



CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS (CMS)



Summary report of the tenth meeting of the Standing Committee

Buenos Aires, Argentina, 16-17 and 24 January 1994

(Prepared by the Secretariat)

Opening remarks by the Chairman and Secretariat

1. The Chairman opened the meeting, noting its importance as the last occasion for the Committee to meet before the June 1994 conference, apart from a brief pre-conference session in Nairobi. All regional members were present, in addition to observers from several Parties. The list of participants appears at Annex 1. The Chairman and the Co-ordinator expressed thanks to the Government of Argentina for the excellent arrangements for the meeting – the first held outside of Europe – and for the lunch offered to the Committee by the Secretary for Natural Resources and the Environment, Hon. María Julia Alsogaray.

2. After the customary round of introductions, the meeting considered the provisional agenda. The Committee was informed that the IUCN presentation (Agenda point 11) would not take place as planned because the intended speaker was indisposed. Furthermore, it was agreed that, as the second half of the Strategy Paper on the Future Development of the Convention (Document CMS/StC.10/9) was not yet available for distribution, the Committee should convene again on the evening of 24 January to consider the document in its entirety. Finally, it was decided to change the order in which a number of agenda points would be considered. The agreed agenda is reproduced at Annex 2.

Matters arising from the ninth meeting of the Committee

3. The Chairman reported that the action points arising from the last meeting of the Committee had all been dealt with. As requested, the Secretariat had circulated the Rules of Procedure of the Standing Committee, after modifying Rule 6 to take into account changes in the Committee's composition agreed through Resolution 3.7 (Geneva, 1991). The Committee adopted the Rules of the Procedure (Document CMS/StC.10/3) without any further amendment.

Report on intersessional activities

a) Recruitment of new Parties

4. The Chairman reported on a successful mission to Washington undertaken with the Vice-Chairman and the Secretariat from 9-13 January. The purpose of the mission was to familiarize United States authorities and the NGO community with the latest developments concerning CMS, to hear their views about possible US accession to the Convention, and to

present compelling arguments as to why the United States should consider joining CMS. Meetings were held with each of the main departments concerned with CMS (State, Interior, Agriculture, and Commerce), officials from various Congressional committees, state fish and wildlife agency representatives and with a number of non-governmental organizations. The Secretariat acknowledged with appreciation the active role played by Mr. George Furness of the Washington-based *Conservation Treaty Support Fund* in the organization of the meetings, which were concluded with a luncheon for senior Government officials hosted by the British Embassy. A press release containing details of the mission appears at Annex 3 (English only).

5. Overall, the arguments presented for possible US accession appeared to be well-received, and a number of the individuals contacted indicated that the mission was very timely in view of the fact that the United States is examining various mechanisms through which to implement the Convention on Biological Diversity once it is ratified. Among the issues raised which may influence any US decision to join CMS were the sensitive question of federal-state competence for wildlife, and current efforts to revitalize the Western Hemisphere Convention as a vehicle for conserving *inter alia* migratory birds and other species. It was agreed that it would be important to follow-up the exploratory discussions held in Washington through further correspondence with the principals concerned, including the umbrella body representing US, Canadian and Mexican state and provincial wildlife agencies.

6. As regards potential Parties in other regions, the Secretariat reported that the Philippines had deposited its instrument of ratification and would become a Party as of 1 February 1994. The Co-ordinator noted that in addition to the Czech Republic and Kenya – both named in Document CMS/StC.10/4 as being close to ratifying CMS – there were positive signs from several other countries, as well, notably Austria, Chad, Poland, Slovakia, Togo and Switzerland. Several other non-Parties had expressed interest in attending the fourth meeting of the Conference of the Parties. The Chairman noted that six new Parties had joined CMS since the last conference in September 1991.

7. The Representative of Asia (India) emphasized the importance in any recruitment effort of contacting the agencies most relevant to CMS and suggested that IUCN might be of assistance in identifying appropriate targets. The Secretariat agreed that mailing lists arising from major conferences of Ramsar and IUCN could provide valuable contact points in countries where appropriate government agencies or individuals had not been identified.

b) Publicity and promotion

8. The Chairman drew attention to the Secretariat's initiatives over the past year to promote the Convention more actively. He congratulated the Secretariat for their efforts, which had to be fitted in around an increasing workload in the office. The Secretariat indicated that many of the seminars attended in 1993 broke new ground for the Convention and were useful for promoting CMS in regions where it previously had little exposure. In addition to the well-received CMS brochures which it had prepared in 1993, the Secretariat hoped to have a series of posters produced with UNEP sponsorship in time for the June 1994 conference. The Chairman announced that he, together with the Vice-Chairman and the Secretariat, would give a presentation on CMS to interested participants of the IUCN General Assembly meeting on 18 January. Members of the Standing Committee were also encouraged to attend.

9. Noting that CMS had been represented by the Chairman at a meeting of the International Whaling Commission (IWC), held in Kyoto in 1993, the Representative of Asia inquired about the positions taken by CMS at the meeting. A number of points emerged in the discussion. The IWC had not requested the views of CMS on the proposed Southern Ocean

Sanctuary which, the Vice-Chairman noted, should take into account the migration of the whales concerned. Although CMS had not expressed a particular stance with regard to IWC matters, it was pointed out at the Kyoto meeting that CMS did have an important role to play with respect to the conservation of small cetaceans. The Co-ordinator drew attention to the fact that, in response to a suggestion from Brazil that the IWC take further initiatives in this area, the Secretariat had proposed that Brazil consider joining CMS with a view to addressing small cetacean issues within a regional framework provided by the Convention.

c) Trust Fund contributions

10. The Committee reviewed the status of contributions to the Trust Fund, noting with concern that six Parties in particular had large amounts outstanding for 1993. They are, in order of magnitude of the contribution outstanding: Italy, Spain, Israel, Belgium, the European Union, and Argentina. The Secretariat advised the meeting that it had been informed on 7 January by the Argentine Secretary for Natural Resources and Environment that instructions had been given for immediate payment of the Argentine contribution. (*The Secretariat received confirmation from the Commission of the European Communities, after the meeting, that the European Union contribution would be paid in due course and that the contribution of Belgium had been paid in full in January 1994.*) The Committee recommended that special letters of reminder be sent to the other Parties named above, and that UNEP should be relied on to continue sending letters to all Parties to remind them of their outstanding contributions.

11. The Representative of Africa (Niger) suggested that it would be helpful, for domestic discussions between environment and finance officials, if requests for payment were made in the form of an invoice (or something resembling an invoice), rather than in the form of a letter as is now the case. This view was shared by a number of members and observers. The Committee requested the Secretariat to raise this matter with UNEP.

d) Scientific Council

12. As there was no report available from the Chairman of the Scientific Council, the Secretariat provided a brief overview of the Council's activities since its last meeting (Bonn, May 1993). It was pointed out that the Council's membership was now nearly complete, with only five Parties not having appointed an expert: Benin, Morocco, Nigeria, Somalia, Sri Lanka and Zaire. While the Council's previous meeting was considered constructive, much work remained to be completed before the June 1994 conference – including arrangements for the symposium on animal migration, activities of three working groups which had been established, and completion of a paper on artificial barriers to migration.

13. The Chairman of the Committee drew the meeting's attention to the fact that the Chairman of the Scientific Council, Dr. Wim Wolff, had informed the Secretariat of his wish to resign the chairmanship on account of an increased workload within his institute. In his letter of 7 January 1994, Dr. Wolff indicated a number of possible options for his departure, including the possibility that he remain in place until the end of the meeting of the Scientific Council in June. Recognizing that it would be difficult to have a successor in place before the Nairobi meeting and wishing to avoid a vacancy in the chairmanship after the conference (which would occur if a postal ballot were implemented), the Committee recommended the following course of action: Dr. Wolff should be requested to remain in place until the end of the meeting; in the meantime, the vacancy in the chairmanship should be announced with a view to receiving nominations for possible candidates and conducting an election in Nairobi at the time of the fifth meeting of the Council. The Committee further recommended that a post of Vice-

Chairman be created, in keeping with the Scientific Council's discussions in May 1993, and that it also be filled through an election at the fifth meeting of the Council. The Representative of Asia suggested that, if the Chairman were unable to attend a given meeting, provision should be made for the Trust Fund to meet the expenses of the substitute Vice-Chairman.

e) Other activities

14. The Committee reviewed a list of activities the Secretariat still had to undertake until the forthcoming meeting of the Conference of the Parties, noting that the necessary preparations for the meeting would take priority, thus placing constraints on other activities.

Article IV Agreements

a) Progress on negotiating/implementing CMS Agreements

15. The Representative of Asia raised the question of whether or not a meeting to discuss the Memorandum of Understanding on the Siberian crane (concluded in June 1993) would take place. He indicated that the Government of India would make the necessary facilities available, but that transport costs for delegates would have to be met from some other source. He added that researchers from Japan, the Russian Federation and the United States were already in India or were expected soon, awaiting the arrival of the cranes on their annual southern migration. The Secretariat explained that it had been waiting for the Government of India to sign the MoU before proceeding with arrangements for the meeting or seeking external funding for delegate participation. The Representative of Asia expressed the hope that India would be in a position to sign in due course, subject to certain reservations which would be communicated in an explanatory note to the other Range States. The Committee recommended that the workshop should go ahead to take advantage of the presence of the experts already in India and left it to the discretion of the Secretariat to facilitate the attendance of other experts from available funds and, if possible, with financial support from other organizations.

16. The Chairman reported (on behalf of the UK Secretariat) that the European Bats Agreement would enter into force on 16 January 1994, having obtained the required number of ratifications. He expressed pleasure that there were already 11 signatories to the Agreement. Austria, Bulgaria, the Czech Republic, Poland and the Ukraine were said to be interested in the AGREEMENT. France had signed in December 1993, following the resolution of an outstanding problem with the French language version of the AGREEMENT text. The observer from the European Union indicated that it would introduce procedures to accede to the AGREEMENT once its Habitats and Species Directive was in place in mid-1994. The Representative of the Depositary (Germany) announced that a meeting on the conservation of bats in Central and Eastern Europe was scheduled to take place in Bonn in July 1994. The Chairman drew attention to the newsletter "Eurobat Chat" prepared by the secretariat of the AGREEMENT, and circulated the third issue which had just been published. He also paid tribute to the role of Portugal and the voluntary bodies in backing the AGREEMENT and in allocating time at the recent bat symposium in Evora to prepare the ground for the first meeting of the Parties to the AGREEMENT. He added that the United Kingdom planned to host the first meeting some time in the first two weeks of June 1995, in accordance with undertakings made when the AGREEMENT was finalized in 1991.

17. The Committee was informed that, with the recent deposit of an instrument of approval by Denmark, the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) would enter into force on 29 March 1994. The observer from the European Union indicated that it would initiate the ratification procedure soon. The Chairman provided details of a research programme in the North Sea already agreed upon and due to commence

later in 1994, which had been stimulated by the conclusion of the agreement. An informal meeting of nine Range States (including all existing signatories) had been held in Cambridge, UK, in October 1994. Sweden had offered to host the first meeting of the Parties in Stockholm, from 26-28 September 1994, and would provide assistance for delegates to attend from countries in economic transition having indicated an interest in joining ASCOBANS. Formal invitations to the meeting would be sent out by the UNEP/CMS Secretariat in May. The Representative of the Depositary queried whether the Secretariat had the resources to make all of the necessary arrangements for the meeting, in the light of all of its other commitments. The Secretariat noted that its responsibilities in this regard were limited primarily to sending out the formal invitations and to assisting the interim secretariat for the agreement with the preparation of provisional rules of procedure. As the arrangements for the meeting were well-advanced there was no question of postponing the meeting.

18. The Secretariat reported that other commitments had prevented it from circulating a revised draft of the Agreement on the Conservation of Small Cetaceans of the Mediterranean and Black Seas (ASCOMABS). The third meeting of the Conference of the Parties had specifically urged that Range States elaborate such an Agreement. The Secretariat indicated that it hoped to be able to prepare a revised draft before the fourth meeting of the Conference of the Parties. The Committee considered that it might be useful for interested Range States to organize a workshop on ASCOMABS in the margins of the conference.

19. The Co-ordinator reported on progress that had been made in recent months with respect to the development of the African-Eurasian Waterbird Agreement. The draft proposal had been circulated in late 1993 to all Range States and to other relevant organizations. Although the Agreement had been circulated to Governments, both through diplomatic channels and directly to the Ministries thought to be competent, it had become evident that the documents had not reached the responsible officials in every case. Plans were being made to hold a meeting to discuss the Agreement in association with the fourth meeting of the Conference of the Parties, in order to take advantage of the presence in Nairobi of many of the Range States concerned and to reduce costs. The Secretariat planned to send out invitations for the meeting at the end of March and to circulate a second draft of the Agreement after integrating comments received by the end of February. The Co-ordinator emphasized that all of the work involved stretched the resources of the Secretariat to the limit.

20. The Representative of Africa pointed out that the proposed meeting could fail if it were held without adequate consultation – which meant allowing sufficient time for Range States to consider the text and to comment on it, and for a synthesis to be prepared. There was a general discussion of what realistically might be achieved in Nairobi. Concern was expressed about the potential attendance from non-Party Range States and of the risks associated with attempting to conclude the Agreement in June in a formal negotiating session. It was proposed instead that a series of less formal sessions be held in Nairobi to allow Range States to consider and discuss the Agreement on a regional basis, followed by a combined session involving all Range States. The Co-ordinator suggested, however, that a change in the character of the meeting might influence the willingness of the co-sponsors (the Netherlands and the European Union) to provide funding for the meeting. The Committee decided that the matter warranted further consideration and agreed to return to this agenda item at a later stage.

21. The Secretariat reported on developments with respect to the proposed Asian-Pacific Waterbird Agreement. A meeting to discuss the Agreement had been held in the margins of the Ramsar Conference (Kushiro, June 1993), but it had been sparsely-attended due to logistical problems. The Agreement had since been accorded lower priority relative to the Secretariat's other commitments. The Vice-Chairman highlighted some of the problems that were faced in developing the Agreement: the Convention is not well known in the region, only a few of the many Range States in the flyway are Parties to CMS, and many have complicated legal systems. He indicated that a workshop would be held in the region in 1994 to discuss issues relating to

migratory shorebirds, and suggested that it might be used as a venue for raising awareness of the Convention and promoting its potential as framework within which to develop a regional Agreement.

22. The Co-ordinator informed the Committee that the Secretariat had developed a Memorandum of Understanding on conservation measures for the Slender-billed curlew, numbers of which were estimated to have declined to only about 100 individuals. The draft MoU was circulated to Range States in early January, with a request for comments by mid-March. It was hoped that the MoU would be ready for signature in the spring.

23. The observer from Saudi Arabia reported that the National Commission for Wildlife Conservation and Development (NCWCD) was about to finalize a long-awaited Agreement on houbara bustard, and on captive-breeding efforts for the species within Saudi Arabia. A meeting of bustard specialists had been held in Taif in October 1993, including the participation of experts from other Range States. The Representative of Asia welcomed initiatives to bring uniformity in conservation measures for this species, noting that it has a restricted distribution in India and is thought to have declined in number. The Chairman suggested that it would be useful for Saudi Arabia to have a draft text ready in time for the June 1994 conference in Nairobi. The Secretariat indicated that only some of the national status reports that had been requested had been received, and that further reminders would be sent out.

24. The observer from Uruguay described two regional projects that were being carried out in South America through a network of researchers working in the field. The first relates to the sustainable use of wild populations of migratory ducks in Argentina, Brazil and Uruguay, focussing on the following species: *Netta peposaca*, *Dendrocygna viduata*, *Dendrocygna bicolor* and *Anas georgica*. The second project involving four countries – Argentina, Brazil, Chile, and Uruguay – relates to the conservation of the Black-necked swan (*Cygnus melanocoryphus*). Chile, which is co-ordinating the network, hosted a meeting in September/October 1993; Uruguay will probably host the next meeting. The Chairman suggested that it would be useful to explore how the network might be more closely linked to the activities of the countries concerned under the Bonn Convention umbrella.

25. The Committee then considered document CMS/StC.10/Inf.1, concerning a proposal for a joint project between Chile and Argentina for the conservation of the Ruddy-headed goose (*Chloephaga rubidiceps*). The project proposal had been submitted by the Chilean *Corporación Nacional Forestal* with a request for funding from CMS. This highly endangered species is listed in Appendix I of the Convention and was chosen by the Scientific Council as a candidate for concerted action in the forthcoming triennium. The proposal, which provides for surveys and monitoring of breeding and wintering areas, as well as the development of a public awareness campaign, has a proposed budget of USD 15 400. The Representative of the Depositary, supported by the Representative of Asia, endorsed the project as being a sensible and cost-effective initiative. The Committee agreed that full funding for the project should be provided from the line in the core budget reserved for assistance to developing countries, and it requested the Secretariat to make the necessary contractual arrangements.

b) Guidelines for future Agreements

26. The Co-ordinator informed the Committee of discussions that had taken place with Mr. Cyrille de Klemm in 1993 about his possible availability to prepare guidelines on the harmonization of future CMS Agreements, in accordance with the recommendation of the third meeting of the Conference of the Parties (Geneva, 1991). The Co-ordinator reported that the terms of reference for a consultancy with the IUCN Environmental Law Centre had yet to be finalized, and that Mr. de Klemm would not be in a position to begin the work before the end of January. He pointed out, however, that although formal guidelines had yet to be adopted,

the Secretariat had already sought to harmonize as far as possible the provisions of all of the Agreements currently being developed. The Committee confirmed the Secretariat's decision to engage Mr. de Klemm to carry out the work. As the Committee had been asked to produce guidelines during the current triennium, it was necessary that they be completed by the end of April for circulation to all Parties (at least in English) and for consideration at the pre-conference meeting of the Standing Committee. The consultancy contract with Mr. de Klemm would also provide for an analysis, from a legal perspective, of comments received on the African-Eurasian Waterbird Agreement.

Correction of texts of the Convention

27. The Representative of the Depositary stressed that resolution of the outstanding problems concerning the various language versions of the text of the Convention depended on the work of the German Foreign Ministry. The proposed corrections to the French language text had been circulated for comment, and the Spanish Foreign Ministry had been requested to confirm the changes proposed to the Spanish language text, before they too were circulated for comment. The Arabic, Chinese and Russian texts were being reviewed by the linguistic service of the German Foreign Ministry and would be circulated to the States concerned. Finally, the German language text would be corrected and published in the official gazette. The Representative of the Depositary was unable to confirm whether or not the Foreign Ministry had requested the United Nations Secretary-General to suspend publication of the official text of the Convention until these outstanding matters were resolved.

Analysis of Party reports on implementation

28. The Secretariat informed the meeting that only five reports from Parties on their implementation of the Convention had been received so far (from Germany, Guinea, Saudi Arabia, South Africa, and Uruguay). Article VI of the Convention calls for such reports to be submitted at least six months before the meeting of the Conference of the Parties – in this instance, by 8 December 1993. The reports submitted thus far and all others pertaining to the previous triennium would form the basis for an analysis to be included in the Strategy for the Future Development of the Convention, and for recommendations on the use of reports by Parties to be submitted by the Standing Committee to the fourth meeting of the Conference of the Parties.

Arrangements for the fourth meeting of the Conference of Parties

29. The Committee accepted without amendment the provisional rules of procedure for the fourth meeting of the Conference of the Parties (Document CMS/StC.10/10, Annex 3), which are substantively identical to those of the previous meeting, apart from the establishment of one less committee. (The third meeting of the Conference of the Parties provided for the creation of a legal committee to deal specifically with matters relating to the texts of the Convention.)

30. The Committee then considered the provisional timetable for the meeting, for which the Secretariat had prepared two options in consultation with the Chairman. The first option provided for a five-day meeting with sessions of the Administrative and Scientific Committees running consecutively; under the second option, the committee sessions would be run in parallel. In assessing the two alternatives, the main factors to be considered were the time available to complete the work of the conference, the ability of small delegations to participate fully, and the cost – which would be determined largely by the number of interpretation teams required. The Vice-Chairman noted that if the committee sessions were run in parallel, many small delegations would have difficulty participating fully. The Representative of the Depositary pointed out that

there was also a risk of having debates reopened in plenary on account of delegates not having been able to attend a particular committee session. Several participants supported the view that, from the standpoint of ensuring adequate participation at this meeting, the committee sessions should be run consecutively; however, it was also noted that if efforts were made to facilitate the participation of two persons per delegation at the fifth meeting of the Conference of the Parties, this would allow committee sessions to be run in parallel.

31. The Chairman emphasized that it would be essential for the Chairs of each committee to conduct the sessions as committees, and not as extensions of the plenary. He suggested that the work of the Committees begin earlier in the timetable, and that it would be necessary to establish working groups to deal with some issues, such as the CMS strategy paper and the budget. The Committee noted that, as there would be many more proposals for amendment of the Appendices for the Conference to consider than in former meetings, it would be essential for the Scientific Council to review them thoroughly beforehand. The main task of the Conference would then be to confirm the Council's recommendations and to deal with those proposals on which a consensus could not be reached in the Council's deliberations.

32. After considering all of the arguments, the Committee agreed that the meeting of the Conference of the Parties should be conducted in consecutive sessions, taking account of measures needed to mitigate concerns about time constraints. The Vice-Chairman suggested that the organization of the meeting be viewed as an experiment and that, following the meeting, the Secretariat prepare a report on how well it functioned for review by the Standing Committee. Finally, the Chairman reminded members to give early consideration to individuals who might be appropriate to serve as conference officers.

33. The Committee then turned its attention to the Symposium on Animal Migration scheduled to take place on 6 June 1994, immediately before the conference. The Committee had agreed at its previous meetings that the organization of the symposium, first proposed at the third meeting of the Conference of the Parties, should go ahead under the guidance of the Chairman of the Scientific Council and assisted by Dr. Gerard Boere of the Netherlands. However, concern had since been expressed by the Chairman and the Secretariat about the apparent lack of progress in developing a programme and identifying speakers. The Committee decided on balance to proceed with the symposium as a vehicle for raising awareness and promoting CMS, but considered that additional steps should be taken to ensure its success. It was considered essential to have local support to promote the Symposium among Nairobi-based NGOs and others, and to assist UNEP headquarters with logistical arrangements. The Secretariat had identified an individual who was willing to carry out this work, and preparations for a related exhibition, under a small consultancy contract. The Committee agreed with the arrangements that had been proposed, noting that it would be important for each of the parties involved – the Scientific Council Chairman, the consultant, UNEP and others – to have clearly defined responsibilities. The Vice-Chairman, supported by the Representative of Asia, proposed that provision be made for a speaker on marine turtles, and offered to provide one at Australia's expense.

34. The Committee examined the question of facilitating the attendance of delegates from developing countries at the meetings planned for June 1994. The Secretariat reminded the Committee that the Governments of Germany and the Netherlands both had indicated their willingness to make voluntary contributions towards the cost of holding the meeting of the Conference of the Parties in Nairobi. The Representative of the Depositary reiterated that DM 60 000 was available for this purpose. The Representative of Europe (United Kingdom) suggested that the Secretariat circulate a letter to Parties, as had been done prior to the last conference, soliciting additional support for developing countries.

35. The Secretariat highlighted a number of issues requiring consideration: (1) there had been several requests from non-Parties for financial support to enable them to attend the

conference as observers; (2) the Conference of the Parties had agreed at its third meeting (Geneva, 1991) that experts appointed to the Scientific Council by the Conference should be entitled to attend meetings of the Conference, but did not specify whether or not the CMS budget should cover their expenses; and (3) it might be beneficial for delegates taking part in one of the meetings scheduled in June to stay on and participate in a subsequent meeting (either of the Conference of the Parties or of the African-Eurasian Waterbird Agreement).

36. The Committee decided that requests from non-Party developing countries for financial support from CMS to attend the conference could be considered by the Secretariat if funds were still available after having met all requests from Parties to the Convention. The Committee decided that, in the light of the decisions taken to facilitate the participation of small delegations in the conference, funding from the CMS budget should not be extended to Scientific Councillors for them to attend the conference as well. Financial assistance would be limited to travel expenses and per diem while in Nairobi to attend the meeting of the Scientific Council and the Symposium on Animal Migration. However, all Scientific Councillors would be free to stay on to attend the conference at their own expense as members of national delegations or of authorized organizations. As an exception, the Committee agreed that the four Conference-appointed Scientific Councillors would be eligible for funding from the CMS budget, upon request, if they chose to stay on for the meeting of the Conference of the Parties (and, where appropriate, the AEWA meeting) provided they made themselves available to assist the Secretariat – for example, in organizing and chairing working group meetings, etc.

Proposals for conference resolutions and amendments to the CMS Appendices

37. The Committee considered briefly what resolutions needed to be prepared for the forthcoming meeting of the Conference of the Parties, apart from the usual resolutions dealing with administrative matters. Among those which had already been identified were resolutions concerning the definition of "endangered" in the context of CMS, guidelines on the harmonization of future Agreements, and the use of outline reports by Parties. In addition, there would likely be resolutions arising from the CMS strategy paper. The Chairman noted that the Conference might also wish to consider a recommendation concerning cormorants – which were the subject of ongoing discussions with Denmark. The Representative of the Depositary indicated that Germany is preparing a resolution, subject to approval within the European Union, concerning the preparation of management plans for Appendix II species. The Committee concluded that responsibility for preparing most of the resolutions for consideration at the conference rested with the Secretariat.

38. The Secretariat informed the Committee of proposals to amend the Appendices to the Convention which Parties had submitted by the deadline of 8 January 1994. Proposals had been made to add three species or populations to Appendix I, as follows: the Scimitar-horned oryx (*Oryx dammah*), by France; the White-headed duck (*Oxyura leucocephala*), by Spain; and the Middle-European population of the Great bustard (*Otis tarda*), by Hungary. The United Kingdom had submitted a proposal to add the European free-tailed bat (*Tadarida teniotis*) to Appendix II and Germany had proposed the addition of 92 species, subspecies or populations of waterbirds to Appendix II. (A number of proposals submitted by Australia were subsequently withdrawn for further consultation.)

39. The Secretariat drew the Committee's attention to the fact that translation of all of the proposals into the working languages of the Conference would cost in the order of USD 30 000 – with most of the expense arising from the 92 waterbird proposals. The Committee noted the desirability of having at least summaries of all of the proposals available in English, French and Spanish. It recalled that the third meeting of the Conference of the Parties had agreed to consider proposals submitted only in the original language, on account of the logistical difficulty

of arranging translations in time. The Committee also took into account the fact that proposals for addition of species to Appendix I have a different character than those relating to Appendix II, since their inclusion in Appendix I creates certain obligations for the Range States concerned.

40. Considering all of the above, the Committee decided on the following course of action. Each of the proposals for single species (i.e., the three relating to Appendix I, plus the single European free-tailed bat proposal) should be translated into the other working languages of the Conference. The proponents of "block" proposals for many species (i.e., Germany and, at the time, Australia) should prepare summaries which the Secretariat would arrange to have translated into the other languages. In the meantime, the Secretariat would ask the European Union and France whether or not they would be able to assist with the translation of at least some of the proposals concerning waterbirds, as a service to the Conference.

Review of Convention budget and resources

41. The Committee reviewed the amounts programmed in the budget prepared by the Secretariat for 1994 (Document CMS/StC.10/7). Recognizing the substantial workload of the Secretariat before the Conference, the Committee agreed that it should have the latitude to recruit an additional part-time secretary and, if the workload so warranted, a short-term consultant. The Secretariat advised that a part-time secretary on contract could be accommodated under budget line 1322.

42. The Representative of America and the Caribbean (Panama) pointed out that the lack of simultaneous interpretation at meetings of the Standing Committee prevented some members from participating fully. He noted that the same problem existed in CITES and that it would create an impediment for other countries wishing to join and participate fully in CMS. He proposed that this service be provided from cost savings in other areas. The Representative of Africa endorsed the views which had been expressed and to which the Committee as a whole was sympathetic. The Representative of the Depositary noted that Germany had offered in the past to provide simultaneous interpretation for meetings of the Standing Committee if they were held in Bonn, and indicated that it would be prepared to do so in the future if the Committee so wished. The Committee agreed that this solution would address the problem and decided that, apart from exceptional circumstances, it should meet in Bonn to avail itself of the German offer.

43. The Secretariat introduced the draft resolution on financial and budgetary matters which it had prepared for the Committee's consideration before its circulation to all Parties on 10 March 1994 in accordance with the terms of reference of the CMS Trust Fund. In the limited time available for discussion before the close of the days' session, the Vice-Chairman raised a number of points for consideration. First, as the budget for the triennium called for a significant increase in subscriptions in relative terms, it should be linked more closely to the CMS strategy paper in order to clearly justify the proposed increase in expenditure. Second, it would be helpful if a number of alternative budgets were proposed, in order to provide Parties with a range of options from which to choose. The Chairman strongly supported these points. It was agreed that the Secretariat would redraft the budget proposal in this light, and circulate it for the Committee's consideration before the resumption of the meeting in one week. The second part of the CMS strategy paper would be also be circulated during the course of the week. There being no further items to consider, the Chairman adjourned the meeting and invited the participants to reconvene on 24 January 1994.

Progress on negotiating/implementing CMS Agreements (continuation)

44. The Committee held its final session on the evening of 24 January with the following members and observers present: Argentina, Australia, European Union, Germany, India, Uruguay, and the United Kingdom. The Committee returned to an outstanding matter from the previous session concerning the organization of a meeting on the African-Eurasian Waterbird Agreement to be held in conjunction with the June 1994 conference. The Co-ordinator confirmed that the European Union had pledged ECU 96 000 (approximately USD 108 000) toward AEWA activities and that the Netherlands would contribute 100 000 Guilders (approx. USD 52 000) toward the cost of holding an intergovernmental meeting to discuss the Agreement. The Committee decided that, additionally, the CMS Trust Fund could be used to cover a maximum of USD 100 000 in expenditures in relation to the meeting if necessary, including financing the participation of delegates from developing countries.

Strategy paper on the future development of CMS

45. The Committee decided first to review the Strategy for the Future Development of the Convention and then to return to the proposed budget for the 1995-1997 triennium. There were no comments on Part I of the Strategy, which consists mainly of factual information. The meeting then considered general comments on Part II before concentrating on the individual Action Points highlighted at the beginning of each chapter. The following substantive points were raised:

- the linkage between CMS (a species-oriented convention) and the Global Environment Facility and the Biodiversity Convention (both habitat-oriented) should be drawn out by emphasizing the fact that, by their very nature, migratory species provide a link between ecosystems in different geographical locations; their conservation depends on recognition of this clear relationship
- references to specific budgetary requirements should not appear in the strategy paper itself, but rather in the associated budget documents presented to the Conference
- the arguments emphasizing the need to expand the membership of the Convention should be elaborated further
- reference should be made to Resolution 3.1 (Geneva, 1991) which calls upon Parties that propose the listing of species in Appendix II to take the initiative to develop Agreements for those species
- while Parties should be encouraged to list species in Appendix I when the conservation status warrants their inclusion, a review of the species currently listed in Appendix I should not be a high priority of the Scientific Council; rather, the Council's review should focus on Appendix II species
- a number of members had misgivings about the proposal for the creation of a Migratory Species Conservation Fund modelled along the lines of the Ramsar Convention's Wetland Conservation Fund, and recommended that references to a separate fund be deleted. However, there was support in principle for having a funding mechanism for catalyzing conservation projects in developing countries. It was suggested that this could be accomplished by using appropriate lines of expenditure in the core budget as is now the case, supplemented by voluntary contributions and subscriptions of Parties that join the Convention intersessionally

- the relationship between CMS and GEF should be framed along the lines of encouraging funding from GEF for activities related to migratory species conservation in member States of the Biodiversity Convention, as a means of assisting States to fulfill their obligations under CMS
- the general concept of concentrating Agreement secretariats in the regions concerned should be reflected in the strategy; detail on the potential for a "European Agreements Unit" attached to the Convention Secretariat but financed by the Parties to the particular Agreements should be moved to an annex
- the Committee considered it unnecessary for the Scientific Council to meet more frequently than is now the case (i.e., once intersessionally) particularly if more of the Council's work were conducted in smaller working groups

These and other more specific comments will be reflected in the final version of the strategy paper to be circulated to all Parties before the conference.

Review of Convention budget and resources (continuation)

46. The Chairman initiated the discussion of the proposed budget for the 1995-1997 triennium by pointing out that the Secretariat had a very substantial workload and that the existing professionals had been tremendously overworked. The Committee then considered three budget options which the Secretariat had prepared. They differed mainly in the time scale over which additional professional staff would be recruited. The first option provided for the recruitment of an Agreements Officer, in addition to a Scientific Officer and an Information Officer. Under the second and third options, only the latter two posts would be created, and the budget would be scaled down in a number of areas. For all of the options presented, it was proposed that a portion of the CMS Trust Fund be drawn upon in order to partially offset the increase in Trust Fund contributions that would result from the adoption of a higher budget for the triennium.

47. The Representative of the Depositary proposed that the budget provide for the establishment of three new professional staff posts in 1995 – as described by the Secretariat – allowing that recruitment for one post could be deferred until mid-1995 when the current secondment of a scientist by the German Government would expire. He proposed that an Agreements Officer be responsible for the further development of existing draft Agreements and for elaborating new ones, rather than providing secretariat services to European Agreements already concluded. The Vice-Chairman considered that rather than providing for full staffing of the three posts in the first year of the triennium, the budget proposal should aim for a full complement of staff by the last year of the triennium (1997). The Chairman and the Representative of Asia were unconvinced, and insisted that if the above-mentioned options were presented, a third option providing for the creation of only two posts must also be presented.

48. After a thorough discussion of the various options, the Committee reached the following conclusions:

- noting the favourable balance of the CMS Trust Fund, which is due in part to contributions received from new Parties, the Committee agreed to recommend that the anticipated increase in Party contributions in the 1995-1997 triennium should be mitigated by using a portion of the funds accumulated in the CMS Trust Fund;
- the Committee considered that justification for the proposed increases in the budget should be derived from the CMS strategy paper and the particular actions flowing from it; the Committee accepted the Chairman's suggestion that the activities be prioritized

in order to indicate clearly which were essential for furthering the objectives of the Convention (this was done during the meeting and the results will be reflected in the revised version); and

- the Secretariat should revise the budget documents in the light of the discussions that had taken place with a view to presenting three options for the consideration of the Conference of the Parties: Option 1 would provide for a full complement of three additional professional staff in 1995; Option 2 would provide for the full complement of staff, but with recruitment phased in during the triennium; Option 3 would provide only for two additional professionals, both to be recruited in 1995.

49. In addition to the posts mentioned above which would be financed from the core budget, the Committee decided to request UNEP to assign an Administrative Officer to the Secretariat, and for the post to be funded from a portion of the 13 percent overhead currently levied by UNEP on the CMS Trust Fund. The Committee reasoned that the UNEP overhead charges were high enough to permit a professional officer to be dedicated exclusively to the UNEP/CMS Secretariat, thereby enabling staff in Bonn to devote more time to programme activities and reducing the amount of administrative work needed to be done in UNEP headquarters in relation to CMS. It observed that a precedent for such an arrangement existed in at least one other UNEP-administered secretariat. Noting the significantly higher administration charges anticipated in 1997, the Committee decided to request that the post of Finance Assistant/Secretary also be funded from the UNEP/CMS Trust Fund overhead as of that year. The Committee agreed that the Chairman should write to the Executive Director of UNEP concerning the provision of direct administrative support to the Secretariat.

Date and venue of the next meeting of the Committee

50. It was agreed that the Committee would meet next in Nairobi for a brief session on the afternoon of 6 June, immediately before the start of the fourth meeting of the Conference of the Parties.

Close of the meeting

51. There being no other business, the Chairman thanked the participants and the Secretariat for their contributions and closed the meeting.

List of participants

Chair:	United Kingdom (Europe)	Mr. Robert Hepworth Mr. Michael Ford
Vice-Chair:	Australia (Oceania)	Mr. Peter Bridgewater
Members:	Niger (Africa)	Mr. Elhadji Maman Saadou
	India (Asia)	Mr. S.C. Dey
	Panama (America and the Caribbean)	Mr. Dimas M. Botello
	Germany (Depositary)	Mr. Gerhard Emonds Mr. Horst Korn Mr. K-G. Kolodziejczok (part-time)
Observers:	Argentina	Ms. Victoria Lichtschein Mr. Pablo Canevari (part-time)
	European Union	Mr. Claus Stuffman
	Saudi Arabia	Mr. Hassan M. Felemban Mr. Abdulaziz Abuzinada (part-time)
	Uruguay	Mr. Jorge Luis Cravino Mr. Roberto M. Cal (part-time)
Secretariat:	Co-ordinator Programme Officer	Mr. Arnulf Müller-Helmbrecht Mr. Douglas Hykle

Apologies were received from the following non-member Parties: Egypt, France, Netherlands, South Africa, Spain, Sweden, and Tunisia.

Tenth Meeting of the CMS Standing Committee

16-17 January 1994, Buenos Aires

Agenda

1. Opening remarks
2. Adoption of agenda
3. Matters arising from the last meeting of the Committee (February 1993)
4. Report on intersessional activities
 - a) Recruitment of new Parties
 - b) Publicity and promotion
 - c) Trust Fund contributions
 - d) Scientific Council
 - e) Other activities
5. Article IV Agreements
 - a) Progress on negotiating/implementing CMS Agreements
 - b) Guidelines for future Agreements
6. Correction of texts of the Convention
7. Analysis of Party reports on implementation
8. Arrangements for the fourth meeting of the Conference of Parties
9. Proposals for conference resolutions and amendments to the CMS Appendices
10. Review of Convention budget and resources
11. Strategy paper on the future development of CMS
12. Date and venue of the next meeting of the Committee
13. Other business

CONVENTION ON THE CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS (CMS)



Secretariat provided by UNEP in Bonn, Germany

DOOR OPEN FOR U.S. TO JOIN MIGRATORY SPECIES CONVENTION

A delegation from the UN Convention on the Conservation of Migratory Species (CMS) today completed 3 days of intensive discussions in Washington. The objective of the 4-person mission was to persuade the US Government to join the worldwide convention, which already has 43 parties.

CMS aims to conserve all threatened species of migratory wild animals on land, sea and air. It operates through a series of individually-tailored species-related Agreements between the countries concerned with that species. Two agreements covering bats and small cetaceans (dolphins and other small whales) are about to come into force in Europe. Several other agreements are in the pipeline. The mission stressed that CMS could help the US to fulfil its responsibilities towards migrating species under the Biodiversity Convention - signed by the US Administration last year.

At a lunch with top administration officials today, the leader of the delegation, Mr Robert Hepworth of the UK, current chairman of the Convention Standing Committee, emphasised 4 key arguments which would support US accession to CMS - to help implement the Biodiversity Convention; to develop regional agreements for small cetaceans and sea turtles; to exchange knowledge and share the costs of wildlife research; and further to enhance the US' reputation in the field of global environmental protection. At the end of the mission Mr Hepworth and his colleagues expressed satisfaction with the positive response they had obtained, particularly from the key Administration officials. "The door to US membership is now open" said Mr Hepworth.

One group of animals being covered by CMS are dolphins and porpoises. At the last Conference of CMS Parties in Geneva, 28 small cetaceans were included on Appendix II of the Convention. This identifies them as particularly suitable species for regional agreements under the Convention, which are designed to meet local conservation requirements. Sweden led the way in finalising the first such Agreement for the Conservation of Small Cetaceans of the Baltic and North Seas ("**ASCOBANS**") which was opened for signature at the United Nations in New York in March 1992. The Agreement will come into force on 29 March 1994. A second agreement covering small whales in the Mediterranean and Black Seas is under negotiation. The mission stressed the potential for similar agreements to cover the numerous threats to small cetaceans in the Americas - including by-catch and pollution.

Plans are also well advanced for an ambitious agreement to conserve and manage migratory waterbirds in the African-Eurasian region. Another is being developed for Asian and Australasian waterfowl. There is obvious potential for another waterbird agreement in the Americas.

During their visit the delegation held meetings with the Director of the US Fish and Wildlife Service, Ms Mollie Beattie and with key officials in the Departments of Interior, State Agriculture (Forest Service) and Commerce (Marine Fisheries Service). There were also detailed discussions with the American NGOs including the World Wildlife Fund, Greenpeace, the Nature Conservancy and the National Fish and Wildlife Foundation. The delegation also met a representative of the International Association of Fish and Wildlife Agencies who represent state interests whose support is needed. In addition there were 3 constructive sessions with officials from the House and Senate Environment and Foreign Affairs Committees.

The CMS Secretariat and other members of the delegation will be following up the visit and responding to points raised, including the need to clarify the effect of accession on state as well as federal responsibilities for wildlife.

NOTES FOR EDITORS

The CMS Mission consisted of

Robert HEPWORTH Chairman of the Standing Committee of the Convention and Head of Global Wildlife Division, Department of the Environment, UK

Dr Peter BRIDGEWATER Vice-Chairman of the Standing Committee, Chief Executive of the Australian Nature Conservation Agency

Arnulf MUELLER HELMBRECHT (UNEP), Co-ordinator of the CMS Secretariat

Douglas HYKLE (UNEP), Deputy Co-ordinator, CMS Secretariat

The Mission's programme in Washington was arranged by George FURNESS, President of the Conservation Treaty Support Fund (Tel 301 654 3150, 301 657 3718 fax 301 652 6390)

FURTHER ENQUIRIES TO

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