

**CMS Scientific Council
Flyways Working Group – Review 1**

**A review of CMS and non-CMS existing
administrative/management instruments
for migratory birds globally**

**Final Report
September 2010**

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1. Executive Summary

Scope of the review

Through Resolutions 9.2 and 9.13, the Ninth Conference of Contracting Parties (COP9) to the Convention on Migratory Species (CMS) established an open-ended working group on global bird flyways (hereafter referred to as the ‘Flyways Working Group’), under the auspices of the CMS Scientific Council. During the inter-sessional period leading up to COP10, the working group was tasked with:

- Reviewing scientific and technical issues for conservation of migratory birds and their habitats;
- Reviewing relevant international instruments, initiatives and processes, as the basis for future CMS policy on flyways and contributing to the work on the Future Shape of the CMS.

The Flyways Working Group determined that three reviews would be required:

- **Review 1** – a review of CMS and non-CMS existing administrative/management instruments for migratory birds globally;
- **Review 2** – an overview of scientific/technical knowledge of bird flyways and major gaps and conservation priorities; and
- **Review 3** – proposed policy options for flyway conservation/management to feed into the future shape of the CMS.

Terms of Reference and methodology

This paper presents the findings of Review 1 for which the Terms of Reference required: “an overview of the CMS and non-CMS existing administrative/management instruments for migratory birds globally, their relative strengths and weaknesses and major geographic/species gaps” by:

- Undertaking a rapid desk study to review CMS and non-CMS publications, reviews, research papers and related documents on migratory birds, flyways and conservation initiatives;
- Communicating/conducting interviews of key persons/agencies/organisations involved with the major flyway instruments;
- Drafting and finalizing the review, through two rounds of consultation with the Working Group.

The broad approach followed by UNEP/CMS (2009) in terms of aggregating the world’s major flyways has been used as the basis for this paper. Detailed scientific knowledge of flyways is being assessed through Review 2 and is not part of the Terms of Reference for Review 1. The compilers of the two reviews have consulted each other to ensure compatibility of approach.

Key findings

1. Globally, there are more than 30 different international, flyway-based instruments for the conservation of migratory birds. These range from multilateral intergovernmental treaties covering more than 110 countries, through instruments addressing the conservation of single species (or small groups of species), to voluntary, multi-sector partnerships and networks of designated sites.
2. There are many more instruments that are not flyway-based, and therefore outside the scope of detailed consideration under this review, but which nevertheless make a significant contribution to the conservation of migratory species and their habitats.
3. The effectiveness of flyway-based conservation instruments must be seen in this wider context and the multiple opportunities that exist for maximising synergy.
 - Each category of flyway-based conservation instrument and each individual instrument within a category has its own strengths and weaknesses. The appropriateness and effectiveness of each category and each individual instrument has to be assessed against a set of circumstances that is unique to the flyway, species and conservation challenges it aims to address.
4. It would therefore be much too simplistic to conclude that any one category or model of flyway-based cooperation for the conservation of migratory bird species is inherently better than any other; it is entirely dependent on circumstances.

Geographical coverage

5. Geographical coverage (on paper) is strongest in:
 - Africa – Eurasia (particularly Eurasia);
 - Americas (particularly North America);
 - East Asia – Australasia.

In these regions there is an established flyways-based approach to bird conservation that can be traced back over the course of 30 to 50 years.

6. Geographical coverage (on paper) is weakest in the following regions:
 - Central Pacific;
 - Central Asia (there is a CMS Action Plan for waterbirds that has yet to be implemented; there is also substantial overlap with the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) and the CMS Memorandum of Understanding (MoU) on Migratory Birds of Prey in Africa-Eurasia);
 - Pelagic (open ocean) flyways in the Atlantic Ocean, Pacific Ocean, Indian Ocean and Southern Ocean.

Species group coverage

7. Coverage of species groups (on paper) is strongest for:
 - Waterfowl (Anatidae);
 - Shorebirds/waders (Scolopacidae);
 - Other migratory waterbirds such as divers (loons), grebes, cranes, herons etc;
 - Nearctic-breeding passerines and other landbirds that migrate to the Neotropics for the non-breeding season;
 - Raptors (particularly in Africa-Eurasia).
8. Coverage of species groups (on paper) is weakest for:
 - Passerines (particularly in Africa-Eurasia and Asia-Pacific, though coverage is good for Nearctic-breeding migratory passerines in the Americas);
 - Other landbirds (with some exceptions e.g. certain species covered through bilateral treaties in the Americas and Asia – Pacific regions; also the CMS MoU on African-Eurasian birds of prey and CMS MoU on Middle European population of Great Bustard *Otis tarda*);
 - Inter-tropical and intra-tropical migrants in all regions;
 - Migratory seabirds not covered by the CMS Agreement on the Conservation of Albatrosses and Petrels (ACAP) and whose flyways at sea are only partly covered by instruments such as AEWA, or the Partnership for the East Asian – Australasian Flyway (EAAFP).

From paper to implementation

9. Extent of global flyway coverage (whether geographically, or in terms of species/species groups) is one consideration, but the crucial point is how theoretical coverage ‘on paper’ is translated into effective conservation action.
10. Among the foremost challenges confronting the majority of flyway-based conservation instruments, particularly those covering Africa, but also parts of Asia, Latin America and the Caribbean, are:
 - ensuring that developing-country needs and priorities are fully integrated into the development and implementation of both new and existing instruments;
 - securing sustainable means of financial support for implementation in developing countries.
11. In comparison with those of economically developed countries, the environmental priorities of most developing countries are likely to be focused on wider sustainable development issues (rather than species conservation issues *per se*) such as:
 - water and food security;

- climate change mitigation and adaptation;
 - protection of economically important ecosystem services.
12. Instruments for the conservation of migratory bird species – whether intergovernmental or not – are likely to struggle for sufficient attention, capacity and resources unless they are explicitly linked to the wider developing country priorities outlined above. In other words, priority must be given to mainstreaming of species conservation within the broader environment and sustainable development agenda.
13. In addition to focusing on developing-country needs and priorities where relevant to the geographical area of coverage, ‘ingredients for success’ appear to include:
- the opportunity for all parties/partners/signatories/stakeholders to meet together on a regular basis;
 - a clear decision-making mechanism at a policy level;
 - a clear mechanism for ensuring decisions are based on the best available science;
 - clear conservation goals and objectives that are measurable/verifiable;
 - an action plan for reaching those goals and objectives;
 - an implementation monitoring plan.

The review draws additional conclusions regarding flyway-based instruments within the CMS framework and those outside.

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Taej Mundkur, Wetlands International

September 2010

2. Overview of global flyways

Scope of the present review

Through Resolutions 9.2 and 9.13, the Ninth Conference of Contracting Parties (COP9) to the Convention on Migratory Species (CMS) established an open-ended working group on global bird flyways (hereafter referred to as the 'Flyways Working Group'), under the auspices of the CMS Scientific Council. During the inter-sessional period leading up to COP10, the working group was tasked with:

- Reviewing scientific and technical issues for conservation of migratory birds and their habitats;
- Reviewing relevant international instruments, initiatives and processes, as the basis for future CMS policy on flyways and contributing to the work on the Future Shape of the CMS.

The Flyways Working Group determined that three reviews would be required:

- **Review 1** – a review of CMS and non-CMS existing administrative/ management instruments for migratory birds globally;
- **Review 2** – an overview of scientific/technical knowledge of bird flyways and major gaps and conservation priorities; and
- **Review 3** – proposed policy options for flyway conservation/ management to feed into future shape of the CMS.

This paper is the first draft of Review 1. The full Terms of Reference are attached as Annex 2. In brief, these require: “an overview of the CMS and non-CMS existing administrative/ management instruments for migratory birds globally, their relative strengths and weaknesses and major geographic/species gaps” by:

- Undertaking a rapid desk study to review CMS and non CMS publications, reviews, research papers and related documents on migratory birds, flyways and conservation initiatives;
- Communicating/conducting interviews of key persons/agencies/organisations involved with the major key flyway instruments,
- Drafting and finalizing the review, through two rounds of consultation with the Working Group.

Current scientific knowledge of flyways is being assessed through Review 2 and is not part of the Terms of Reference for this review (Review 1).

Therefore, for the purposes of this paper, the approach set out by UNEP/CMS (2009) is used and summarized below.

It should be noted that the authors/compiler of Reviews 1 & 2 have coordinated with one another to ensure compatibility of the two papers.

Definition of ‘migratory species’ and ‘flyway’

The text of the CMS defines ‘migratory species’ as:

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

A flyway is a geographical region within which a single migratory species, a group of migratory species – or a distinct population of a given migratory species – completes all components of its annual cycle (breeding, moulting, staging, non-breeding etc.). For some species and groups of species these flyways are distinct ‘pathways’ linking a network of key sites. For other species/groups, flyways are more dispersed (see next section for further discussion of this distinction).

Boere & Stroud (2006) defined the broad concept of flyways as:

“...the biological systems of migration paths that directly link sites and ecosystems in different countries and continents”.

More specifically, they defined a flyway as:

“...the entire range of a migratory bird species (or groups of related species or distinct populations of a single species) through which it moves on an annual basis from the breeding grounds to non-breeding areas, including intermediate resting and feeding places as well as the area within which the birds migrate”.

As noted in UNEP/CMS (2009), the crossing of national boundaries is irrelevant from a strictly biogeographical viewpoint. However, natural patterns of migration overlie the global geopolitical system, meaning that it is frequently impossible to manage or conserve migratory species – or the habitats and sites on which they depend – without working across national boundaries and jurisdictions. There are exceptions, however, where species or populations exhibit migratory movements within a single national jurisdiction. These are outside the scope of this review, which focuses on transboundary cooperation for the conservation of migratory birds.

Identifying and classifying flyway systems (NB This topic is treated in detail in Review 2)

UNEP/CMS (2009) recognized that various flyway systems have been proposed during the last 50 years, at both global and regional levels. Kuijken (2006) traced the early focus and development of flyway-based conservation for migratory waterbirds in North America and Europe.

Flyways for certain groups of birds involve relatively narrow, well-defined routes reflecting their ecological requirements. For example, waterbirds require access to coastal and/or inland wetland habitats, while migrant soaring birds such as large raptors rely on thermals and up-draughts and therefore avoid crossing large expanses

of open water and high mountain ranges. On the other hand, many passerines migrate on a broad front.

Many flyways are oriented longitudinally (i.e. from south to north, and from north to south), enabling migrants to exploit the long days and abundant food resources of higher-latitude summers to breed. During the non-breeding season there is a withdrawal from these higher latitudes towards the tropics and sub-tropics. Some species, such as Barn Swallow *Hirundo rustica* and many migratory shorebirds breed in the northern hemisphere summer and are trans-equatorial migrants, spending the non-breeding season in the southern hemisphere summer.

Against this highly simplified generalisation, there are many variations. Some flyways are oriented more latitudinally; for example in Eurasia, many species that breed in the continental interior move west to spend the northern hemisphere winter in comparatively mild Atlantic and Mediterranean coastal regions.

Other species and groups of species, such as American Golden Plover *Pluvialis dominica*, and Connecticut Warbler *Oporornis agilis*, in the Americas, exhibit circuitous 'loop' or 'figure-of-eight' migrations between breeding areas and non-breeding areas, rather than simply reversing the direction of travel on the same route each season (www.npwrc.usgs.gov/resource/birds/migratio/patterns.htm downloaded 16 March 2010). Curlew Sandpiper *Calidris ferruginea* shows the same pattern in Africa-Eurasia (Wilson *et al.* 1980).

Intra-tropical migrants may follow seasonal rainfall patterns; many species of mountain regions exhibit seasonal altitudinal movements; pelagic seabirds undertake long-distance movements at sea. The level of our knowledge and understanding varies widely from one species or population to another and from one flyway to another as demonstrated in Review 2.

Certain species and groups are more thoroughly studied than others and their flyways defined in better detail as a result. Intensive ringing and colour-marking of waterbirds during the past 50 years – especially in Eurasia – has led to the accumulation of vast amounts of information on the timing of migration, the routes followed and the key sites used for breeding, feeding, moulting and staging (Stroud *et al.* 2006).

In recent years, and especially during the last decade, this information has been supplemented with the even more precise data obtained from the electronic tracking of individuals. Initially only suitable for the largest birds owing to the relatively bulky and heavy tags used, progressive miniaturization means that satellite tags and light-level geolocators are now routinely deployed on relatively small birds, recent examples including Sociable Lapwing *Vanellus gregarius* (Sheldon *et al.* in prep.), Atlantic Puffin *Fratercula arctica* (www.ox.ac.uk/media/science_blog/090901.html downloaded 16 March 2010) and Manx Shearwater (e.g. Guilford *et al.* 2008). Technological developments with geocator miniaturisation have recently reached the point where valuable data are being generated on the migration routes of some passerines and near passerines (e.g. Stutchbury *et al.* 2009, Bächler *et al.* 2010).

Hence, the level of precision with which flyways can be identified varies:

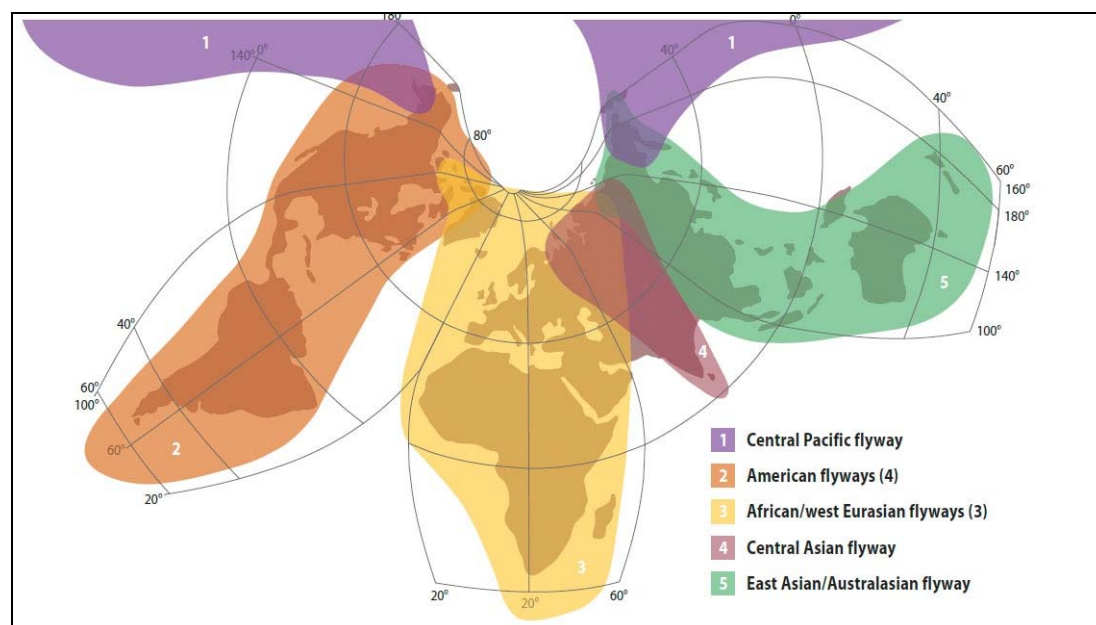
- from one species and group of species to another; and
- from one major region of the world to another;

depending on the extent, depth and duration of scientific research and the technological sophistication of study methods used.

This level of variability means that a global review needs to take a broad approach to flyway systems, while recognizing that a much finer resolution of analysis is possible in certain regions of the world and for certain species/groups of birds.

The International Wader Study Group (1998) recognized five major flyway groupings for migratory shorebirds – see Figure 1 overleaf – which was reproduced by Wohl (2006) and UNEP/CMS (2009).

Figure 1: Major global flyways for migratory shorebirds



Source: International Wader Study Group. 1998. The Odessa Protocol on international co-operation on migratory flyway research and conservation. In: Hötter H., E. Lebedeva, P.S. Tomkovich, J. Gromadzka, N.C. Davidson, J. Evans, D.A. Stroud, and R.B. West (eds). 1998. Migration and international conservation of waders. Research and conservation on North Asian, African and European flyways. *International Wader Studies* 10: p. 17–19.

Though essentially derived from mapping the principal flyways of migratory shorebirds that breed in the Arctic, this provides a helpful global framework for many other groups of migratory birds, including Anatidae, some seabirds such as Sternidae, raptors, and passerines. It does not, however, provide a suitable umbrella for the flyways used by the majority of pelagic seabirds. Furthermore, well-known component flyways within each of the five major groupings are aggregated; for example those for Anatidae in North America, or the East Atlantic Flyway in Africa-Eurasia.

At an even greater level of aggregation, three or four major flyway groupings can be recognized as indicated in Figures 2 and 3. The latter is the high-level, global aggregation used by BirdLife International and is employed as the baseline for this review.

The main aim of this review is to examine the existing instruments and frameworks for flyway-based conservation and to assess their strengths and weaknesses. It is therefore necessary to look at these instruments and frameworks from a variety of perspectives; degree of ‘fit’ with the biogeographical reality of flyways (knowledge of which is evolving rapidly) being just one of these.

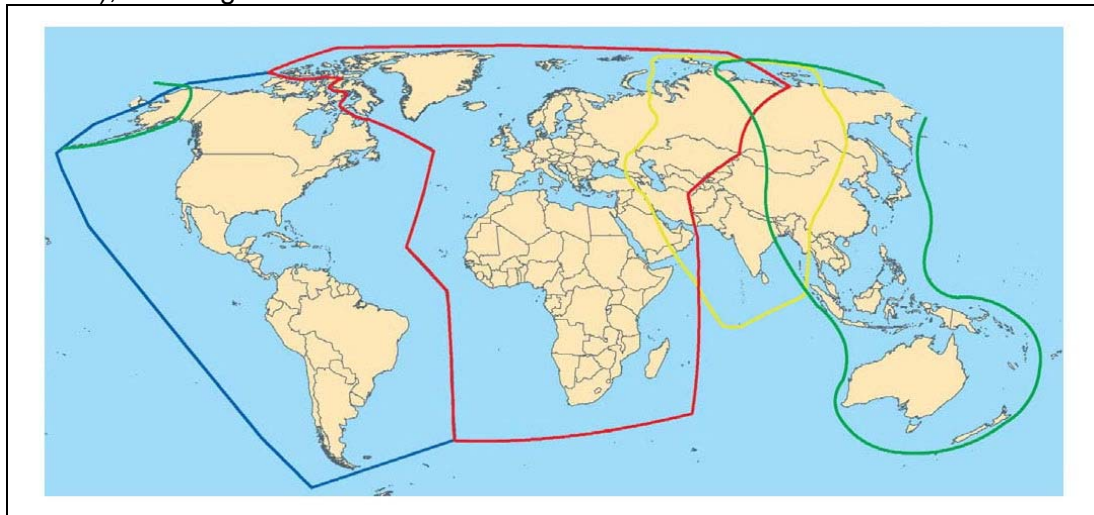
Equally relevant for assessing coverage and effectiveness of flyway-based conservation instruments are elements such as:

- type and purpose of instrument
- management structure
- administrative efficiency

- incentives for implementation
- quality of monitoring and evaluation

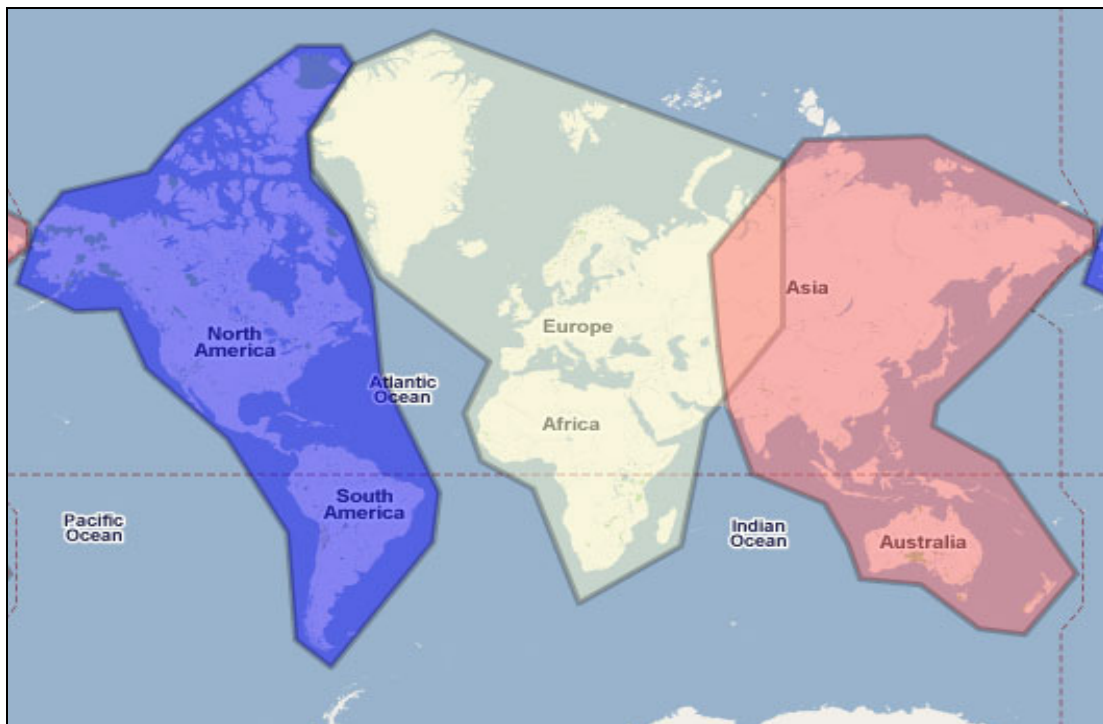
These are dealt with in section 4 (p. 15).

Figure 2: Aggregation of flyways for migratory waterbirds. The four regional aggregations are considered here for simplicity as Americas, Africa–Eurasia, Central Asia & East Asia – Australasia. The latter two are sometimes combined as ('Asia – Pacific'), as in Figure 3.



Source: Stroud *et al.* 2006.

Figure 3: Further aggregation: Americas, Africa – Eurasia & Asia – Pacific



Source: <http://www.birdlife.org/flyways/index.html> (downloaded 15 March 2010)

3. Overview of recent literature on CMS-related flyway-based instruments for the conservation of migratory birds

This section provides a chronological summary of the content of key documents published since the *Edinburgh Declaration* adopted by the *Waterbirds Around the World* Conference (Edinburgh 2004).

Edinburgh Declaration, 2004.

This concludes *inter alia* that:

- “Despite more than a century of conservation efforts in North America and emergence of a shared vision for biologically-based, landscape orientated partnerships, it is clear that international co-operation amongst Pan-American countries sharing migratory birds should increase.
- In African-Eurasian Flyways, the generally good knowledge of waterbirds is not being effectively transferred into necessary national and local actions. Nor have conservation efforts led to maintaining or restoring the health of many waterbird populations, including globally threatened species. There are urgent needs to integrate waterbird conservation as part of sustainable development, to the greater benefit of local communities and other stakeholders dependent on wetlands as well as benefiting biodiversity. The African-Eurasian Waterbird Agreement (UNEP/AEWA) provides a good basis to achieve this.
- Intra-African Flyways are extremely poorly known and would benefit from greater attention.
- Many of the waterbirds of the Central Asian Flyway appear to be declining, although information on status and trends is generally poor. In most countries there has been little previous investment in conservation and low involvement of local stakeholders in the sustainable management of wetlands. An international framework for the development of conservation initiatives for migratory waterbirds in Central Asia is urgently required to promote co-operative action. Better information is needed to identify priority conservation issues and responses.
- The waterbirds of Asian-Australasian Flyways are the most poorly known, and the greatest number of globally threatened waterbirds occur here. This flyway extends across the most densely populated part of the world, where there are extreme pressures not only on unprotected wetlands but also on protected sites. Effective protection of wetlands of major importance is a critical need, as in other regions of the world. There are huge, and crucial, challenges in ensuring effective wise-use of key sites, as well as ensuring that consumptive uses of waterbirds are sustainable.”

Stroud D.A., G.C. Boere, C.A. Galbraith & D. Thompson. 2006. Waterbird conservation in a new millennium – where from and where to? In: *Waterbirds Around the World*. Eds G.C. Boere, C.A. Galbraith & D.A. Stroud. The Stationery Office, Edinburgh, UK. p. 30–39.

Reflecting on the outcomes of the *Waterbirds Around the World* conference, Stroud *et al.* (2006) concluded:

“The immediate challenge is to ensure the effective *implementation* of the provisions of...existing treaties...However, the development of further multilateral flyway agreements similar in conceptual scope to AEWA could provide global coverage of migratory flyways and focus for international waterbird conservation.”

UNEP/CMS Secretariat. 2007. *Legal and institutional options under CMS for international cooperation on migratory African-Eurasian raptors*. Document UNEP/CMS/AERAP-IGM1/6/Rev.1, submitted to the Meeting to identify and elaborate an option for international cooperation on African-Eurasian Migratory Raptors under the Convention on Migratory Species, Loch Lomond, Scotland, United Kingdom, 22-25 October 2007.

Includes a tabular SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis of the three principal options for cooperation in the CMS framework:

1. Voluntary partnership
2. CMS MoU under Article IV(4), as interpreted under Resolution 2.6
3. CMS Agreement under Article IV

The covering “Note by the Secretariat” adds a review of “general advantages and disadvantages of cooperative activities through CMS” [implying that the Note makes compares CMS and non-CMS approaches, but the advantages and disadvantages are generalised and there is no direct comparison with any other named MEA or other cooperative framework] and comments on financial implications.

UNEP/CMS Secretariat. 2007. *Strategic Review of Flyway Paper*. Document CMS/StC32/16, submitted to the 32nd Meeting of the Standing Committee, Bonn, 8-9 November 2007.

Reviews flyway concept and different ways of mapping global flyways, including a proposal for five ‘umbrella’ flyways – Americas, Africa-Eurasia, Central Asia, East Asia - Australasia and Pacific – as: “A practical arrangement that seems to best accommodate and integrate the traditions of waterfowl management agencies and the habits of researchers and conservationists in various fields of avian migration studies while taking fully into account the existence of established or proposed regional agreements”.

Reviews AEWA, Central Asian Flyway Action Plan for the Conservation of Migratory Waterbirds (CAF) process, East Asian – Australasian Flyway Partnership (EAAF) process, American flyway processes, and describes the Central Pacific Flyway.

Makes policy proposals under AEWA, CAF, EAAF, Americas and Central Pacific.

The Minutes available from the CMS website show that some CMS Standing Committee members took issue with some of the policy recommendations [particularly that CAF should become an Article IV Agreement, that EAAF be recognised as such, and that an Article IV Agreements be developed for Latin America & Caribbean waterbirds and for the Central Pacific Flyway]. It was proposed and agreed that the paper should be revised and split into two documents: a factual ‘status report’ and a separate ‘policy options’ paper for consideration by COP9.

Ramsar COP10, 2008. Resolution X.22 Promoting international cooperation for the conservation of waterbird flyways.

One of the operative paragraphs of this Resolution: “URGES the governing bodies of flyway initiatives to take steps to share knowledge and expertise on best practices in the development and implementation of flyway-scale waterbird conservation policies and practices, including successful means of disseminating critical supporting data and information to stakeholders and others, and ENCOURAGES the Secretariats of Ramsar, CMS, AEWA and the biodiversity programme of the Arctic Council to work together with their governance and scientific subsidiary bodies and other interested organizations to establish a mechanism for such sharing of knowledge and experience;”

UNEP/CMS Secretariat. 2008. *Operational instruments of the Convention on Migratory Species*. Document CMS/Conf.9.16, submitted to the 9th Meeting of the Conference of the Parties, Rome, 1-5 December 2008.

Provides a review of the different types of cooperative arrangements available under CMS:

- Article IV(3) Agreements
- Article IV(4) agreements
- Concerted Actions
- Co-operative Actions

Reviews the existing instruments in each category and provides generalised policy guidance for the COP to consider.

CMS COP9 Resolution 9.02. 2008. *Priorities for CMS Agreements*. 1-5 December 2008.

“*Decides* to establish an open-ended working group on global bird flyways within the framework of the Scientific Council to act as a think tank on flyways and frameworks, and tasked with reviewing scientific and technical issues for conservation of migratory birds and their habitats, and relevant international instruments, initiatives and processes, as the basis for future CMS policy on flyways and contributing to the work on the future shape of CMS:”

Sets out specific instructions/decisions relating to CAF, EAAF, Americas, Pacific.

CMS COP9 Resolution 9.13. 2008. *Intersessional process regarding the future shape of CMS*. 1-5 December 2008.

“*Launches* an intersessional process to explore the possibilities of strengthening the contribution of the CMS and the CMS family to the worldwide conservation, management and sustainable use of migratory species over their entire range;” and

“*Establishes* an ad hoc working group with the task of drafting proposals on the future strategies and structure of the CMS and the CMS family for the Tenth Conference of the Parties in 2011;”.

Brouwer, J. 2009. *The Flyway Approach to conserving migratory birds – its necessity and value*. Report to the UNEP/CMS Secretariat, Bonn, Germany. 79pp.

Provides a detailed listing and description of all the main instruments (which was a valuable contribution to section 4 of the present review), but does not include a critique or evaluation, as such, of the strengths/weaknesses of each instrument.

UNEP/CMS Secretariat. 2009. *A Bird's Eye View on Flyways – A brief tour by the Convention on Migratory Species of Wild Animals*. UNEP/CMS Secretariat, Bonn, Germany. 68 pages.

Provides a 'popular' introduction to migration and the flyways concept, the values and status trends of migratory birds; makes a variety of conclusions and recommendations, including:

"...the advantage of several multi-lateral agreements on flyways, possibly one for each of the five large flyway systems, becomes immediately obvious if one started to calculate how many bilateral agreements would be required to cover even a single flyway. CMS provides an ideal framework for such agreements and the success of the African-Eurasian Waterbird Agreement, for example, illustrates how cost-effective and powerful such a multi-lateral agreement can be."

UNEP/CMS Standing Committee, Inter-Sessional Working Group regarding the Future Shape of CMS. 2009. *Review of the current organisation and activities of CMS and the CMS family – first step of the Inter-sessional Future Shape process*. Document CMS/StC36/15/Rev.1, submitted to the 36th Meeting of the Standing Committee, Bonn, 2-3 December 2009.

Consultants' report reviewing the structure and operation of CMS and its daughter instruments. Main conclusions of relevance:

"...the work of the Agreements and MOUs remain underfunded and understaffed, with a reliance on short-term appointments, doubling up of personnel and a steady stream of interns [and] there is a continual additional price to be paid in terms of a dilution of expertise."

"Capacity building is also a critical element in the implementation of CMS and its subsidiary instruments, particularly for recent acceding Parties and in the geographical and species areas touched by the newer instruments."

"...the MOUs, Agreements and the CMS require a national report to be produced. While there are plans to move towards more harmonised, consistent and easier (on-line) modes of reporting, progress has been faltering. While easier reporting may be important in securing the goodwill of Parties, many respondents attached to MOUs fear that a single format will not provide the relevant detail required for the particular conservation purposes of that MoU. It should be noted that rarely do all of the signatories submit a national report on time or at all for the ordinary meetings of the signatories. Inevitably this restricts the work of meetings which are hard to conduct without timely and accurate progress information."

"Interestingly, the legal status of agreements does not appear to be a matter of great significance. Although it may be regretted that MOUs are not legally binding, in practice this is not a vital issue, not least that commitments in the binding Agreements have not

always been met by the Parties. The more important difference is a financial one - CMS and the Agreements having the stability provided by core funding and MOUs depending exclusively on voluntary contributions which could be withdrawn or not materialise at any time. The value of all of the instruments is the advancement of scientific research and official coordination of conservation efforts through the existing institutions and actors. The CMS work in this regard is admirable in many of the respects highlighted in this report. However, the issue is that effort when resource shortfalls stifle not only day-to-day work but also the capacity to innovate and instigate structural change.”

UNEP DGEF. 2009. The Experience of UNEP GEF and Partners in Flyway Conservation. *UNEP GEF Portfolio Outlook and Evolution. Biodiversity Issue Paper BD/001*. UNEP, Nairobi, Kenya. 38 pages.

Focuses on implementation and lessons learned from UNEP/GEF Siberian Crane Wetlands Project and the UNEP/GEF African-Eurasian Flyways Project (i.e. Wings Over Wetlands – WOW).

- Critical Site Network tool of the WOW project
- training tools (e.g. modular ‘Flyway Training Kit’)
- success on the ground depends on addressing interests and priorities of multiple stakeholders at national and site levels
- emphasis on multiple environmental and socio-economic benefits, not pure bird conservation
- formal lessons learned:
 - UNEP/GEF administrative barriers to developing multi-national flyway conservation initiatives must be removed, and incentives created
 - Emphasise regional-level activities as they generate important and globally-relevant outputs
 - Develop well inter-connected flyway conservation activities at the site and national levels
 - Do not underestimate the importance of fostering support at the national level by taking into account the common issues and interests of stakeholder groups
 - The integrity of entire flyways can be threatened by factors affecting key sites requiring specific attention at national and local levels
 - Assign proper value (and budget) to communication outputs

Outlines possible new GEF flyway initiatives, including: “Developing new Global Initiatives under the umbrella of the CMS, with a possible focus on: [*inter alia*] Facilitating the gradual integration, sharing of experiences and tools, and harmonisation of approaches among all different regions and partners involved in flyway conservation at a global scale, allowing for specific and individual adaptations to regional needs.”

Dodman, T. & Boere, G.C. (eds.) 2010. *The Flyway Approach to the Conservation and Wise Use of Waterbirds and Wetlands: A Training Kit*. Wings Over Wetlands Project, Wetlands International and BirdLife International, Ede, The Netherlands.

Within this substantial training kit, there are useful overviews of different types of instruments and of specific flyway agreements, as well as a comprehensive list of references of value to flyway conservation, especially within the AEW region.

4. Overview of existing CMS and non-CMS instruments and frameworks

This section summarizes all existing flyway-based bird conservation instruments and frameworks, whether CMS or non-CMS for each of the three major flyway aggregations recognized in Figure 3. Within each of the major regions, instruments are divided into multilateral and bilateral and are listed in chronological order of establishment.

For each instrument or framework, the following items of information are provided in Table 1:

- name of instrument
- date of establishment (and entry into force for treaties)
- type of instrument (e.g. intergovernmental treaty, public/private partnership)
- geographical scope
- bird species/groups covered
- high-level policy/technical governance mechanism (e.g. standing committee)
- day-to-day focal point for coordination (e.g. secretariat)
- website and key documents

It is important to bear in mind that international flyway-based conservation instruments are ultimately dependent on the effectiveness of broader national and supra-national mechanisms for the conservation of migratory bird species/populations and their habitats.

These range from ecosystem-focused treaties, such as the Ramsar Convention (see below), to national ecosystem initiatives (e.g. the recent announcement by Canada concerning the protection of boreal forest from logging), through national and regional protected areas networks (e.g. Natura 2000 in Europe, or the Mesoamerican Biological Corridor), to resource-management and climate-change adaptation measures such as integrated water resource management plans for major river basins or REDD (Reducing Emissions from Deforestation and [forest] Degradation) programmes in developing countries. Mainstreaming of migratory bird conservation (both species-led and habitat-led approaches) into these mechanisms provides an important means of widening stakeholder buy-in and support, particularly through integration of relevant government policy areas. There is also a wide range of relevant NGO-led partnerships, such as that between BirdLife International partners in the UK and Gambia, in conjunction with the British Trust for Ornithology, to study the ecology of migratory passerines on the non-breeding grounds in West Africa.

It is beyond the scope of this review to examine these in detail, but the effectiveness of flyway-based conservation instruments must be seen in this wider context and the multiple opportunities that exist for maximising synergy (at the same time reducing the risk of negative overlaps that may arise from duplication, inadequate consultation/communication and even direct competition for the same limited resources for environmental management).

At global level, the two most directly relevant ‘non flyway-based’ instruments are the Ramsar Convention and the Convention on Biological Diversity (CBD).

It is sometimes forgotten that the Ramsar Convention is the Convention on Wetlands of International Importance *especially as Waterfowl Habitat* (1971) and for many years it was the principal intergovernmental framework for the conservation of migratory waterbirds; in particular, through the provisions of the Convention's Articles 2 & 5. Over the decades, Ramsar has increased its focus on wider aspects of the conservation and sustainable use of wetlands, but the treaty continues to play a vital role worldwide through the designation and management of the global network of Ramsar sites, many of which provide critical habitat for wetland-dependent migratory birds.

The development of the CMS since 1979 and later of AEWAs and other regional instruments (whether or not these are under the CMS umbrella) for waterbirds means that the global suite of instruments for migratory waterbirds has become increasingly complex and to some extent fragmented, which brings challenges for governmental and non-governmental stakeholders alike.

The CBD provides an overarching framework for intergovernmental cooperation on all elements of biodiversity and is the principal high-level

One of the tools used to address this complexity has been the establishment of cooperative agreements between treaties. Hence the CBD has established Joint Programmes or Plans of Work with both CMS (through CBD Decision VI/20, COP6, 2002, which recognized CMS as the lead partner for migratory species) and Ramsar (most recently renewed by CBD Decision IX/19, COP9, 2008). The scientific/technical advisory bodies of the three conventions also work cooperatively with one another. In addition, the Ramsar and CMS secretariats signed a Memorandum of Understanding in 1997 (www.ramsar.org/cda/en/ramsar-documents-mous-memorandum-of-21281/main/ramsar/1-31-115%5E21281_4000_0) while a three-way joint work plan between the secretariats of CMS, AEWAs, and Ramsar was signed in 2004. (www.ramsar.org/cda/en/ramsar-documents-mous-joint-work-plan-2004/main/ramsar/1-31-115%5E22096_4000_0)

In some cases the greater number of Contracting Parties to both CBD and Ramsar may open opportunities for government-level cooperation with countries that have yet to join CMS.

At regional level, particularly in Europe and North America, there is a range of instruments that, while not flyway based, have made a contribution historically to the conservation of some migratory bird species. For example, the Convention for the Protection of Birds Useful to Agriculture (Paris, 1902) and the International Convention for the Protection of Birds (Paris, 1950).

Nowadays, Member States (and candidate countries) of the European Union, implementation of the EU 'Birds Directive' and 'Habitats Directive' supports implementation of instruments under the CMS, including AEWAs and also provides the principal framework for the conservation of migratory birds not yet explicitly covered by any flyway-based conservation instrument in the Africa–Eurasia region, in particular passerines and their habitats. Both of these instruments are legally binding under European law, with clearly laid down infringement procedures and strict penalties in cases where contravention is proven. In this sense, EU Directives are far more powerful instruments than the 'softer' global and regional MEAs.

For further information on the Birds Directive, see:

http://europa.eu/legislation_summaries/environment/nature_and_biodiversity/l28046_en.htm
(downloaded 16 Mar 2010)

For further information on the Habitats Directive, see:

http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm

(downloaded 16 Mar 2010)

Similarly, the Conservation of Arctic Flora and Fauna (CAFF) initiative provides the principal mechanism by which Arctic countries cooperate to take action for seabirds, in particular (among other groups). The CAFF Circumpolar Seabird Group:

- Promotes, facilitates, coordinates and harmonizes seabird conservation, management and research activities among circumpolar countries and improves communication between seabird scientists and managers inside; and
- Identifies current and emerging seabird conservation, management, research, monitoring, and public outreach problems and opportunities in the Arctic and corresponding information and coordination needs.

Source: <http://caff.arcticportal.org/expert-groups/seabird-group-cbird> downloaded 16 March 2010.

The Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (the Cartagena Convention) is a legally binding treaty for the Wider Caribbean Region. The Convention and its Protocols constitute a legal commitment by the participating governments to protect, develop and manage their coastal and marine resources individually or jointly. The Protocol Concerning Specially Protected Areas and Wildlife (the SPAW Protocol) has been internationally recognised as the most comprehensive treaty of its kind. Adopted in Kingston, Jamaica by the member governments of the Caribbean Environment Programme on 18 January 1990, the SPAW Protocol preceded other international environmental agreements in utilising an ecosystem approach to conservation. The Protocol acts as a vehicle to assist with regional implementation of the Convention on Biological Diversity (CBD).

Source: <http://www.cep.unep.org/cartagena-convention/spaw-protocol>

Table 1. Regional summary of existing flyway-based instruments for the conservation of migratory birds

Compiler's notes:

- This information is presented in good faith on the basis of a literature review plus written and oral inputs made available specifically for this review. Any errors or misinterpretations brought to the compiler's attention will be corrected prior to production of the final version of this document. The compiler would also welcome additional inputs where there are gaps in the information provided. Data on numbers of parties etc. was last updated in May 2010.
- In addition to the flyway-based instruments enumerated here, there are numerous other initiatives and instruments at sub-national (e.g. local site protection and management), national (e.g. national species action plans), regional (e.g. EU Directives) and global level (e.g. CBD, Ramsar) that contribute to the conservation of migratory bird species/populations. The principal criterion for inclusion in this table is that initiative/instrument should be **flyway based**. Exclusion from the table (which would otherwise become unusable) is in no way intended to diminish the contributions that these other initiatives/instruments make.

AFRICA – EURASIA (MULTILATERAL, MULTI-SPECIES)

(in chronological order of establishment)

Instrument name	Date established	Type of instrument	Geographical scope	Bird species or groups covered	Governance/Coordination	Website(s)
Bern Convention on the Conservation of European Wildlife and Natural Habitats	1979	Intergovernmental treaty	Europe and Africa	Many migratory birds are listed in Appendices II & III of 'strictly protected' and 'protected' species. Articles 1, 4 & 10 make special reference to measures for the conservation of migratory species.	<u>Governance</u> Standing Committee; Groups of Experts <u>Coordination:</u> Council of Europe Secretariat	www.coe.int/t/dg4/cultureheritage/nature/Bern/default_en.asp <u>Note:</u> although not strictly a flyway-based instrument, the Bern Convention includes specific provisions for the conservation of migratory birds and until the existence of AEWA was the only regional conservation instrument that enabled the participation of African countries.
Agreement on the Conservation of African – Eurasian Migratory Waterbirds (AEWA)	1995 (The Hague; entry into force 1999)	Intergovernmental treaty in the frame work of the Convention on Migratory Species	118 countries plus the EC; 63 Contracting Parties as of 1 May 2010	"255 species of birds ecologically dependent on wetlands for at least part of their annual cycle, including many species of divers, grebes, pelicans, cormorants, herons, storks, rails, ibises, spoonbills, flamingos, ducks, swans, geese, cranes, waders, gulls, terns, tropic birds, auks, frigate birds and even the south African penguin"	<u>Governance:</u> Meeting of Parties; Standing Committee; Technical Committee <u>Coordination:</u> UNEP AEWA Secretariat	www.unep-aewa.org/
Memorandum of Understanding on the Conservation of	2008	Intergovernmental Memorandum of Understanding (MoU)	Listed in Annex 2 to the MoU	76 species of migratory raptor are listed in Annex 1 to the MoU.	<u>Governance:</u> Meeting of Signatories	www.cms.int/species/raptors/index.htm

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Migratory Birds of Prey in Africa and Eurasia					<u>Coordination:</u> UNEP CMS Coordinating Unit, Abu Dhabi, United Arab Emirates	
AFRICA – EURASIA (BILATERAL, MULTI-SPECIES) (in chronological order of establishment)						
Instrument name	Date established	Type of instrument	Geographical scope	Bird species or groups covered	Coordination	Website(s)/key documents
None identified that relates specifically to flyway-based conservation of migratory birds, though there are various wider bilateral nature conservation agreements.						
AMERICAS (MULTILATERAL, MULTI-SPECIES) (in chronological order of establishment)						
Instrument name	Date established	Type of instrument	Geographical scope	Bird species or groups covered	Coordination	Website(s)
Convention on Nature Protection & Wildlife Preservation in the Western Hemisphere	1940 (Washington; entry into force 1942)	Intergovernmental treaty	Western Hemisphere (Pan-American)	All migratory bird species	Organization of American States (depository)	http://www.oas.org/juridico/english/sigs/c-8.html Treaty largely unimplemented.
North American Waterfowl Management Plan (Canadian component = 'Wings Over Water')	1986 (Canada/US) 1994 (Mexico)	Public-private partnership	Canada, Mexico, US	Anatidae	<u>Governance:</u> NAWMP Committee (up to six members per country) <u>Coordination:</u>	Canada: http://www.nawmp.ca/ USA: http://www.fws.gov/birdhabitat/NAWMP/index.shtm

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					Staff in the three federal natural resource agencies.	
Western Hemisphere Shorebird Reserve Network (WHSRN)	1986	Public-private partnership	Western Hemisphere (Pan-American)	Shorebirds	<p><u>Governance:</u> WHSRN Hemispheric Council</p> <p><u>Coordination:</u> WHSRN Executive Office (Manomet Center for Conservation Sciences)</p>	<p>www.whsrn.org/western-hemisphere-shorebird-reserve-network</p> <p>Key technical document(s): <i>Strategic Plan 2004-2008</i></p>
Partners in Flight (PIF)	1990	Public/private partnership	Canada, Mexico and USA, and to a lesser extent, Central America	Initial focus on Neotropical migrants. Now: "most landbirds and other species requiring terrestrial habitats"	<p><u>Coordination:</u> PIF International Working Group</p>	<p>www.partnersinflight.org www.latangara.org</p> <p>Key technical document(s): <i>PIF North American Landbird Conservation Plan</i></p>
North American Bird Conservation Initiative (NABCI)	1999	Public/private partnership with inter-governmental Declaration of Intent	Canada, Mexico and USA (though in theory any country in the Americas could sign-up to NABCI)	All North American birds	<p><u>Governance:</u> Tri-National Steering Committee</p> <p><u>Coordination:</u> Three national NABCI coordinators</p>	<p>www.nabci.net/ www.nabci-us.org</p> <p>Key technical document(s): <i>NABCI Strategy & Action Plan 2004-2008</i></p>
Waterbird Conservation for the Americas	1998	Public/private partnership	Western Hemisphere (Pan-American)	Mainly colonial waterbirds (rails, cranes, herons, gulls, terns, loons, petrels, shearwaters, cormorants, auks etc.), excluding Anatidae and shorebirds in North America. However, as the initiative has expanded its geographic scope to include all of the Americas, it has taken an 'all waterbirds' approach for Central and South America and the Caribbean (at the request of stakeholders in those regions).	<p><u>Governance:</u> Waterbird Conservation Council</p> <p><u>Coordination:</u> Council coordinator</p>	<p>www.waterbirdconservation.org</p> <p>Key technical document: <i>North American Waterbird Conservation Plan Version 1 (2002)</i> and <i>Fostering Waterbird Conservation (2007)</i></p>

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Western Hemisphere Migratory Species Initiative (WHMSI)	2003	Public/private partnership	Western Hemisphere (Pan-American)	Covers all migratory animals.	Governance: Interim Steering Committee Coordination: U.S. Fish and Wildlife Service	www.fws.gov/international/dic/WHMSI/whmsi_eng.html www.whmsi.net Key technical document(s): <i>International Action Plan</i> (2001)
AMERICAS (BILATERAL, MULTI-SPECIES) (in chronological order of establishment)						
Instrument name	Date established	Type of instrument	Geographical scope	Bird species or groups covered	Governance/Coordination	Website(s)
Convention Between the United States and Great Britain (for Canada) for the Protection of Migratory Birds	1916 (between Great Britain and USA)	Intergovernmental treaty implemented via <i>Migratory Birds Convention Act</i> (1917; significantly updated 1994) in Canada and <i>Migratory Bird Treaty Act</i> (1918) in USA	Canada, USA	c.800 species; see www.fws.gov/migratorybirds/RegulationsPolicies/mbta/mbtandx.html for listing.	Canadian Wildlife Service US Fish & Wildlife Service	www.cws-scf.ec.gc.ca/legislations/laws1_e.cfm www.fws.gov/migratorybirds/RegulationsPolicies/mbta/MBTAProtectedNonprotected.html Key technical document(s): USFWS <i>Migratory Bird Program Strategic Plan 2004-2014</i>
Convention between the United States of America and the United Mexican States for the Protection of Migratory Birds and Game Mammals	1932 (US & Mexico)	Intergovernmental treaty	US, Mexico	Many or most shared migratory bird species; for U.S., about 1,000 species.	USA: US Fish & Wildlife Service Mexico: Ministry of Environment and Natural Resources of Mexico (SEMARNAT)	
Convention Between the Government of the United States of America and the Government of Japan for the Protection of	1972	Intergovernmental treaty	USA, Japan	Many or most shared migratory bird species; for USA, about 1,000 species		www.fws.gov/laws/lawsdigest/treaties.htm

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Migratory Birds and Birds in Danger of Extinction, and Their Environment;						
Convention Between the United States of America and the Union of Soviet Socialist Republics Concerning the Conservation of Migratory Birds and Their Environment	1976	Intergovernmental treaty	USA, former USSR	Many or most shared migratory bird species. For USA, about 1,000 species.	USA: US Fish & Wildlife Service	www.fws.gov/laws/lawsdigest/treaties.htm
AMERICAS (OTHER MULTI-SPECIES)						
Neotropical Migratory Bird Conservation Act	2000	Act of Congress providing for grant funding of conservation efforts for Neotropical migrants	USA	All Neotropical migrants occurring regularly in the USA. The first grants were made in 2002. At least 75% of funding available each year must be used to support projects outside the USA. From 2002 to 2007, the Act supported 225 projects in the USA and 34 other countries, including leveraging of \$97 million in partner contributions.	US Fish & Wildlife Service, Department of Bird Habitat Conservation	www.fws.gov/birdhabitat/Grants/NMBCA/ACT.shtm <i>Note:</i> this instrument is a unilateral legislative instrument but one that provides significant support for flyway-based conservation of migratory birds.
CENTRAL ASIA (MULTILATERAL, MULTI-SPECIES)						
Instrument name	Date established	Type of instrument	Geographical scope	Bird species or groups covered	Governance/Coordination	Website(s)
Central Asian Flyway Action Plan for the Conservation of Migratory Waterbirds and their Habitats	2006	Intergovernmental Action Plan under the Conservation on Migratory Species	30 countries from the Arctic to the Indian Ocean (overlaps with AEWAs for 16 countries)	279 populations of 182 species	CMS Secretariat	www.cms.int/species/CAF/caf_ap.htm

CENTRAL ASIA (BILATERAL, MULTI-SPECIES)

Instrument name	Date established	Type of instrument	Geographical scope	Bird species or groups covered	Governance/Coordination	Website(s)
Agreement between Russian Federation and India	1984	Intergovernmental agreement	India, Russian Federation		India: Ministry of Environment and Forests. Russian Federation: Ministry of Natural Resources and Environmental Protection	None located as yet.

ASIA – PACIFIC (MULTILATERAL, MULTI-SPECIES)

(in chronological order of establishment)

Instrument name	Date established	Type of instrument	Geographical scope	Bird species or groups covered	Governance/Coordination	Website(s)
Asia-Pacific Migratory Waterbird Conservation Strategy	1996 (initially 1996-2000; updated strategy 2001-2005) and 2006	Non-binding Framework strategy addressed to governments, local people, NGOs, the corporate sector, donor agencies and international conventions	Asia-Pacific region	Migratory waterbirds, especially regional conservation priority species listed in Annex 2 of the 2001-2005 Strategy	<u>Governance</u> Asia-Pacific Migratory Waterbird Conservation Committee <u>Coordination</u> Wetlands International Asia-Pacific	www.environment.gov.au/biodiversity/migratory/publications/asia-pacific/index.html www.environment.gov.au/archive/biodiversity/migratory/waterbirds/1996-2000/index.html www.env.go.jp/earth/coop/coop/regional_coop_e.html
Partnership for the East Asian-Australasian Flyway	2006	Informal voluntary initiative of governments, government agencies & international NGOs Key technical document: <i>Partnership Implementation Strategy</i>	Entire East Asian-Australasian Flyway	Populations of all migratory waterbirds – including divers, grebes, pelicans, shearwaters, cormorants, herons, storks, rails, ibises, spoonbills, flamingos, ducks, swans, geese, cranes, waders, skuas, gulls, terns and auks – which cyclically and predictably cross one or more national jurisdictional boundary	<u>Governance</u> Annual Meeting of Partners; advice from technical Working Groups <u>Coordination</u> Full-scale Secretariat established in 2009 in Incheon, Republic of	www.eaaflyway.net

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		Constitutional document: <i>The Partnership Document</i>			Korea, replacing an interim secretariat in Australia (provided by Wetlands International, Oceania 2007–2009)	
ASIA – PACIFIC (BILATERAL, MULTI-SPECIES) (in chronological order of establishment)						
Instrument name	Date established	Type of instrument	Geographical scope	Bird species or groups covered	Governance/Coordination	Website(s)
Agreement between the Government of Australia and the Government of Japan for the Protection of Migratory Birds in Danger of Extinction and their Environment (JAMBA)	1974	Bilateral intergovernmental treaty	Australia, Japan	Fifty-nine species; >50% of which are shorebirds, but also some seabirds, ducks, herons, terns & passerines	Australia: Department of the Environment, Water, Heritage and the Arts Japan: Ministry of the Environment	www.environment.gov.au/biodiversity/migrator/y/waterbirds/bilateral.html
Agreement between People's Republic of China and Japan	1981	Bilateral intergovernmental treaty	People's Republic of China, Japan		Japan: Ministry of the Environment	www.env.go.jp/en/nature/biodiv/intel.html
Agreement between the Government of Australia and the Government of the People's Republic of China for the Protection of Migratory Birds	1986	Bilateral intergovernmental treaty	Australia, China	Eighty-one species; c.50% shorebirds	Australia: Department of the Environment, Water, Heritage and the Arts China: State Forestry Administration	www.environment.gov.au/biodiversity/migrator/y/waterbirds/bilateral.html

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and their Environment (CAMBA)						
Agreement between Japan and Russian Federation	1988	Bilateral intergovernmental treaty	Russian Federation, Japan		Japan: Ministry of the Environment Russian Federation: Ministry of Natural Resources and Environmental Protection	www.env.go.jp/en/nature/biodiv/intel.html
Agreement between Republic of Korea and Russian Federation	1994	Bilateral intergovernmental treaty	Republic of Korea, Russian Federation		Republic of Korea: Ministry of Environment Russian Federation: Ministry of Natural Resources and Environmental Protection	None located as yet.
Agreement between the Government of Australia and the Government of the Republic of Korea on the Protection of Migratory Birds (ROKAMBA)	2006	Bilateral intergovernmental treaty (entry into force 2007)	Australia Republic of Korea	Fifty-nine species; >50% of which are shorebirds, but also some ducks, terns, shearwaters, passerines	Australia: Department of the Environment, Water, Heritage and the Arts Republic of Korea: Ministry of Environment	www.environment.gov.au/biodiversity/migratory/waterbirds/bilateral.html
Agreement between Republic of Korea and People's Republic of China	2007	Bilateral intergovernmental treaty	Republic of Korea, People's Republic of China	337 species		None located as yet.

INSTRUMENTS COVERING INDIVIDUAL SPECIES OR GROUPS OF SPECIES (MULTILATERAL) (in chronological order of establishment)						
Instrument name	Date established	Type of instrument	Geographical scope	Bird species or groups covered	Governance/Coordination	Website(s)
Memorandum of Understanding concerning Conservation Measures for the Slender-billed Curlew (<i>Numenius tenuirostris</i>)	1994	MoU in the framework of the Convention on Migratory Species, Article IV paragraph 4 (but note that link to CMS is not made explicit in the MoU)	Range of the species	Slender-billed Curlew (<i>Numenius tenuirostris</i>)	<u>Governance</u> Signatory States <u>Coordination</u> Slender-billed Curlew Working Group; CMS Secretariat & BirdLife International	www.cms.int/species/sb_curlew/sbc_bkrd.htm
Memorandum of Understanding concerning Conservation Measures for the Siberian Crane (<i>Grus leucogeranus</i>)	1998	MoU in the framework of the Convention on Migratory Species, Article IV paragraph 4	Range of the species	Siberian Crane (<i>Grus leucogeranus</i>)	<u>Governance</u> Meetings of the Signatory States <u>Coordination</u> CMS Secretariat; International Crane Foundation	www.sibeflyway.org/ www.cms.int/species/siberian_crane/sib_bkrd.htm
Memorandum of Understanding on the Conservation and Management of the Middle-European Population of the Great Bustard (<i>Otis tarda</i>)	2000	MoU in the framework of the Convention on Migratory Species	Range of the Middle-European population	Great Bustard (<i>Otis tarda</i>)	<u>Governance</u> Meetings of the Signatory States <u>Coordination</u> MoU Coordinator; CMS Secretariat	www.cms.int/species/otis_tarda/otis_tarda_bkrd.htm
Agreement on the Conservation of Albatrosses and Petrels (ACAP)	2001 (Cape Town; entry into force 2004)	Agreement in the framework of the Convention on Migratory Species, Article IV paragraph 3	Unrestricted	Species listed in Annex 1; currently 22 species of albatrosses and 7 species of petrels, including both northern and southern hemisphere.	<u>Governance</u> Meetings of the Parties; Advisory Committee <u>Coordination</u> ACAP Secretariat	www.acap.aq/ www.cms.int/species/acap/acap_bkrd.htm

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Memorandum of Understanding concerning Conservation Measures for the Aquatic Warbler (<i>Acrocephalus paludicola</i>)	2003	MoU in the framework of the Convention on Migratory Species, Article IV paragraph 4	Range of the species	Aquatic Warbler (<i>Acrocephalus paludicola</i>)	<p><u>Governance</u> Meetings of the Signatory States</p> <p><u>Coordination</u> MoU Coordinator (Minsk) CMS Secretariat</p>	www.cms.int/species/aquatic_warbler/aquatic_warbler_bkrd.htm
Memorandum of Understanding on the Conservation of Southern South American Migratory Grassland Bird Species and Their Habitats	2007	MoU in the framework of the Convention on Migratory Species, Article IV paragraph 4	Argentina, Bolivia, Brazil, Paraguay and Uruguay	Eskimo Curlew (<i>Numenius borealis</i>), Chestnut Seedeater (<i>Sporophila cinnamomea</i>), Rufous-rumped Seedeater (<i>S. hypochroma</i>), Marsh Seedeater (<i>S. palustris</i>), Dark-throated Seedeater (<i>S. ruficollis</i>), Entre Rios Seedeater (<i>S. zelichi</i>), Strange-tailed Tyrant (<i>Alectrurus risora</i>), Cock-tailed Tyrant (<i>A. tricolor</i>), Saffron-cowled Blackbird (<i>Agelaius flavus</i>), Bearded Tachuri (<i>Polystictus pectoralis pectoralis</i>), Buff-breasted Sandpiper (<i>Tryngites subruficollis</i>).	<p><u>Governance</u> Meetings of the Signatory States</p>	www.cms.int/species/Grassland_birds/grassland_birds_bkrd.htm
Alianza del Pastizal (Alliance for the 'pastizal' grasslands)	To be confirmed	NGO-led initiative	Argentina, Brazil, Paraguay, Uruguay	Migratory (and sedentary) birds species of the 'pastizal' biome, also known as 'pampas' and 'campos'.	Steering Committee/ BirdLife International	www.pastizalesdelconosur.org <u>Note:</u> Though not strictly a flyway-based instrument, this is one of very few multilateral initiatives concerning migratory species that is focused within Latin America. There is clearly a strong relevance to the above-listed MoU on migratory grassland birds, although the Alliance is not included as a partner in the MoU.
Memorandum of Understanding on the Conservation of High Andean Flamingos and Their Habitats	2008	MoU in the framework of the Convention on Migratory Species, Article IV paragraph 4	Bolivia, Chile and Peru	Andean flamingo (<i>Phoenicopterus andinus</i>), James's flamingo (<i>Phoenicopterus jamesi</i>)		www.cms.int/species/flamingos/flamingos_bkrd.htm

As of CMS COP9, single-species **Concerted Actions** had been undertaken for the following: **Black-faced Spoonbill** (*Platalea minor*), **Andean Flamingo** (*Phoenicopterus andinus*), **Puna Flamingo** (*Phoenicopterus jamesi*), **Lesser White-fronted Goose** (*Anser erythropus*), **Ruddy-headed Goose** (*Chloephaga rubidiceps*), **Ferruginous Duck** (*Aythya nyroca*), **White-headed Duck** (*Oxyura leucocephala*), **Siberian Crane** (*Grus leucogeranus*), **Great Bustard** (*Otis tarda*), **Houbara Bustard** (*Chlamydotis undulata*)*, **Slender-billed Curlew** (*Numenius tenuirostris*), **Spoon-billed Sandpiper** (*Eurynorhynchus pygmeus*), **Chinese Crested Tern** (*Sterna bernsteini*), **Aquatic Warbler** (*Acrocephalus paludicola*).
* In addition, a CMS Article IV Agreement on the Conservation of the **Asian Houbara Bustard** *C. (u.) macqueenii* has been drafted but not yet finalised among the Range States concerned.

INSTRUMENTS COVERING INDIVIDUAL SPECIES OR GROUPS OF SPECIES (BILATERAL)

(in chronological order of establishment)

Instrument name	Date established	Type of instrument	Geographical scope	Bird species or groups covered	Governance/Coordination	Website(s)
Memorandum of Understanding concerning Conservation Measures for the Ruddy-headed Goose (<i>Chloephaga rubidiceps</i>)	2006	MoU in the framework of the Convention on Migratory Species, Article IV paragraph 4	Argentina, Chile (entire range of species)	Ruddy-headed Goose (<i>Chloephaga rubidiceps</i>)	Annual Meeting of the Parties	http://www.cms.int/species/ruddy_goose/ruddy_goose_bkrd.htm

5. Assessment of strengths and weaknesses of flyway instruments

5.1. Type of instrument/framework

There is an enormous range of different types of flyway-based conservation instruments, ranging from intergovernmental treaties such as the African – Eurasian Migratory Waterbird Agreement (AEWA) to public – private partnerships, and from instruments covering a variety of bird groups for an entire flyway, to very targeted single-species or single-population action plans. Each has its own advantages and disadvantages, the key elements of which are summarized in Table 2.

5.2 Gaps in coverage by existing flyway-based instruments

These are summarised on a region-by-region basis in Table 3, taking into account:

- geographical coverage
- coverage of principal species groupings
- degree of support provided for implementation in developing countries.

Findings and conclusions are presented in Chapter 6.

5.3 Assessment of advantages and disadvantages of individual instruments

These are summarised in Table 4 (CMS instruments) and Table 5 (non-CMS instruments). This information is presented in good faith on the basis of inputs available to the compiler. Any errors or misinterpretations will be corrected prior to production of the final version of this review. The compiler would also welcome additional inputs where there are gaps in the information provided.

5.4 Effectiveness of implementation

Engagement with drivers of population trends

Flyway-based conservation instruments can only succeed in meeting their conservation objectives when they address – in an effective way – the drivers of species/population trends for the flyway in question.

These will vary according to region, species/population and flyway, but in general can be summarised as:

- **direct impacts** on birds, such as excessive hunting pressure or illegal trapping;
- **indirect impacts** through habitat loss and degradation brought about, for example, through:
 - conversion of natural and semi-natural habitats for agriculture and/or forestry;
 - development of urban/industrial/energy/water/transport infrastructure;

- global climate change.

Habitat loss and degradation is in turn linked to such broad underlying factors as globalisation of trade, regional and national macro-economic policy, rural and urban poverty, and land-use planning policy.

It is not within the capacity of even the largest and best-resourced of the existing flyway-based instruments to address directly all of these issues. Furthermore, the larger an instrument's scope of geographical coverage and/or the number of species/populations it covers, the more complex and resource-intensive the scale of the challenges that need to be dealt with. This makes it imperative for all flyway-based instruments to make smart, strategic choices in identifying: (a) its own core/focal areas of work and (b) key partners to work with and through.

Ultimately, effective flyway-based conservation depends on mainstreaming bird conservation priorities into broader sustainable development policies and frameworks.

Administrative and technical support framework

Flyway-based conservation instruments of any type are more likely to be implemented successfully if they have:

- a clear, regularly updated strategy/action plan (objective criterion)
- a robust monitoring & evaluation framework with feedback to the strategy/action plan (objective criterion)
- an overall policy coordination/decision-making body such as a standing committee for administrative matters (objective criterion)
- an overall technical committee for scientific/technical matters (objective criterion)
- a day-to-day coordination mechanism such as a secretariat (objective criterion)
- a secretariat whose staff have high levels of appropriate technical expertise (objective criterion) and commitment (subjective criterion), with a relatively low rate of turnover in personnel (objective criterion)
- a sustainable long-term funding mechanism in place (objective criterion)
- a critical mass and diversity of partners (partly subjective criterion)
- a high level of commitment of key parties/partners (subjective criterion)

5.5 Existing and potential overlap/duplication and synergy between instruments

A possible drawback to effective implementation of flyway-based conservation instruments is where existing instruments overlap in terms of their biogeographical/geopolitical coverage of flyways and/or in their coverage of taxonomic groups.

Such a situation provides at least the potential for negative effects such as:

- duplication of effort
- inefficient use of resources
- conflicting or competing goals/objectives and projects/programmes

- confusing messages to stakeholders and the wider public

On the other hand, overlap also provides opportunities for positive synergy such as:

- joint/coordinated projects/programmes
- exchange of expertise, experience and know-how

There are particularly striking overlaps among existing flyway-based instruments in the Americas and in Central Asia (these are summarised in Table 3) and there appears to be considerable scope in both cases for measures to maximise synergetic strengths/opportunities and to minimise the potential negative effects.

Table 2. Summary of advantages/strengths and disadvantages/weaknesses of different instrument types

Generic instrument type	Advantages/Strengths	Disadvantages/Weaknesses
<p>Formal multilateral agreement between governments. May be legally binding (e.g. convention/treaty) or more flexible (e.g. Memorandum of Understanding, Memorandum of Cooperation)</p>	<ul style="list-style-type: none"> • In the case of legally binding instruments, governments accept obligations and responsibilities under international law, which may raise the political profile and level of commitment needed to support action for the conservation of migratory birds and their habitats. • Multilateral donors and government aid agencies may be more inclined to provide financial assistance to support implementation of formal intergovernmental agreements as these provide a permanent framework and commit governments to clear undertakings. • Formalises a clear framework, including regular meetings of the parties to review progress and providing an opportunity for stakeholders to engage with the process. • Enhanced protection of key sites/habitats where site designations are part of the formal/legal obligation entered into. • Formal, high-level nature of instrument may provide greater political weight and be perceived as having more 'gravitas'. • Regular formal reporting on progress with implementation is required. • Potential for enforcement/sanctions, where provision allows, in cases of non-implementation and/or contravention. 	<ul style="list-style-type: none"> • Legally binding agreements require lengthy, formal, intergovernmental negotiations before any agreement can be reached and ratification may also be protracted (though this is not invariably the case). • May be seen as excluding the private sector and civil society from having an equal seat at the table, so that agenda setting and debate is dominated by governments. • Many private-sector and civil-society stakeholders may not wish to engage within a legally-binding government-led framework, especially where site designations are concerned. • Many governments, especially in developing countries, may lack the capacity for implementation. • Environmental issues in general, and conservation of biodiversity in particular, typically rank low among political priorities and government investment, so signing-up to a treaty may never be treated as a priority. • Legally binding agreements have less flexibility and 'nimbleness' than voluntary partnerships and may require lengthy, formal, intergovernmental negotiations before any amendments can be made and ratified. • Texts of intergovernmental instruments (and subsequent decisions on implementation) are negotiated by consensus, which inevitably requires compromise • Government positions may be dominated by Ministries of Foreign Affairs and Finance,

Generic instrument type	Advantages/Strengths	Disadvantages/Weaknesses
		<p>rather than by Ministries of Environment or government agencies with technical conservation expertise. On the other hand, direct involvement of such ministries may offer opportunities to ‘mainstream’ conservation at high levels of decision making on policy and resource allocation.</p> <ul style="list-style-type: none"> • Governments who bear the greatest share of treaty core budgets may seek to dominate decision making at the expense of developing countries. • Though legally binding in principle, enforcement of relevant MEAs essentially rests on countries respecting a moral obligation to meet their commitments. In only a few cases are there penalties or sanctions in case of contravention. Instead, treaties have tended to establish ‘softer’ procedures aimed at ‘assisting’ parties to meet their obligations.
<ul style="list-style-type: none"> • CMS 	<ul style="list-style-type: none"> • CMS family is recognized as the principal framework for intergovernmental cooperation on migratory species. • UN umbrella confers wide political acceptability/legitimacy. • Likely to be relatively attractive to countries that are already Party to CMS. • CMS provides a range of options for cooperation, e.g. Article IV agreements, Memoranda of Understanding. 	<ul style="list-style-type: none"> • Probably less attractive to countries that are not Party to CMS (although ratification of CMS is not necessary to sign on to a CMS agreement). • UN system may be perceived as bureaucratic and lacking flexibility. • There is a perception among some stakeholders that the number of instruments under CMS already exceeds the administrative capacity of the CMS system, particularly when it comes to supporting implementation and mobilizing resources.
<ul style="list-style-type: none"> • non-CMS 	<ul style="list-style-type: none"> • Likely to be more attractive to countries that are not Party to CMS. 	<ul style="list-style-type: none"> • Need to establish an alternative legal personality if not through UNEP/CMS; something that is potentially difficult and time-consuming.

Generic instrument type	Advantages/Strengths	Disadvantages/Weaknesses
<p>Formal bilateral agreement between governments. May be legally binding (e.g. treaty) or more flexible (e.g. Memorandum/Statement of Understanding/Co operation)</p>	<ul style="list-style-type: none"> • Focuses responsibility for implementation clearly on two governments. • May engender increased feeling of ‘ownership’ and hence greater commitment to implementation by the countries concerned. 	<ul style="list-style-type: none"> • May be difficult for other stakeholders to influence, particularly those from the private sector and NGOs. • Typically not accompanied by any financial mechanism or commitment of resources to support implementation. • Except in a few cases, almost certain to apply to species or groups of birds that are shared by other countries and so at best overlap with or duplicate multilateral efforts for those species and, at worst, contribute to the fragmentation or undermining of multilateral efforts.
<ul style="list-style-type: none"> • CMS 	<ul style="list-style-type: none"> • A potentially attractive option when a migratory species is shared by only two range states. 	<ul style="list-style-type: none"> • There are <u>relatively</u> few examples of species (or populations) of migratory bird that occur in only two range states. Therefore, the conservation status of a migratory bird species or population along its whole flyway cannot usually be secured by measures undertaken by only two countries.
<ul style="list-style-type: none"> • non-CMS 	<ul style="list-style-type: none"> • Enables governments to conclude ‘stand alone’ agreements that are not subject to the more complex requirements of the UNEP/CMS family. 	<ul style="list-style-type: none"> • Distances any potential instrument from the advantages of participating in the UNEP/CMS family. • As for multilateral non-CMS instruments, requires establishment of an alternative legal personality that has legitimacy for governments involved.
<p>Voluntary partnership/ Joint venture</p>	<ul style="list-style-type: none"> • Provides the opportunity for stakeholders from all sectors (governmental, civil society, private sector, academic) to work flexibly alongside one another as equal partners. • May be a more attractive framework for financial support from the private sector, civil 	<ul style="list-style-type: none"> • Partners (especially governments) are not formally obliged to honour any undertakings given. This could be seen as undermining long-term commitment, particularly from governments when there is a change of administration.

Generic instrument type	Advantages/Strengths	Disadvantages/Weaknesses
	<p>society and some governments/government agencies.</p> <ul style="list-style-type: none"> • Potentially more flexible and dynamic than legally binding agreements that require consensus decision making among governments and other partners/stakeholders. • A partnership approach is more philosophically and politically palatable for some stakeholders than a legally binding approach. 	<ul style="list-style-type: none"> • Implementation is not mandatory • Accountability may be unclear • Governmental partners may be overly reliant on non-government/private-sector partners and neglect their own responsibilities for action.
<p>Multi-species instrument</p>	<ul style="list-style-type: none"> • Umbrella framework reduces the administrative burden on governments (and other stakeholders) in comparison with requirements under multiple single-species agreements (or agreements covering small groups of species). • Migratory birds sharing certain similar characteristics (e.g. common habitats, similar migratory strategies, shared threats to their conservation status) benefit from the cumulative effect of common stakeholder actions. • A multi-species agreement may be perceived as having more 'weight' than a single-species agreement. • Has the potential to benefit broader biodiversity dependent on the habitats managed under the purview of the agreement. • A multi-species instrument (such as CMS) can still serve as a vehicle for the conservation of individual species (or populations) through the development and implementation of international single-species action plans. 	<ul style="list-style-type: none"> • May require lengthy, formal, intergovernmental negotiations involving all key stakeholders before any agreement can be reached and even longer to be formally ratified. • The more species covered by an instrument, the more diluted the focus on any one species. • Administrative/operational budgets and additional financial resources to support implementation may be far below the level needed to address adequately address priority actions for all species covered. •

Generic instrument type	Advantages/Strengths	Disadvantages/Weaknesses
<p>Single-species instrument</p>	<ul style="list-style-type: none"> • Relatively rapid to conclude. • Generally concise and to-the-point, serving to focus attention and (potentially) resources on the conservation needs of individual migratory species. • Focuses attention on the responsibilities and implementation needs/priorities of range states for the species concerned, which may otherwise get lost in a multi-species framework. • May serve as a stimulus for the mobilisation of human, technical and financial resources, as in the case of the CMS single-species instruments for Siberian Crane <i>Grus leucogeranus</i>, Slender-billed Curlew <i>Numenius tenuirostris</i> and Aquatic Warbler <i>Acrocephalus paludicola</i>. 	<ul style="list-style-type: none"> • Single-species instruments, typically Memoranda of Understanding (or similar) are generally aspirational and not accompanied by a financial instrument/mechanism for implementation. • A proliferation of single-species instruments may overwhelm the capacity of governments (and other stakeholders) to engage in discussions, meetings, reporting, monitoring and evaluation.

Table 3. Regional summary of gaps in coverage by existing flyway-based bird conservation instruments

Key criterion for gap analysis	Americas	Africa – Eurasia	East Asia – Australasia	Central Asia	Central Pacific
Geographical coverage	<p>The region is covered by multiple, sometimes overlapping instruments and initiatives, many of which cover specific groups of birds or specific groups of countries. North American birds especially covered by North American Bird Conservation Initiative and bilateral Migratory Bird Treaties.</p> <p>WHMSI is the only instrument that, in principle, covers all countries and all migratory bird species in region with the exception of albatrosses and petrels.</p>	<p>All countries in the region are covered by AEWA for waterbirds and by the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia.</p> <p>There is some overlap with CAF and ACAP.</p>	<p>22 countries in the region are covered by the Partnership for the East Asian-Australasian Flyway, which applies to waterbirds and (coastal) seabirds.</p> <p>Some countries (Bangladesh, People's Republic of China, Russian Federation) are covered by the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia.</p> <p>Russian Federation is also covered by AEWA and CAF.</p>	<p>All countries in the region are covered by the Central Asian Flyway Action Plan for the Conservation of Migratory Waterbirds (CAF) and their Habitats and by the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia. There is some overlap with AEWA.</p>	<p>There is no flyway-based instrument for the Central Pacific Flyway as such, though there is coverage by ACAP of marine species.</p>

Species grouping	Americas	Africa – Eurasia	East Asia – Australasia	Central Asia	Central Pacific
<ul style="list-style-type: none"> migratory seabirds 	<p>Covered in region by Waterbird Conservation for the Americas initiative.</p> <p>Some species covered by the Agreement on the Conservation of Albatrosses and Petrels (ACAP).</p>	<p>Some species covered by a combination of AEWA and ACAP</p>	<p>Covered by the Partnership for the East Asian-Australasian Flyway, but this leaves migratory seabirds in other parts of the Asia-Pacific region, notably the Central Pacific (with the exception of species covered by ACAP), not covered.</p> <p>Not included in CAF.</p>	<p>Some species in some groups (cormorants, gulls, terns) covered by the Central Asian Flyway Action Plan for the Conservation of Migratory Waterbirds and their Habitats</p>	<p>Covered by the Albatross and Petrel Agreement (ACAP). Other seabird groups not covered.</p>
Species groupings	Americas	Africa – Eurasia	East Asia – Australasia	Central Asia	Central Pacific
<ul style="list-style-type: none"> migratory waterbirds 	<p>Shorebirds covered in whole region by WHSRN.</p> <p>Anatidae covered in part of region by North American Waterfowl Management Plan.</p> <p>All waterbirds (exc.</p>	<p>Covered by AEWA. Most available knowledge and effort to date relates to migratory species and populations that occur in Eurasia; intra-African migrants are not well</p>	<p>Covered by the Partnership for the East Asian-Australasian Flyway.</p>	<p>Covered by the Central Asian Flyway Action Plan for the Conservation of Migratory Waterbirds and their Habitats.</p>	<p>Not covered.</p>

	shorebirds and waterfowl in North America) covered in region by Waterbird Conservation for the Americas initiative.	covered.			
Species groupings	Americas	Africa – Eurasia	East Asia – Australasia	Central Asia	Central Pacific
<ul style="list-style-type: none"> migratory raptors 	<p>Nearctic-breeding migrants covered by Partners in Flight. The main gap is for tropical-breeding and austral-breeding migrants</p>	<p>Covered by the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia.</p>	<p>Some migratory raptors are covered under bilateral instruments, for example JAMBA, CAMBA and between Russian Federation-India.</p> <p>Some countries (Bangladesh, People's Republic of China, Russian Federation) are covered by the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia.</p>	<p>Covered by the Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia.</p>	<p>Not covered.</p>

Species groupings	Americas	Africa – Eurasia	East Asia – Australasia	Central Asia	Central Pacific
<ul style="list-style-type: none"> migratory passerines 	<p>Nearctic-breeding migrants covered by Partners in Flight, The main gap is for tropical-breeding and austral-breeding migrants, although seven species of South American Grassland Migrants are covered by the corresponding CMS MoU.</p>	<p>With the exception of Aquatic Warbler, for which an MoU has been concluded under the CMS, there are no flyway-based initiatives for migratory passerines in the region. Most available knowledge and effort relates to African – Eurasian migrants; intra-African migrants are particularly poorly covered.</p>	<p>Some migratory passerines are covered under bilateral instruments, for example JAMBA CAMBA and between Russian Federation-India, but there is no multilateral instrument or initiative for the conservation of migratory passerines in the region.</p>	<p>Some migratory passerines are covered under the bilateral agreement between Russian Federation-India, but there is no multilateral instrument or initiative for the conservation of migratory passerines in the region.</p>	<p>Not covered.</p>
Support for implementation in developing countries	Americas	Africa – Eurasia	East Asia – Australasia	Central Asia	Central Pacific
<p><u>Compiler's note:</u> it is important to underline that many governmental and non-governmental</p>	<p>Grants for the conservation of Nearctic-breeding migrants wintering in tropical or austral areas provided</p>	<p>Support for implementation for migratory waterbirds available through the AEWAS Small Grants Fund established in</p>	<p>With the exception of the modest WWF-Hong Kong fund mentioned below, there is no dedicated, flyway-based funding</p>	<p>No provision.</p>	<p>ACAP small grants scheme covers some areas</p>

<p>donors, including foundations, provide significant funding worldwide towards the conservation of migratory birds and their habitats. This section is concerned with funding specifically to support implementation of flyway-based instruments.</p>	<p>through the US Neotropical Migratory Bird Conservation Act. Significant project-based support is provided by major NGOs such as Conservation International and The Nature Conservancy, also Canadian wildlife agency, US natural resource agencies, and private U.S. foundations.</p> <p>Main gaps for pelagic seabirds, tropical breeding and austral-breeding migrants.</p>	<p>2008 and through grants provided by the Convention on Wetlands and Wetlands International.</p> <p>Additional support for implementation by developing countries has been provided through the 'Wings Over Wetlands' project.</p> <p>BirdLife partners provide project support for migratory bird conservation projects in Africa.</p> <p>Birds of Prey MoU: Total small grant programme established within the UNEP/CMS Office – Abu Dhabi amounting \$ 365,000, of which a part (at least 50%) is dedicated to Birds of Prey conservation. Starting actions are under process with African range states</p>	<p>mechanism in the region. The Partnership for the East Asian-Australasian Flyway may assist partners in applying for funding from sources such as the Ramsar Small Grants Fund, and the Asian Waterbird Conservation Fund of WWF-Hong Kong.</p>		
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		and matching funds with partners at regional level for some species research assessment and monitoring			
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Table 4. Assessment of strengths and weaknesses of individual CMS instruments for the conservation of migratory birds

Compiler’s note: This information is presented in good faith on the basis of a literature review plus written and oral inputs made available specifically for this review. Any errors or misinterpretations brought to the compiler’s attention will be corrected prior to production of the final version of this document. The compilers would also welcome additional inputs where there are gaps in the information provided.

Name of instrument	Range States ⁵	Strengths/advantages	Weaknesses/disadvantages
<p>Agreement on the Conservation of African – Eurasian Migratory Waterbirds (AEWA)</p>	<p>Parties⁵ to Agreements and MoUs are boldfaced OECD DAC status⁶: red/** = “Least Developed Countries” and “Other Low Income Countries”; orange/* = “Lower Middle Income Countries”</p> <p>118 Range States and one Regional Economic Integration Organisation: Albania*; Algeria*; Andorra; Angola**; Armenia*; Austria; Azerbaijan*; Bahrain; Belarus; Belgium; Benin**; Bosnia and Herzegovina*; Botswana; Bulgaria; Burkina Faso**; Burundi**; Cameroon*; Canada; Cape Verde*; Central African Republic**; Chad**; Comoros**; Congo*; Congo, Democratic Republic of**; Côte d’Ivoire**; Croatia; Cyprus; Czech Republic; Denmark; Djibouti**; Egypt*; Equatorial Guinea**; Eritrea**; Estonia; Ethiopia**; European Union; Finland; France; Gabon; Gambia**; Georgia*; Germany; Ghana**; Greece; Guinea**; Guinea-Bissau**; Hungary; Iceland; Islamic Republic of Iran*; Iraq*; Ireland; Israel; Italy; Jordan*; Kazakhstan; Kenya**; Kuwait; Latvia; Lebanon; Lesotho**; Liberia**; Libyan Arab Jamahiriya; Liechtenstein; Lithuania; Luxembourg; Madagascar**; Malawi**;</p>	<ul style="list-style-type: none"> • Entry into force was in 1999 and so AEWA is now a relatively ‘mature’ Agreement with a strong focus on implementation. • A comprehensive Action Plan is integral to the Agreement. • Focus on development and implementation of International Single Species Action Plans. • Permanent Secretariat funded by the Parties. • Technical Committee provides scientific advice to AEWA Standing Committee and Meetings of the Parties (MOPs). • Regular MOPs have been held, with MOP5 scheduled for 2012. • Funding for developing countries has been made available through the Wings Over Wetlands project and (since its establishment at MOP4, 2008) the AEWA Small Grants Fund for Africa. 	<ul style="list-style-type: none"> • Only just over half of the Range States are Party to the Agreement. • More than one-fifth of Range States have yet to become Party to either AEWA or CMS. • The Agreement text does not include a financial instrument to support implementation even though the 118 Range States (plus the EC) include more than two-thirds of the world’s Least Developed Countries and Other Low Income Countries as recognised by the OECD.⁶ • Secretariat capacity is an issue given the large number of Range States, the growing number of Contracting Parties and International Single Species Action Plans, the initiation of the Implementation Review Process and Small Grants Fund for Africa etc.

Name of instrument	Range States ⁵	Strengths/advantages	Weaknesses/disadvantages
	<p>Mali**; Malta; Mauritania**; Mauritius; Moldova*; Monaco; Montenegro; Morocco*; Mozambique**; Namibia*; Netherlands; Niger**; Nigeria**; Norway; Oman; Poland; Portugal; Qatar; Romania; Russian Federation; Rwanda**; San Marino; São Tomé and Príncipe**; Saudi Arabia; Senegal**; Serbia; Seychelles; Sierra Leone**; Slovakia; Slovenia; Somalia**; South Africa; Spain; Sudan**; Swaziland*; Sweden; Switzerland; Syrian Arab Republic*; The FYR of Macedonia*; Togo**; Tunisia*; Turkey; Turkmenistan*; Uganda**; Ukraine*; United Arab Emirates; United Kingdom; United Republic of Tanzania**; Uzbekistan**; Yemen**; Zambia**; Zimbabwe**.</p> <p>30 Range States are not Party to CMS. 25 Range States (21%) are not Party to either CMS or AEWA.</p>		
<p>Agreement on the Conservation of Albatrosses and Petrels (ACAP)</p>	<p>23 Range States and one Regional Economic Integration Organisation: Angola**;, Argentina, Australia, Brazil, Canada, Chile, People's Republic of China*, Ecuador*, EU, France, Indonesia*, Japan, Republic of Korea, Mexico, Namibia*, New Zealand, Norway, Peru*, Russian Federation, South Africa, Spain, UK, USA, Uruguay</p> <p>Nine of the Range States are not Party to CMS (Brazil, Canada, People's Republic</p>	<ul style="list-style-type: none"> • Has a clear, unambiguous objective to define the scope of the Agreement. • Establishes and defines the functions of an Agreement Secretariat. • Provides for establishment of an Advisory Committee to provide the Meeting of Parties with scientific and technical advice. • An Action Plan is integral to the Agreement (Annex 2). • Provides for a voluntary fund to support 	<ul style="list-style-type: none"> • Applies to all albatross species, but not to all petrel species. • Three-year delay between conclusion (Feb 2001) and entry into force (Feb 2004)^{1,3} Still at a relatively early stage of implementation. • Only 45% of Range States are Party to the Agreement¹ • Eight of 23 Range States are not Party to CMS, including People's Republic of China, Russian Federation, USA¹

Name of instrument	Range States ⁵	Strengths/advantages	Weaknesses/disadvantages
	<p>of China, Indonesia, Japan, Republic of Korea, Namibia, Russian Federation, USA). Of these, only Brazil is Party to the Agreement.</p>	<p>implementation (Article VII).</p> <ul style="list-style-type: none"> • Art II, para 3 states that in implementing the measures prescribed under Art II, paras 1-2, Parties should take into account the precautionary principle.¹ • Secretariat formally established under a Headquarters Agreement with Government of Australia (MOP2, 2006).¹ • Secondments from Parties provide the Secretariat with significant additional capacity.¹ 	<ul style="list-style-type: none"> • Advisory Committee stated in its MOP3 (2009) Report on Implementation of the Agreement that: <i>“Although a great deal is being accomplished by the Parties, Range States and BirdLife International, it is not possible to assess if the actions taken have been successful in achieving the objectives of the Agreement (Article II.1) and whether the conservation status of albatross and petrels has been improved (or maintained). Such an assessment will require further progress in the development of performance indicators for the Agreement, work to fill data gaps on some species and populations and improvements to national reporting.”</i>^{1,3}
<p>MoU concerning Conservation Measures for the Siberian Crane <i>Grus leucogeranus</i></p>	<p>11 Range States: Afghanistan**, Azerbaijan*, People’s Republic of China*, India*, Islamic Republic of Iran*, Kazakhstan, Mongolia*, Russian Federation, Pakistan**, Turkmenistan*, Uzbekistan**</p> <p>Five of the Range States are not Party to CMS (Afghanistan, Azerbaijan, People’s Republic of China, Russian Federation, Turkmenistan) but all of these are Party to the MoU</p>	<ul style="list-style-type: none"> • Original MoU entered into effect in 1993 (revised MoU in 1999) and all Range States are Party, so now a ‘mature’ instrument with the emphasis on implementation. • Annual implementation reports are required under the MoU. • Comprehensive Conservation Plans have been produced for all populations. • The CMS Secretariat receives support from the International Crane Foundation (ICF) to coordinate the implementation of the MoU.¹ • GEF funded a six-year (2003–2009) project to develop a flyway site network for Siberian Cranes and other migratory waterbirds in Asia. GEF contributed US\$10 million leveraging a further US\$12.7 million in co-financing. The project was implemented by ICF, through UNEP and in cooperation with CMS and the Governments of People’s Republic of China, the Islamic Republic of 	<ul style="list-style-type: none"> • People’s Republic of China and the Islamic Republic of Iran have both cited technical and capacity limitations as barriers to better implementation.¹ • Lack of operational coordination for implementation of the Conservation Plan.¹ • 6th Meeting of Signatories (2007) noted lack of adequate funds to implement monitoring, research, education, and other activities.¹

Name of instrument	Range States ⁵	Strengths/advantages	Weaknesses/disadvantages
		Iran, Kazakhstan and the Russian Federation. ⁴	
<p>MoU concerning Conservation Measures for the Slender-billed Curlew <i>Numenius tenuirostris</i></p>	<p>30 Range States and one Regional Economic Integration Organisation: Albania*, Algeria*, Austria, Bosnia and Herzegovina*, Bulgaria, Croatia, Cyprus, Egypt*, European Union, Georgia*, Greece, Hungary, Islamic Republic of Iran*, Iraq*, Italy, Kazakhstan, Malta, Montenegro*, Morocco*, Oman, Romania, Russian Federation, Serbia*, Spain, Tunisia, Turkey, Turkmenistan*, Ukraine*, United Arab Emirates, Uzbekistan**, Yemen** (*status as Range State to be confirmed; may occur as a vagrant in a further 13 countries)</p> <p>Seven Range States are not Party to CMS (Bosnia and Herzegovina, Iraq, Oman, Russian Federation, Turkey, Turkmenistan, United Arab Emirates). Of these, only Oman is a Party to the MoU.</p>	<ul style="list-style-type: none"> • MoU entered into effect in 1994, so in principle a 'mature' instrument with the emphasis on implementation. • Slender-billed Curlew Working Group created in 1996 under the auspices of the CMS Scientific Council to facilitate cooperation and collaboration among scientific experts and decision-makers.¹ • Basic Secretariat Services provided by UNEP/CMS with support from BirdLife International.¹ 	<ul style="list-style-type: none"> • Only 58% of Range States are Party to the MoU, making full implementation impossible. • Working Group dormant from 2003 to 2008 when revitalised.¹ • There is no decision-making body (e.g. Meeting of Signatories) secretariat capacity or financial mechanism stipulated in the MoU.¹
<p>MoU concerning Conservation Measures for the Aquatic Warbler <i>Acrocephalus paludicola</i></p>	<p>15 Range States: Belarus, Belgium, Bulgaria, France, Germany, Hungary, Latvia, Lithuania, The Netherlands, Poland, Russian Federation, Senegal**, Spain, Ukraine*, United Kingdom</p> <p>One Range State (Russian Federation) is not Party to either the MoU or CMS.</p>	<ul style="list-style-type: none"> • 80% of Range States are Party to the MoU. • Every meeting of the Signatories (every 3 years) is to review the conservation status of the Aquatic Warbler and the implementation of the Action Plan, taking into consideration reports submitted by the Signatories of the Range States, the Secretariat's Overview Report and any recommendation or scientific advice relating to the Aquatic Warbler that may have been made by the CMS Conference of the Parties or the Scientific Council.¹ • BirdLife International Aquatic Warbler 	<ul style="list-style-type: none"> • Entered into effect in 2003, so still at a relatively early stage of implementation. • MoU does not provide for Secretariat capacity or financial mechanism.

Name of instrument	Range States ⁵	Strengths/advantages	Weaknesses/disadvantages
		<p>Conservation Team leads on research and conservation and supports/advises CMS Secretariat.¹</p>	
<p>MoU concerning Conservation Measures for the Ruddy-headed Goose <i>Chloephaga rubidiceps</i></p>	<p>2 Range States: Argentina, Chile Both Range States are Party to CMS</p>	<ul style="list-style-type: none"> Danish Agency for Spatial and Environmental Planning is supporting a project on the conservation of the species in Argentina and Chile via CMS¹ 	<ul style="list-style-type: none"> Entered into effect in November 2006, so still at an early stage of implementation. No financial provision made as part of the MoU “As the Agreement hasn’t been fully developed, the decision-making process is not yet clearly defined.”¹ “Action Plan still has to be developed and It is necessary to complete an Action Plan in order to support the aims of the MoU”¹ No working groups/task forces have been established¹ No independent website (though covered via CMS website) or provision for awareness raising or communications plan¹
<p>MoU on the Conservation of Southern South American Migratory Grassland Bird Species and Their Habitat</p>	<p>5 Range States: Argentina, Bolivia*, Brazil, Paraguay*, Uruguay</p> <p>One Range State (Brazil) is not Party to CMS but is Party to the MoU.</p>	<ul style="list-style-type: none"> All Range States are Party to the MoU. Provides for an Action Plan, appointment of Scientific Coordinators in each country, regular Meetings of the Signatories.¹ 	<ul style="list-style-type: none"> There is no financial provision within the MoU.¹ This MoU only entered into force in August 2007 so is at an early stage of implementation. The first Meeting of Parties was held in Brazil in July 2009 but the Action Plan has not yet been published.
<p>MoU concerning the Conservation of Migratory Birds of Prey in Africa and Eurasia</p>	<p>129 Range States and one Regional Economic Integration Organisation: Afghanistan**; Albania*; Algeria*; Andorra; Angola**; Armenia*; Austria; Azerbaijan*; Bangladesh**; Bahrain; Belarus; Belgium; Benin**; Bhutan**; Bosnia and Herzegovina*; Botswana; Bulgaria;</p>	<ul style="list-style-type: none"> Action Plan annexed to the MoU. This MoU is first for CMS to assess the cost for implementation of an Action Plan before its conclusion between range states Coordinating Unit being established by CMS in conjunction with United Arab Emirates. 	<ul style="list-style-type: none"> This MoU only entered into force in November 2008 so is at an early stage of implementation. Less than a quarter of Range States are so far Party to the MoU. No Meeting of the Signatories has yet been

Name of instrument	Range States ⁵	Strengths/advantages	Weaknesses/disadvantages
	<p>Burkina Faso**, Burundi**, Cameroon*, Cape Verde*, Central African Republic**, Chad**, China*, People's Republic of; Comoros**, Congo; Congo, Democratic Republic of**, Côte d'Ivoire**, Croatia; Cyprus; Czech Republic; Denmark (incl. Faeroe Islands and Greenland); Djibouti**, Egypt*, Equatorial Guinea**, Eritrea**, Estonia; Ethiopia**, European Community; Finland (incl. Aland Islands); France (incl. Mayotte and Reunion); Gabon; Gambia**, Georgia*, Germany; Ghana**, Greece; Guinea**, Guinea-Bissau**, Hungary; Iceland; India*, Islamic Republic of Iran*, Iraq*, Ireland; Israel; Italy; Jordan*, Kazakhstan; Kenya**, Kuwait; Kyrgyzstan**, Latvia; Lebanon; Lesotho**, Liberia**, Libyan Arab Jamahiriya; Liechtenstein; Lithuania; Luxembourg; Madagascar**, Malawi**, Mali**, Malta; Mauritania**, Mauritius; Moldova*; Monaco; Mongolia*; Montenegro; Morocco*, Mozambique**, Namibia*, Nepal**, Netherlands; Niger**, Nigeria**, Norway (incl. Svalbard and Jan Mayen Islands); Oman; Pakistan**, Poland; Portugal; Qatar; Romania; Russian Federation; Rwanda**, San Marino; São Tomé and Príncipe**, Saudi Arabia; Senegal**, Serbia; Seychelles; Sierra Leone**, Slovakia; Slovenia; Somalia**, South Africa; Spain (incl. Canary Islands); Sri Lanka*, Sudan**, Swaziland*; Sweden; Switzerland; Syrian Arab Republic*, Tajikistan**, The FYR of Macedonia*, Togo**, Tunisia*, Turkey;</p>	<p>Indicative budget for 2009-2011 is US\$ 3.6 million for two MoU (dugongs and birds of prey).</p> <ul style="list-style-type: none"> • There are specific financial provisions deriving from the MoU translated into budget for small grants programme and staff costs in the Donor agreement (see compiler's note in Table 3 above) • Web presence covered cost-effectively through CMS website for the whole UNEP/CMS Office under establishment. 	<p>convened.</p>

Name of instrument	Range States ⁵	Strengths/advantages	Weaknesses/disadvantages
	<p>Turkmenistan*; Uganda**; Ukraine*; United Arab Emirates; United Kingdom (incl. Jersey, Guernsey, Isle of Man, Cyprus sovereign bases and Gibraltar); United Republic of Tanzania**; Uzbekistan**; Vatican City; Yemen**; Zambia**; Zimbabwe**.</p> <p>36 Range States are not Party to CMS. 30 Range States (23%) are not Party to either CMS or the MoU.</p>		
MoU on the Conservation of High Andean Flamingos and Their Habitats	<p>4 Range States: Argentina, Bolivia*, Chile, Peru*</p> <p>All Range States are Party to CMS.</p>		<ul style="list-style-type: none"> • This MoU only entered into force in December 2008 so is at an early stage of implementation. • Decision-making process not yet finalised and no Meetings of Signatories have yet been convened.¹ • There is no financial provision in the MoU.
Central Asian Flyway Action Plan for the Conservation of Migratory Waterbirds and Their Habitats	<p>30 Range States:⁷ Afghanistan**, Armenia*, Azerbaijan*, Bahrain, Bangladesh**, Bhutan**, People's Republic of China, Georgia*, India*, Iran*, Iraq*, Kazakhstan, Kuwait, Kyrgyzstan**, Maldives**, Mongolia*, Myanmar**, Nepal**, Oman, Pakistan**, Qatar, Russian Federation, Saudi Arabia, Sri Lanka*, Tajikistan**, Turkmenistan*, United Arab Emirates, United Kingdom, Uzbekistan**, Yemen**.</p>	<ul style="list-style-type: none"> • Endorsed by a meeting of Range States held in New Delhi in 2005. 	<ul style="list-style-type: none"> • There has been little progress since the 2005 New Delhi meeting of Range States. • The Action Plan is a technical document that is not supported by an intergovernmental instrument such as an Agreement or a Memorandum of Understanding. • More than one-third of the 30 Range States are among the world's Least Developed Countries and Other Low Income Countries as defined by the OECD.⁶ If Lower Middle Income Countries are also included, this proportion rises to two-thirds. Securing funding to support implementation in these countries will therefore

Name of instrument	Range States ⁵	Strengths/advantages	Weaknesses/disadvantages
			<p>be critical if the Action Plan is to be meaningful.</p> <ul style="list-style-type: none"> • The CAF Action Plan overlaps with AEWA and the (non-CMS) Partnership for the East Asian – Australasian Flyway in terms of both species/habitat coverage and geographical scope, and with the MoU on Migratory Birds of Prey in Africa and Eurasia in terms of geographical scope.

Sources:

1 = UNEP/CMS Standing Committee, Inter-Sessional Working Group regarding the Future Shape of CMS. 2009.

2 = Personal communication (email/phone) from CMS Flyway Working Group members

3 = ACAP website www.acap.aq/resources/parties-to-acap and www.acap.aq/meeting-documents/english/meeting-of-the-parties/mop3/mop3-meeting-documents/view-category downloaded 27 April 2010

4 = Siberian Crane Wetland Project website – final report www.scwp.info/final_report.shtml

5 = Agreement Summary Sheets downloaded from CMS website, 27 April 2010 www.cms.int/publications/agr_sum_sheets.htm

6 = Downloaded from OECD website, 27 April 2010 www.oecd.org/document/16/0,3343,en_2649_34447_2093101_1_1_1_1,00.html

7 = New Delhi Statement (June 2005 Meeting to Conclude and Endorse the CAF Action Plan)

Table 5. Assessment of strengths and weaknesses of individual, multilateral non-CMS instruments for the conservation of migratory birds

Compiler’s note: additional inputs on strengths and weaknesses of the instruments listed are required before this table can be completed.

Name of instrument	Geographical coverage OECD DAC status ¹ : red/** = “Least Developed Countries” and “Other Low Income Countries”; orange/* = “Lower Middle Income Countries”; blue = “Upper Middle Income Countries and Territories”	Strengths/advantages	Weaknesses/disadvantages
Multilateral non-CMS instruments Americas			
Partners in Flight (PIF)	<u>North America:</u> Canada, Mexico, USA		
North American Bird Conservation Initiative (NABCI)	<u>North America:</u> Canada, Mexico, USA <u>Meso America:</u> Belize, Costa Rica, El Salvador*, Guatemala*, Honduras*, Nicaragua*, Panama <u>South America:</u> Argentina, Bolivia*, Brazil, Chile, Colombia*, Ecuador*, Guyana*, Paraguay*, Peru*, Suriname, Uruguay, Venezuela		
North American Waterbird Conservation Plan (‘Waterbird Conservation for the Americas’)	<u>North America:</u> Canada, Mexico, USA		
Western Hemisphere Migratory Species Initiative (WHMSI)	<u>North America:</u> Canada, Mexico, USA <u>Meso America:</u> Belize, Costa Rica, El Salvador*, Guatemala*, Honduras*,		

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	<p>Nicaragua*, Panama</p> <p><u>Caribbean:</u> Antigua and Barbuda, Bahamas, Barbados, Cuba, Dominica, Dominican Republic*, Grenada, Haiti**, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago</p> <p>Overseas departments (Guadeloupe, Martinique) and collectivities (Saint Barthélemy, Saint Martin) of France</p> <p>Overseas territories of the UK (Anguilla, British Virgin Islands, Cayman Islands, Montserrat, Turks and Caicos Islands)</p> <p>Netherlands (Aruba, Netherlands Antilles)</p> <p>USA (Puerto Rico, United States Virgin Islands)</p> <p><u>South America:</u> Argentina, Bolivia*, Brazil, Chile, Colombia*, Ecuador*, Guyana*, Paraguay*, Peru*, Suriname, Uruguay, Venezuela</p>		
<p>Western Hemisphere Shorebird Reserve Network (WHSRN)</p>	<p><u>North America:</u> Canada, Mexico, USA</p> <p><u>Meso America:</u> Belize, Costa Rica, El Salvador*, Guatemala*, Honduras*, Nicaragua*, Panama</p> <p><u>Caribbean:</u> Antigua and Barbuda, Bahamas, Barbados, Cuba, Dominica, Dominican Republic*, Grenada, Haiti**, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago</p> <p>Overseas departments (Guadeloupe, Martinique) and collectivities (Saint Barthélemy, Saint Martin) of France</p> <p>Overseas territories of the UK (Anguilla, British Virgin Islands, Cayman Islands,</p>		

	<p>Montserrat, Turks and Caicos Islands) Netherlands (Aruba, Netherlands Antilles) USA (Puerto Rico, United States Virgin Islands) South America: Argentina, Bolivia*, Brazil, Chile, Colombia*, Ecuador*, Guyana*, Paraguay*, Peru*, Suriname, Uruguay, Venezuela</p>		
Partners in Flight (PIF)	<p>North America: Canada, Mexico, USA Meso America: Belize, Costa Rica, El Salvador*, Guatemala*, Honduras*, Nicaragua*, Panama</p>		
Multilateral non-CMS instruments Asia – Pacific			
Partnership for the East Asian – Australasian Flyway	<p>22 countries (current governmental Partners² boldfaced): Australia, Bangladesh**, Brunei Darussalam, Cambodia**, People's Republic of China*, Timor-Leste**, Indonesia*, Japan, Laos**, Malaysia, Mongolia*, Myanmar**, New Zealand, North Korea**, Papua New Guinea**, Philippines*, Republic of Korea, Russian Federation, Singapore, Thailand*, Viet Nam*, USA</p>		<ul style="list-style-type: none"> While the Secretariat may assist Partners to apply for funding from other sources, the Partnership does not itself bring financial support for implementation, which may be an obstacle to wider participation and fuller implementation, given that 7 of the 22 countries in the Partnership region are amongst the world's "Least Developed Countries" and "Other Low Income Countries" as defined by OECD.¹ A further six countries are "Lower Middle Income Countries".

Sources:

1 = Downloaded from OECD website, 27 April 2010 www.oecd.org/document/16/0,3343,en_2649_34447_2093101_1_1_1_1,00.html

2 = Downloaded from PEAAF website, 28 April 2010 www.eaaflyway.net/partners.php

6. Findings & conclusions regarding coverage of global flyways by existing instruments

General findings

14. Globally, there are more than 30 different international, flyway-based instruments for the conservation of migratory birds (Table 1). These range from multilateral intergovernmental treaties covering more than 110 countries, through instruments addressing the conservation of single species (or small groups of species), to voluntary, multi-sector partnerships and networks of designated sites.
15. There are many more instruments that are not flyway-based, and therefore outside the scope of detailed consideration under this review, but which nevertheless make a significant contribution to the conservation of migratory species and their habitats. These range from ecosystem-focused treaties, such as the Ramsar Convention, to national ecosystem initiatives (e.g. the recent announcement by Canada concerning the protection of boreal forest from logging), through national and regional protected areas networks (e.g. Natura 2000 in Europe, or the Mesoamerican Biological Corridor), to resource-management and climate-change adaptation measures such as integrated water resource management plans for major river basins or REDD (Reducing Emissions from Deforestation and [forest] Degradation) programmes in developing countries. Mainstreaming of migratory bird conservation (both species-led and habitat-led approaches) into these mechanisms provides an important means of widening stakeholder buy-in and support, particularly through integration of relevant government policy areas. There is also a wide range of relevant NGO-led partnerships, such as that between BirdLife International partners in the UK and Gambia, in conjunction with the British Trust for Ornithology, to study the ecology of migratory passerines on the non-breeding grounds in West Africa.
16. The effectiveness of flyway-based conservation instruments must be seen in this wider context and the multiple opportunities that exist for maximising synergy (at the same time reducing the risk of negative overlaps that may arise from duplication, inadequate consultation/communication and even direct competition for the same limited resources for environmental management).
17. Each category of flyway-based conservation instrument and each individual instrument within a category has its own strengths and weaknesses. The appropriateness and effectiveness of each category and each individual instrument has to be assessed against a set of circumstances that is unique to the flyway, species and conservation challenges it aims to address. Questions needing consideration include:
 - Which flyway and which migratory bird species/populations would the proposed instrument address?
 - What are the main threats and pressures adversely affecting the conservation status of those species/populations?
 - How and why would the proposed new instrument constitute the best possible framework for implementing the required conservation measures

effectively and sustainably? (i.e. why would it be better than an alternative approach?)

- What is the broad geopolitical context? Is there a tradition of working through legally binding treaties or a more flexible voluntary partnership approach? Are there specific political factors involved that would make it difficult for key range states to join a legally binding agreement? Does the flyway include developing countries for whom a species-led approach to conservation may be less relevant than an approach based on the maintenance of multiple ecosystem services that provide tangible economic benefits (with conservation of migratory bird species a more indirect benefit)?
- Is there a strong reason to believe that an additional instrument would really enhance the conservation of migratory birds and their habitats? Could those same benefits be met or exceeded by strengthening existing instruments? Is there scope for enhanced cooperation and synergy between existing instruments? How could this be realised in practice?

18. It would therefore be much too simplistic to conclude that any one category or model of flyway-based cooperation for the conservation of migratory bird species is inherently better than any other; it is entirely dependent on circumstances.

Geographical coverage

19. See Figures 1 to 3 for definitions of regional flyway aggregations. Geographical coverage (on paper) is strongest in:

- Africa – Eurasia (particularly Eurasia);
- Americas (particularly North America);
- East Asia – Australasia.

In these regions there is an established flyways-based approach to bird conservation that can be traced back over the course of 30 to 50 years.

20. Geographical coverage (on paper) is weakest in the following regions:

- Central Pacific;
- Central Asia (there is a CMS Action Plan for waterbirds that has yet to be implemented; there is also substantial overlap with the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) and the CMS Memorandum of Understanding (MoU) on Migratory Birds of Prey in Africa-Eurasia);
- Pelagic (open ocean) flyways in the Atlantic Ocean, Pacific Ocean, Indian Ocean and Southern Ocean.

Species group coverage

21. Coverage of species groups (on paper) is strongest for:

- Waterfowl (Anatidae);
- Shorebirds/waders (Scolopacidae);

- Other migratory waterbirds such as divers (loons), grebes, cranes, herons etc;
 - Nearctic-breeding passerines and other landbirds that migrate to the Neotropics for the non-breeding season;
 - Raptors (particularly in Africa-Eurasia).
22. Coverage of species groups (on paper) is weakest for:
- Passerines (particularly in Africa-Eurasia and Asia-Pacific, though coverage is good for Nearctic-breeding migratory passerines in the Americas);
 - Other landbirds (with some exceptions e.g. certain species covered through bilateral treaties in the Americas and Asia – Pacific regions; also the CMS MoU on African-Eurasian birds of prey and CMS MoU on Middle European population of Great Bustard *Otis tarda*);
 - Inter-tropical and intra-tropical migrants in all regions;
 - Migratory seabirds not covered by the CMS Agreement on the Conservation of Albatrosses and Petrels (ACAP) and whose flyways at sea are only partly covered by instruments such as AEWA, or the Partnership for the East Asian – Australasian Flyway (EAAFP).

From paper to implementation

23. Extent of global flyway coverage (whether geographically, or in terms of species/species groups) is one consideration, but the crucial point is how theoretical coverage ‘on paper’ is translated into effective conservation action.
24. Among the foremost challenges confronting the majority of flyway-based conservation instruments, particularly those covering Africa, but also parts of Asia, Latin America and the Caribbean, are:
- ensuring that developing-country needs and priorities are fully integrated into the development and implementation of both new and existing instruments;
 - securing sustainable means of financial support for implementation in developing countries.
25. In comparison with those of economically developed countries, the environmental priorities of most developing countries are likely to be focused on wider sustainable development issues (rather than species conservation issues *per se*) such as:
- water and food security;
 - climate change mitigation and adaptation;
 - protection of economically important ecosystem services.
26. Instruments for the conservation of migratory bird species – whether intergovernmental or not – are likely to struggle for sufficient attention, capacity and resources unless they are explicitly linked to the wider developing country priorities outlined above. In other words, priority must be given to mainstreaming

of species conservation within the broader environment and sustainable development agenda.

27. In addition to focusing on developing-country needs and priorities where relevant to the geographical area of coverage, ‘ingredients for success’ appear to include:
- the opportunity for all parties/partners/signatories/stakeholders to meet together on a regular basis;
 - a clear decision-making mechanism at a policy level;
 - a clear mechanism for ensuring decisions are based on the best available science;
 - clear conservation goals and objectives that are measurable/verifiable;
 - an action plan for reaching those goals and objectives;
 - an implementation monitoring plan.

Findings concerning instruments in the framework of UNEP/CMS

28. UNEP/CMS is widely recognised as the principal global Multilateral Environmental Agreement (MEA) for intergovernmental cooperation on the conservation of migratory species and provides a range of options for such cooperation, from legally binding Agreements (such as AEWA) to simpler, non-binding Memorandums of Understanding.
29. Other global MEAs relevant for the conservation of migratory birds and their habitats include the Convention on Biological Diversity (CBD) and the ‘Ramsar’ Convention on Wetlands. CBD provides a high-level political umbrella and a Joint Work Programme between CBD and CMS was established by CBD Decision VI/20 (COP6, 2002). The Ramsar Convention text contains specific provisions for intergovernmental cooperation on wetland-dependent species and their habitats. Like CMS, Ramsar has established a Joint Work Programme with the CBD.
30. Depending on circumstances, CMS may not necessarily provide the most appropriate or only framework for cooperation in every case. For example:
- in cases where there is an established tradition/preference among stakeholders for a particular species/group of species, or within a particular region, for informal, partnership-based means of working (as opposed to a formalised intergovernmental approach);
 - where a habitat-led or ecosystem services-led approach, rather than a species focus, may make it more effective for CMS to work in partnership with or through other mechanisms, rather than seek to establish a CMS instrument as such.
31. The key is to be guided by an objective assessment of the conservation purpose and geopolitical/socio-economic context and to select the instrument, or combination of instruments, most appropriate for the particular circumstances. The many opportunities for synergies to be realised through complementary, cooperative work under different instruments also need to be maximised.
32. The fact that a Range State may become a Party/Signatory to UNEP/CMS Agreements and MoUs without being a Contracting Party to CMS offers a degree

of flexibility but also adds complexity that some view as undermining the overall cohesiveness of the CMS family.

33. For political reasons, some countries will not – or are highly reluctant to – participate in flyway-based instruments under the auspices of CMS. This may be a consequence of a given country not being a Party to CMS (which may itself be a consequence of wider international politics unconnected with the conservation of migratory birds), or because there is a national or regional tradition/preference for working through non-binding partnerships.
34. The increase in the number of different instruments within the CMS framework, particularly the proliferation of MoUs for single species or small groups of species during the last 15 years has – with only relatively few exceptions – not been matched by a growth in the administrative, technical and financial resources/capacity needed to secure tangible conservation impacts on the ground.

Findings concerning instruments outside the framework of UNEP/CMS

35. Instruments outside the UNEP/CMS framework can be divided into two broad categories:
 - other intergovernmental agreements (including the flyway-related provisions of the Ramsar Convention noted above and a range of bilateral treaties on migratory birds);
 - arrangements based on voluntary partnerships, with a greater or lesser degree of informality.
36. There are advantages and disadvantages of both the non-CMS alternatives listed under point 22 and these are detailed in the review. In terms of other legally binding mechanisms, it may be that issues such as geopolitical context or funding possibilities make another instrument the most appropriate choice. In relation to voluntary (non-binding) partnerships, the following strengths and weaknesses can be identified:

ADVANTAGES	DISADVANTAGES
<ul style="list-style-type: none"> • Provides the opportunity for stakeholders from all sectors (governmental, civil society, private sector, academic) to work flexibly alongside one another as equal partners. • May be a more attractive framework for financial support from the private sector, civil society and some governments/government agencies. • Potentially more flexible and dynamic than legally binding agreements that require consensus decision making among governments and other 	<ul style="list-style-type: none"> • Partners (especially governments) are not formally obliged to honour any undertakings given. This could be seen as undermining long-term commitment, particularly from governments when there is a change of administration. • Implementation is not mandatory. • Accountability may be unclear. • Governmental partners may be overly reliant on non-government/private-sector partners and neglect their own responsibilities for action.

<p>partners/stakeholders.</p> <ul style="list-style-type: none">• A partnership approach may be more philosophically and politically palatable for some stakeholders than a legally binding approach.	
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37. In some cases, one of these established mechanisms may provide the most appropriate framework for addressing a particular conservation need. In other cases a CMS-based instrument will be more appropriate. Effective decision making will be facilitated by:

- maintaining regular, open, two-way dialogue between CMS and non-CMS approaches;
- assessing on a case-by-case basis the strengths and weaknesses of existing instruments in relation to the conservation needs and priorities of a specific flyway or population;
- identifying and acting on opportunities for synergy;
- only establishing a new instrument where it is shown conclusively that these needs and priorities cannot be met through existing instruments.

Annexes

A1. Acronyms and abbreviations used in the text

ACAP	Agreement on the Conservation of Albatrosses and Petrels
AEWA	Agreement on the Conservation of African – Eurasian Migratory Waterbirds
CAF	Central Asian Flyway Action Plan for the Conservation of Migratory Waterbirds
CAFF	Conservation of Arctic Flora and Fauna
CAMBA	China – Australia Migratory Bird Agreement
CBD	Convention on Biological Diversity
CMS	Convention on Migratory Species
COP	Conference of (Contracting) Parties
EAAF	East Asian – Australasian Flyway
EAAFP	East Asian – Australasian Flyway Partnership
EU	European Union
GEF	Global Environment Facility
ICF	International Crane Foundation
IUCN	International Union for the Conservation of Nature
JAMBA	Japan – Australia Migratory Bird Agreement
MEA	Multilateral Environmental Agreement
MOP	Meeting of Parties
MoU	Memorandum of Understanding
NGO	Non-Governmental Organization
OCED	Organization for Economic Cooperation and Development
Ramsar	The Convention on Wetlands of International Importance (Ramsar, 1971)
REDD	Reducing Emissions from Deforestation and (forest) Degradation
ROKAMBA	Republic of Korea – Australia Migratory Bird Agreement
UNEP	United Nations Environment Programme
WHMSI	Western Hemisphere Migratory Species Initiative
WWF	World Wide Fund For Nature (World Wildlife Fund in North America)

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A2. Terms of Reference

CMS SCIENTIFIC COUNCIL WORKING GROUP ON FLYWAYS

TERMS OF REFERENCE FOR REVIEWS

Background:

The CMS COP9 passed two resolutions calling for a review to develop appropriate conservation frameworks/agreements for migratory species to be undertaken during the inter-sessional period to COP10. To address the needs of migratory birds, the Scientific Council has established an open ended Flyway Working Group, with a mandate to:

1. Review scientific/technical knowledge of migratory bird flyways and conservation priorities, and identify major gaps;
2. Review existing administrative/management instruments for migratory bird flyways globally; and
3. Propose policy options for flyway conservation/management to feed into the Intersessional Process Regarding the Future Shape of CMS.

It is envisaged that three reviews (and a background paper) are to be generated through the work of the Flyway Working Group and that this would be undertaken through contracting of consultants for the task. The reviews include the following:

- Review 1 – A review of CMS and non-CMS existing administrative/management instruments for migratory birds globally,
- Review 2 - An overview of scientific/technical knowledge of bird flyways and major gaps and conservation priorities, and
- Review 3 - Propose policy options for flyway conservation/ management to feed into future shape of the CMS.

Review 1 - A review of CMS and non-CMS existing administrative/management instruments for migratory birds globally

Background

Information on migratory bird instruments is available in a wide range of publications, review papers and reviews, although a single and up to date overview is lacking. The current CMS instruments have been briefly summarized in a CMS paper (CMS CoP9 Conf 9.16), in the African-Eurasian Waterbird Agreement and its single species Action Plans, CMS Single Species MoUs/Action Plans and the CMS 2009 Flyways Booklet. Reviews of CMS and non CMS instruments are available in the recent *Waterbirds Around the World* publication, and for East Asian-Australasian Flyway Partnership

Strategy, Central Asian Flyway Action Plan, and for the Americas (North American Waterfowl Management Plan, North American Bird Conservation Initiative, Western Hemisphere Shorebird Reserve Network, Partners in Flight, etc) and others. The review should provide an overview of the CMS and non-CMS existing administrative/ management instruments for migratory birds globally, their relative strengths and weaknesses and major geographic/species gaps.

The consultants will be responsible for:

- 1) Undertaking a desk study to review CMS and non CMS publications, reviews, research papers and related documents on migratory birds, flyways and conservation initiatives,.
- 2) Communicating/conducting interviews of key persons/agencies/organisations involved with the major key flyway instruments,
- 3) Producing of the draft review, as per the draft table of contents
- 4) Finalising the review, through two rounds of consultation, as per the work plan

Proposed process:

- 1) Production of the first draft review
- 2) Circulating of the first draft review to the Working Group for comment/review,
- 3) Revising of the first draft review to incorporate comments,
- 4) Circulating of the second draft review, and
- 5) Production of the final review

Outputs:

A review on the results of the consultation, as per the table of contents below and reporting deadline (see table attached).

Draft table of contents:

- Executive summary
- Briefly outline/describe major flyways for different migratory bird groups
- Review of the existing CMS and non CMS instruments/frameworks
- Principal strengths and weaknesses of the different instruments/frameworks
- Major gaps of instruments for conservation of major flyways/migratory bird groups

Reporting deadline

Final review end May 2010, see table for preliminary steps

Proposed Schedule for preparation of Flyway Working Group review 1

	2010											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Review 1												
Produce 1st draft; circulate to FWG for comment and input												
Receipt of comments on 1st draft from FWG												
Revised 2nd draft produced												
2nd draft circulated to Flyway WG meeting for final comment												
Production of final version of Review 1												
Circulation to CMS Standing Committee 28-30 June												