



Strasbourg, 4 December 2020
[Inf08erev_2020.docx]

T-PVS/Inf(2020)08rev

CONVENTION ON THE CONSERVATION OF EUROPEAN WILDLIFE
AND NATURAL HABITATS

Standing Committee

40th meeting
Strasbourg, 30 November - 4 December 2020

**TERMS OF REFERENCE OF A WORKING GROUP
ON A VISION FOR THE BERN CONVENTION FOR THE
PERIOD TO 2030**

*Secretariat Memorandum
prepared by
the Directorate of Democratic Participation*

I. BACKGROUND

At its 39th meeting, the Standing Committee decided that the development and adoption of a Resolution on a vision for the Bern Convention for the period 2021-2030 would be timelier and more appropriate after the adoption of the post-2020 global biodiversity framework anticipated for the 15th meeting of the Conference of the Parties (COP 15) to the Convention on Biological Diversity (CBD).

In light of the COVID-19 pandemic, the CBD COP 15, which was originally scheduled to take place in October 2020, was postponed to a later date in 2021.

At its second annual meeting in September 2020, in order not to lose more time due to the postponement of the CBD COP 15, the Bureau of the Standing Committee instructed the Secretariat to formulate Terms of Reference (ToR) for a Working Group to elaborate a Vision during 2021 and present the ToR for discussion at the 40th Standing Committee.

II. MANDATE

Recalling that the Bern Convention on the Conservation of European Wildlife and Natural Habitats is the main legal instrument in the field of biodiversity at pan-European level, having been ratified by fifty States and the European Union, encompassing almost the entire European Continent and beyond, thanks to the ratification by four North African states;

Recalling the celebration of the 40th anniversary of the signature of the Bern Convention on 19 September 2019;

Recalling the main mission of the Bern Convention, which is to ensure conservation of wild flora and fauna species and their habitats within its geographic scope, giving special attention to endangered and vulnerable species, including endangered and vulnerable migratory species, as reflected in Article 1 of the Convention;

Recalling that since the adoption of the UN Agenda 21 and later the Millennium Development Goals (MDGs) and the current Sustainable Development Goals (SDGs), the objectives of the Bern Convention were acclaimed as being largely in line with and contributing to the objectives set for the sustainable development of our Planet ([Monaco Declaration on the role of the Bern Convention in the implementation of worldwide international instruments for the protection of biodiversity, 25 September 1994](#));

Recalling [Resolution No. 7 \(2000\)](#) on the medium-term strategic development of the Convention on the Conservation of European wildlife and Natural Habitats, adopted by the Standing Committee on 1st December 2000, which sets a role for the Convention in supporting the implementation of the world targets and strategic priorities for biodiversity set at the level of the Convention on Biological Diversity (CBD);

Recognising the importance of the Bern Convention as a tool for intergovernmental cooperation at the level of the continent, for ensuring coordinated action and synergies by all relevant actors in their efforts to protect nature for the benefit of all and for contributing towards the achievement of the Sustainable Development Goals;

Stressing that for forty years this Council of Europe treaty has developed a high number of standards and guidance documents on threatened species and natural habitats in Europe and has been continuously assisting its Parties in their compliance efforts, while thoroughly monitoring the implementation of obligations and standards;

Recognising the major progress in the setting up of the Emerald Network of Areas of Special Conservation Interest in the period 2010-2020 and the key importance of this Network for ensuring a coherent and complementary approach to site conservation is applied across the European continent;

Recognising the efficiency of the monitoring system of the Bern Convention, based on both reporting obligations and complaints submitted by individuals and civil society organisations, in supporting national authorities in the successful termination of many case-files on possible violations of the Convention, including the use of on-the-spot appraisals and mediation as problem-solving tools;

Stressing the fruitful working relationships that it has established over the years with other relevant treaties, organisations and processes and notably with the Convention on Biological Diversity (CBD), the Convention

on Migratory Species (CMS), the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA), the Agreement on the Conservation of Populations of European Bats (Eurobats), the Ramsar Convention on Wetlands, the World Heritage Convention, the European Union (EU), the European Environment Agency (EEA) and the International Union for Conservation of Nature (IUCN);

Welcoming also the efforts in promoting synergies between the Bern Convention and other sectors within the Council of Europe through activities and expertise relevant for the environment and biodiversity conservation, notably the European and Mediterranean Major Hazards Agreement (EUR-OPA), the Council of Europe Directorate General on Human Rights and the European Landscape Convention, thus favouring a better use of resources and improving the relevance of the Convention in the work of the Council of Europe and for improving the understanding and use of the interlinkages between environmental protection and human rights;

Stressing that today it is largely recognised that biodiversity is fundamental for maintaining ecosystems which deliver essential services for ensuring the full enjoyment of human rights, including human health and well-being, giving a particular importance to the human dimension of the activities promoted under the Bern Convention;

Recalling that the Convention's work priorities have been framed by a Programme of Work, adopted on a biennial basis by the Standing Committee and following the Council of Europe's programme and budget cycle, whose implementation is piloted and monitored by both the Bureau and the Standing Committee to the Convention;

Acknowledging that the Convention has developed/co-developed, adopted and implemented several thematic and action-oriented policy documents, in particular in the period 2010-2019, notably:

- Revised Calendar for the implementation of the Emerald Network of Areas of Special Conservation Interest (2011-2020)
- Programme of work on Climatic change and biodiversity conservation
- Tunis Action Plan (2013-2020) for the eradication of illegal killing, trapping and trade of wild birds and several bird Species Action Plans
- European Strategy for Plant Conservation (2008-2014)
- European Strategy on Invasive Alien Species and several Codes of Conduct on IAS
- Pan-European Action Plan for Sturgeons (2019-2029);

Recalling that the Global assessment of biodiversity and ecosystem services developed and adopted by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) in May 2019 in Paris recognised five main direct drivers of biodiversity loss today: (1) changes in land and sea use; (2) direct exploitation of organisms; (3) climate change; (4) pollution; and (5) invasion of alien species, and also presented an array of root causes or indirect drivers of change which are in turn underpinned by societal values and behaviours;

Recalling that the UN's fifth Global Biodiversity Outlook, launched in September 2020, highlighted that humanity is falling short on its commitments to protect wildlife and outlined urgent steps needed to stave off environmental collapse, which include establishing more protected areas, investing in green infrastructure in cities and implementing nature-based solutions to reduce greenhouse gas emissions;

Recalling that, as a key pillar of the European Green Deal, the European Commission has adopted the EU Biodiversity Strategy for 2030 and an associated Action Plan (annex) in May 2020, which include as main elements the establishment of a larger EU-wide network of protected areas, an EU Nature Restoration Plan and a set of measures to enable the necessary transformative change;

Acknowledging that the Bern Convention's work is strongly contributing to responding regionally to the drivers and causes of the severe biodiversity loss, as identified in the Global assessment of biodiversity and ecosystem services and in particular its work on (1) the setting-up the Emerald Network of Areas of Special Conservation Interest (ASCI) and supporting the management of the ASCI areas, (2) supporting the control and eradication of IAS, (3) formulating recommendations and supporting action on addressing climate change and its impact on biodiversity and initiating work on addressing climate change in protected areas, (4) promoting and targeting site and species conservation action through its monitoring and case-file systems and

(5) raising awareness and better understanding of the interlinkages between environmental protection and human rights;

Reaffirming that the main role of the Standing Committee to the Bern Convention is to monitor its application, assist States in the implementation of its provisions and make proposals for improving its relevance and effectiveness, as reflected in Article 14 of the Convention;

Taking note of Resolution No. 9 (2019) on the financing of the Bern Convention and on initiating the establishment of a new system for obligatory financial contributions by Parties;

Conscious of the need for a more strategic planning of the work of the Convention, in particular in a time of budget constraints and diminishing human and financial resources and in view of ensuring the appropriate synergies and partnerships are established with all relevant treaties, initiatives and organisations, in particular for the period 2021-2030 for which a new global biodiversity framework is going to be finalised at the CBD COP 15;

Taking note of the decision of the Group of Experts on Protected Areas and Ecological Networks taken at its 11th meeting on 7-8 October 2020 to invite the Standing Committee to consider the relationship between the COVID-19 pandemic and biodiversity in the post-2020 vision for the Bern Convention;

a Working Group will be established to assist the Standing Committee in confirming and strengthening the unique value and effectiveness of the Bern Convention for the post-2020 decade and contribution to the post-2020 global biodiversity framework.

III. OBJECTIVES

The Working Group will be established to assist the Standing Committee in:

- developing a vision and Strategic Plan for the Bern Convention for the period to 2030;
- reinforcing the strategic partnerships and appropriate synergies with all relevant treaties, organisations and initiatives at regional pan-European level;
- increasing the political profile of the Bern Convention, both inside and outside the Council of Europe at regional and international level, including by opening its scope to work on the interlinkages between environmental protection and human rights, within the limits of its mandate and objectives as set in Articles 1 to 3 of the Bern Convention.

IV. PRINCIPAL TASKS

Principal tasks will be to:

- articulate a draft vision for the future of the Bern Convention and its role amongst other MEAs, defining the unique value that the Convention adds and can develop in the period to 2030;
- draw up a draft long-term Strategic Plan to 2030, which could streamline the work of the Convention and give highest priority to components of its past Programmes of Work, which contribute to formulating and delivering responses at pan-European level to the main challenges facing biodiversity, as identified in the IPBES Global assessment of biodiversity and ecosystem services;
- define draft key operational targets and actions and identify the potential partners for the implementation;
- consider as a source of inspiration the EU Biodiversity Strategy for 2030;
- define the Strategic Plan of the Bern Convention in a way that its contribution to the Global Biodiversity Framework can be easily and objectively assessed.

The Working Group will endeavour to submit a draft vision and Strategic Plan to 2030 to the Standing Committee for decision at its 41st meeting.

It is expected that the draft vision and strategic document will focus on defining the unique value that the Bern Convention adds and can develop in the period to 2030.

The Working Group will take into account existing relevant instruments and initiatives at the national, European and international level, as well as thematic and action-oriented policy documents developed/co-developed, adopted and implemented by the Bern Convention. This includes the work produced by the Group of Experts on Protected Areas on a future Emerald Network post-2020 strategic plan. The Working Group shall also consider the appropriate way for following up on the conclusions and recommendations of the Review of the Plant Conservation Strategy. The Working Group will consult with the Secretariat to obtain the information necessary on these processes.

After the post-2020 global biodiversity framework is adopted, the working group should review, and if necessary revise, the proposed Bern vision and strategic plan, in order to ensure its coherence with the post-2020 global biodiversity framework.

V. COMPOSITION

The Working Group will comprise experts of Contracting Parties to the Bern Convention, including members of Groups of Experts established under the Bern Convention and other Conventions as appropriate, as well as relevant Observers.

The Working Group may call on additional expertise on an *ad hoc* basis.

The Working Group will select one Chair.

Membership of the Working Group will be reviewed by the Group as required.

Should the need arise, the Working Group may establish task teams to work on particular aspects of the strategy.

The Working Group shall continue to exist until a strategy has been adopted by the Standing Committee and the Standing Committee decides to disband the Working Group.

VI. WORKING METHODS

The Working Group members will provide input through meetings, conference calls, contribution to draft papers, and reports, participation in smaller task forces and other means as appropriate.

The working language will be English.

The Working Group will determine its own meeting frequency; however, it is expected to commence meeting from early 2021 and will reconvene as required to finalise the draft vision and strategic document. The Working Group shall operate virtually unless otherwise agreed by the Working Group members.

The Bureau of the Standing Committee will review and evaluate the work of the Working Group at the Bureau's annual meetings.

The Working Group will report to the Standing Committee at its annual meeting.

In co-operation with the Chair, the Secretariat will coordinate and assist with the organisation and preparation of the agenda for the meetings of the Working Group and any other support activities deemed necessary.