a significant role in developing CMS initiatives for a number of species in developing countries.

COP 9 faced the challenge of building on these achievements by enhancing national-level, species-specific work, while at the same time responding to key policy and institutional issues. A number of resolutions sought to respond to this challenge. For instance, the first-ever CMS capacity-building strategy, which provides for training programmes and joint activities with other bodies, was well received, although its success is dependent on parties' provision of the necessary funds. The Convention's new outreach and communication plan was also endorsed, aiming not only to highlight the importance of migratory species for the preservation of healthy ecosystems, but also to increase CMS's visibility as the center of expertise in that regard. A number of opportunities for raising awareness lie ahead, including the Year of the Gorilla 2009 and the International Biodiversity Year 2010. Finally, the adoption of a series of resolutions provide an adequate institutional framework for the Convention to address real conservation needs and at the same time build its

niche and name in the international environmental arena. These include: the resolution on the impacts of climate change and climate change adaptation and mitigation activities on migratory species; the renewed call for work on avian influenza and other wildlife diseases; and the commitment to strengthen synergies and cooperation with biodiversity-related Conventions and other multilateral environmental agreements (MEAs).

...BUT NOT WITHOUT BUMPS IN THE ROAD

In these times of financial insecurity, the lack of funding for conservation work represents a very important risk for all environmental conventions, and CMS is no exception. The bad timing of COP 9, in the middle of the ongoing financial crisis, was acknowledged more than once during the week. This made for an all-around friendly but subdued atmosphere among the delegates that spent a good portion of the week hammering out the budget in a small working group. The budget negotiators had a difficult time trying to figure out how to make the most of a modest 3.3% budget increase. In the end the adopted budget "could be worse," as many participants put it. They kept most budget lines more or less at the current level, and were able to find funding for two of the four new posts proposed by the Secretariat, which the Secretariat sorely need to keep up with parties' increasing demands. One disappointment for the Scientific Council, however, was the continued exclusion of the Small Grants Programme from the core budget. This Programme had once benefited from core funding, but since COP 8 it has had to rely solely on inconsistent voluntary contributions, despite praises for its effective, on-the-ground implementation.

In addition to the financial issues, the COP also encountered some substantive hiccups along the way. Species listings, for example, are inherently controversial, with inevitable differences in national, and sometimes personal, interests. While most listings proposed for COP 9 went through without much debate, the proposed Appendix I listing of the saker falcon and Appendix II listing of a number of shark species were the notable exceptions. The saker falcon is traditionally used in hunting in many Arab countries and, although its endangered status is hardly contested, a listing would affect such use and trade. Furthermore, Arab countries argued that a recently adopted memorandum of understanding on birds of prey had the potential for effective conservation work. After much debate, Croatia withdrew its proposal for the listing; a week of informal consultations led to consensus on a Saudi proposal regarding a research programme on the species' conservation status, a workshop to be hosted by the United Arab Emirates and a commitment for a listing at the next COP if populations do not recover significantly. This compromise left both conservationists and traditional hunters content.

The listing of sharks was seen as an important achievement. Commercial interests in many countries made their listing a tough battle, thus the positive outcome represents an important recognition for troubled shark populations around the world. Other important marine-related resolutions made their way successfully through the COP, despite these issues often being highly contentious in other fora. Resolutions on migratory marine species, by-catch, and impacts of ocean noise on cetaceans were all key victories. Many delegates were pleased that specific reference to arctic species was retained in the

resolution on marine species, given the sensitivity of arctic issues in the broader climate change debate. Some delegates, however, felt that these three resolutions could have been stronger if it weren't for the need to reconcile the diverse interests involved. For example, the ocean noise resolution was weakened in part due to national defense concerns, namely the use of sonar in marine environments, on top of commercial interests.

This foray into the marine arena is an example of where CMS-related actions have implications for issues addressed by other bodies, such as CITES, the CBD, and the UN General Assembly's working group on high seas marine biodiversity, leaving some to question whether CMS is in fact the best forum to deal with such issues. This question resurfaced in relation to another species proposed for listing, the cheetah, wherein exceptions had to be made for range states that have already taken on board quota arrangements through CITES. From a different perspective, however, it has been pointed out that a CMS listing may serve as an important first step towards listing on the more influential CITES appendices, as some would argue had been the case for the saiga antelope. The role and ambitions of CMS in the larger picture of global conservation action are only some of the issues to be addressed by the newly launched intersessional process to tackle the "future shape" of the Convention.

THE WAY FORWARD

Despite the Convention's success on the ground, many expressed concern about its future direction and shape. This issue was a prominent item on the COP's agenda, referred to consistently throughout the week by parties wishing to remind each other that reflection on the Convention's operations and future steps is necessary. Many shared the sentiment that the incredible growth of the Convention and a proliferation of memoranda and agreements in recent years, while an indication of the Convention's success, have come about in a somewhat haphazard way. In this regard, the Convention could benefit from a process of consolidation and prioritization and, as suggested by some, a slowing of the development of new agreements in favor of focusing support on implementing the existing ones. The development of the next strategic plan will provide CMS with a valuable opportunity to untangle and streamline the relationship with its agreements, for instance by resolving a series of legal, coordination and communication issues, and to develop a vision on how the Convention will better cooperate with other MEAs and conservation initiatives.

In providing a framework for countries to work together, CMS has an important role to play in transboundary wildlife conservation. But as the Convention and its activities grow, how CMS will continue to fulfill this role will need to be examined. The decision to start this process of introspection will contribute to a meaningful outcome at the next COP on the future shape of the CMS. If done effectively, many believe that COP 10 will be the true turning point for the Convention's ability to address current and future challenges.

UPCOMING MEETINGS

INTERNATIONAL SYMPOSIUM ON BAT

MIGRATION: This symposium will be held from 16-18 January 2009, in Berlin, Germany. It is co-hosted by the Leibniz Institute for Zoo and Wildlife Research, the Federal Institute for Risk Assessment in Berlin and the Berlin Museum of Natural History. For more information, contact: the Leibniz Institute for Zoo and Wildlife Research; tel: +49-30-5168-518/9; fax: +49-30-5126-104; e-mail: batmigration09@izw-berlin.de; internet: <http://www.izw-berlin.de>

PEW WHALE COMMISSION: The Pew Whale Commission will meet on 9-10 February 2009, in Lisbon, Portugal. Following two Pew Whale Symposia (12-13 April 2007, New York, US, and 30-31 January 2008, Tokyo, Japan), this meeting is the third Pew initiative in support of the reform of the International Whaling Commission (IWC) and its constituent instrument, the International Convention for the Regulation of Whaling. The meeting aims to consider ways to ensure the effective operation of the IWC in the future, and to make recommendations accordingly. For more information, contact: Natalie Wegener, Pew Environment Group; tel: +1-202-887-8800; fax: +1-202-887-8877; e-mail: nwegener@pewtrusts.org; internet: <http://www.pewwhales.org>

IWC WORKSHOP ON CLIMATE CHANGE AND CETACEANS: This workshop will be held from 21-25 February 2009, in Sienna, Italy. The primary aim of the workshop is to determine how climate change is/may already be affecting cetaceans and how best to determine these effects. The Climate Change Workshop will bring together experts in cetacean biology, modeling, marine ecosystems and climate change, as well as reviewing current understanding and seeking to improve conservation outcomes for cetaceans under climate change scenarios described in the IPCC's 4th report. For more information, contact: IWC Secretariat; tel: +44-1223-233-971; fax: +44-1223-232-876; e-mail: secretariat@iwcoffice.org; internet: http://www.iwcoffice.org/sci_com/workshops/CLIMATEworkshop.htm

23RD ANNUAL CONFERENCE OF THE EUROPEAN CETACEAN SOCIETY: Hosted by the Turkish Marine Research Foundation, this meeting will take place in Istanbul, Turkey, from 2-4 March 2009, under the theme "Climate Change and Marine Mammals." For more information, contact: the Turkish Marine Research Foundation; tel: +90-216-323-9050; fax: +90-216-424-0771; e-mail: ecs2009@tudav.org; internet: <http://www.tudav.org/ecs2009/>

FIRST INTERNATIONAL CONFERENCE ON MARINE MAMMAL PROTECTED AREAS: This Conference will be held from 29 March - 3 April 2009, in Maui, Hawaii, US. It is co-hosted by the US National Oceanic and Atmospheric Administration, the National Marine Fisheries Service Office of International Affairs and the National Marine Sanctuaries. For more information, contact: Lee-Ann Choy, Conference coordinator; tel: +1-808-864-9812; fax: +1-866-211-3427; e-mail: prc@hawaiiibiz.rr.com; internet: <http://www.icmmpa.org/>

SECOND MEETING OF THE CBD AHTEG ON BIODIVERSITY AND CLIMATE CHANGE: The second meeting of the Convention on Biological Diversity's *Ad Hoc* Technical Expert Group on Biodiversity and Climate Change

will be held from 30 March - 3 April 2009, in Helsinki, Finland. For more information, contact: CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@cbd.int; internet: <http://www.cbd.int/meetings/>

CITES AC 24: The 24th meeting of the Animals Committee of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) will convene from 20-24 April 2009, in Geneva, Switzerland. For more information, contact: CITES Secretariat; tel: +41-22-917-8139/40; fax: +41-22-797-3417; e-mail: info@cites.org; internet: <http://www.cites.org>

ACAP MOP 3: The third Meeting of the Parties (MOP) to the Agreement for the Conservation of Albatrosses and Petrels (ACAP) will be held from 27 April - 1 May 2009, in Bergen, Norway. For more information, contact: the ACAP Secretariat; tel: +61-3-6233-3123; fax: +61-3-6233-5497; e-mail: warren.papworth@acap.aq; internet: <http://www.acap.aq/>

WORLD OCEAN CONFERENCE: This Conference will be held from 11-15 May 2009, in Manado, Indonesia. Organized by the Government of Indonesia, the Global Forum on Oceans, Coasts and Islands, and other partners, it will draw high-level attention to issues of ecosystem-based integrated oceans management in the context of climate change, focusing especially on the policy recommendations emanating from the 2008 Global Conference. For more information, contact: World Ocean Conference Secretariat; tel: +62-431-861-152; fax: +62-431-861-394; e-mail: info@woc2009.org; internet: <http://www.woc2009.org/>

INTERNATIONAL MARINE CONSERVATION CONGRESS: This event will take place from 19-24 May 2009, in Washington DC, US. It will encompass the Second International Marine Protected Areas Congress. For more information, contact: Conference Chair John Cigliano; tel: +1-610-606-4666, ext. 3702; e-mail: John.Cigliano@cedarcrest.edu or IMCC2009@conbio.org; internet: <http://www2.cedarcrest.edu/imcc/index.html>

IWC 61: The 61st Annual Meeting of the International Whaling Commission will take place from 22-26 June 2009, in Madeira, Portugal. Its Scientific Committee will meet from 31 May - 12 June 2009. Other associated meetings will be held from 13-21 June 2009. For more information, contact: IWC Secretariat; tel: +44-1223-233-971; fax: +44-1223-232-876; e-mail: secretariat@iwcoffice.org; internet: <http://www.iwcoffice.org/meetings/meeting2009.htm>

SCIENTIFIC SYMPOSIUM ON GORILLAS: This symposium will be held back-to-back with the 30th anniversary of the Convention on Migratory Species (CMS) in June 2009, in Frankfurt, Germany. It is hosted by the CMS Secretariat, the German Ministry of the Environment, and the Zoologische Gesellschaft Frankfurt. For more information, contact: Edward Ragusch, German Ministry of the Environment; tel: +49-228-99-305-2663; fax: +49-228-99-305-2684; e-mail: Edward.ragusch@bmu.bund.de

CITES COP 15: The fifteenth meeting of the Conference of the Parties (COP) to CITES will take place from 16-28 January 2010, in Doha, Qatar. For more information, contact CITES Secretariat; tel: +41-22-917-8139/40; fax: +41-22-797-3417; e-mail: info@cites.org; internet: <http://www.cites.org>

CBD COP 10: The tenth meeting of the Conference of the Parties to the CBD will take place from 18-29 October 2010, in Nagoya, Japan. The meeting is expected to assess achievement of the 2010 target to reduce significantly the rate of biodiversity loss, adopt an international regime on access and benefit-sharing and celebrate the International Year of Biodiversity 2010. For more information, contact: CBD Secretariat; tel: +1-514-288-2220; fax: +1-514-288-6588; e-mail: secretariat@cbd.int; internet: <http://www.cbd.int/meetings/>

CMS COP 10: CMS COP 10 will be held in 2011, with the dates and venue to be determined. For more information, contact: the CMS Secretariat; tel: +49-228-815-2401/02; fax: +49-228-815-2449; e-mail: secretariat@cms.int; internet: <http://www.cms.int>

GLOSSARY

ACAP	Agreement on the Conservation of Albatrosses and Petrels
ACCOBAMS	Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area
AEWA	Agreement on the Conservation on African-Eurasian Waterbirds
ASCOBANS	Agreement on the Conservation of Small Cetaceans of the Baltic, North East Atlantic, Irish and North Seas
BLG	Biodiversity Liaison Group
CBD	Convention on Biological Diversity
CITES	Convention on the International Trade of Endangered Species of Wild Fauna and Flora
COW	Committee of the Whole
EUROBATS	Agreement on the Conservation of Populations of European Bats
FAO	UN Food and Agriculture Organization
GEF	Global Environment Facility
GRASP	Great Apes Survival Project
IFAW	International Fund for Animal Welfare
IOSEA	Indian Ocean - South-East Asian
IWC	International Whaling Commission
MEA	Multilateral environmental agreement
MOU	Memorandum of Understanding
RFMO	Regional fisheries management organization
UNFCCC	United Nations Framework Convention on Climate Change
WCWC	World Conservation Monitoring Centre
WDCS	Whale and Dolphin Conservation Society
YoG	Year of the Gorilla