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**CONVENTION ON  
MIGRATORY  
SPECIES**

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CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE  
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS  
NINTH MEETING  
Rome, Italy, 1-5 December 2008

**Proceedings of the Ninth Meeting of the Conference of the Parties  
Part I****REPORT OF THE 34<sup>TH</sup> MEETING  
OF THE STANDING COMMITTEE OF THE CONVENTION ON THE  
CONSERVATION OF MIGRATORY SPECIES OF WILD ANIMALS  
*Rome, Italy, 30 November 2008*****I. INTRODUCTION**

1. The 34<sup>th</sup> Meeting of the CMS Standing Committee was held at the headquarters of the Food and Agriculture Organization of the United Nations in Rome, Italy, on 30 November 2008.
2. The meeting was attended by Parties to the Convention, observers from non-party States, United Nations bodies and non-governmental organizations. The full list of participants is attached as annex 2 to the present report.

**Agenda item 1: Adoption of the Agenda and Rules of Procedure**

3. Mr Andrew McNee (Australia) in the Chair invited comments on the provisional agenda contained in document UNEP/CMS/StC/34/2. The agenda was adopted without amendment (see annex 1).

**II. OUTSTANDING BUSINESS 2006-2008****Agenda item 2: Adoption of the reports of the 32<sup>nd</sup> and 33<sup>rd</sup> Meetings of the Standing Committee**

4. The Chair drew attention to the reports of the 32<sup>nd</sup> and 33<sup>rd</sup> Meetings of the Standing Committee, contained in documents UNEP/CMS/StC34/Inf.1 and Inf.2 respectively, which incorporated some changes already proposed. The two reports were adopted without further amendment.

### **Agenda item 3: Developments since the 33<sup>rd</sup> Meeting of the Committee**

5. Mr. Robert Hepworth, Executive Secretary of the CMS, said that the majority of the CMS Secretariat's energies since the 33<sup>rd</sup> Meeting of the Committee had been devoted to preparing for the Ninth meeting of the Conference of the Parties. In addition, a Memorandum of Understanding for the Conservation of Small Cetaceans and Manatees in Western Africa and a Memorandum of Understanding on the Conservation of Migratory Birds of Prey in Africa and Eurasia had come into force. Discussions were continuing with the Abu Dhabi authorities (United Arab Emirates), on establishing a coordinating unit to cover the latter Memorandum, together with existing agreements on dugongs and sea turtles, and a proposal in that regard would be submitted to the forthcoming Conference of the Parties. The Second Meeting of Signatories to the MoU on the Great Bustard (*Otis tarda*) had taken place in Feodosia, Ukraine in November 2008 together with a Scientific Symposium.

6. The Committee took note of the various developments, welcoming in particular the entry into force of the two Memoranda of Understanding.

### **Agenda item 4: CMS budget, Manpower & Work Programme results 2006-2008**

7. Mr. Lahcen El Kabiri, Deputy Executive Secretary of the CMS, drawing attention to documents UNEP/CMS/Conf.9.5 and UNEP/CMS/Conf.9.33/Rev.1, said that some elements of the budget for the 2009–2011 triennium were still under discussion and that the matter would be examined in detail by a working group during the Ninth Meeting of the Conference of the Parties.

8. Mr. Hepworth highlighted the surplus of €280,000 in the execution of the approved budget in 2006–2008, which could possibly be used to offset costs over the following triennium.

9. The Committee agreed to await the outcome of the budget negotiation process, leaving substantive discussions to the Conference of the Parties.

### **Agenda item 5: Cooperation between CMS and CITES**

10. Ms. Véronique Herrenschmidt (Consultant CMS) and Mr. David Morgan (CITES Secretariat) outlined the main points of the common Action Plan for 2009–2011 contained in document UNEP/CMS/StC34/3, under which joint work by CMS and CITES in accordance with the Memorandum of Cooperation concluded between the Conventions in 2002 would continue, building on the results of the work programme for 2005–2007. The new common Action Plan had been endorsed by the CITES Standing Committee at its 57<sup>th</sup> Meeting in July 2008.

11. Mr. El Kabiri said that taxonomy and nomenclature, one of the key areas in the new common Action Plan, had been discussed the previous week by the CMS Scientific Council at its 15<sup>th</sup> Meeting. He drew attention to the fact that consideration was being given to holding a meeting within the system for Monitoring the Illegal Killing of Elephants (MIKE) back to back with the first Meeting of the Signatories to the West African Elephant Memorandum of Understanding early in 2009, representing a concrete example of cooperation between CMS and CITES, and acknowledged the support for that meeting offered by France. In response to a suggestion from Mr. Mahamat Hassane Idriss, Representative of Africa, he said that it was hoped

the Meeting could be extended to include Central as well as West African countries, with a view to extending elephant conservation activities.

12. The Committee agreed that the potential for expanding Western African elephant conservation initiatives to include Central Africa should be explored. It endorsed the common Action Plan for cooperation between CMS and CITES for 2009–2011.

#### **Agenda item 6: Experimental merger of the CMS & ASCOBANS Secretariats**

13. Mr. Martin Lok (Netherlands), Chair of a Working Group of Parties to ASCOBANS established to guide the independent evaluation of the experimental merger of the CMS and ASCOBANS Secretariats, drew attention to documents UNEP/CMS/StC34/4/Rev.1 and UNEP/CMS/StC34/4/Addendum, containing a letter from the Executive Director of UNEP regarding the independent evaluation and the executive summary of the independent evaluator's draft report.

14. Mr. Hepworth recalled that the Conference of the Parties would consider the matter for the first time at its Ninth meeting, the issue having arisen during the intersessional period after its Eighth Meeting and therefore having been dealt with by the Standing Committee.

15. Taking into account the view expressed by the Executive Director of UNEP in his letter, the Committee agreed to recommend to the Conference of the Parties that the Parties to ASCOBANS be given the first opportunity to consider the results of the independent evaluation during the next intersessional period and report their findings to the CMS Standing Committee. Mr. Trevor Salmon (United Kingdom) suggested that the outcome of such consultation should be considered by the Working Group on the future shape of CMS expected to be established by the Conference of the Parties.

#### **Agenda item 7: Chairman's Report to COP9**

16. The Chair, drawing attention to document UNEP/CMS/Conf.9.7, outlined the proposed contents of his report to the Ninth Conference of the Parties and invited suggestions from the Committee for further items for inclusion.

### **III. PREPARATIONS FOR THE NINTH MEETING OF THE CONFERENCE OF THE PARTIES**

#### **Agenda item 8: Summary of preparatory work**

17. Mr. Hepworth outlined the state of preparations for the Ninth Meeting of the Conference of the Parties. In line with the Secretariat's objective of improving performance in preparing documents, almost all the relevant documents were already available, although some had still to be translated. He expressed appreciation to Italy, as the host country, and to the Food and Agriculture Organization of the United Nations (FAO) for their support, particularly in view of the global financial crisis.

## **Agenda item 9: Logistics and procedures**

### **(a) Meeting structure: Committees, working groups and Chairs/Vice Chairs**

18. Mr. Hepworth explained that the Conference of the Parties would meet either in plenary or as a Committee of the Whole, and it was likely that several working groups, in particular a working group on budget resources, would be established. A credentials committee would also be required. As the host country, Italy would chair the plenary. He invited the Committee to consider possible candidates for the various posts available, and for membership of the credentials committee, before the Conference of the Parties began the following day, taking into account the need for linguistic and regional balance.

### **(b) Conference timetable including side events and regional meetings**

19. Mr. El Kabiri drew attention to documents UNEP/CMS/Conf.9.1/Rev.4 and UNEP/CMS/Conf.9.2/Rev.3, which contained the latest versions of the agenda and schedule for the Ninth Meeting of the Conference of the Parties.

20. At the request of the First Meeting of the Parties to the Agreement on the Conservation of Gorillas and their Habitats, transmitted by the Executive Secretary of the CMS, the Chair suggested that one hour during the first afternoon of the Conference's meeting be reserved for the conclusion of that Meeting. The Committee agreed to his request and approved the timetable for the Conference, as amended.

### **(c) COP9 Rules of Procedure**

21. The Chair drew attention to the draft Rules of Procedure for the Ninth Meeting of the Conference of the Parties contained in document UNEP/CMS/Conf.9.4/Rev.1. The one suggested amendment was withdrawn, so it was agreed that the draft rules would be submitted to the Conference for adoption.

### **(d) Credentials and eligibility to vote**

22. Mr. Kabiri drew attention to a table contained in document UNEP/CMS/Conf.9.4/Rev.1 that showed a 74 per cent reduction in arrears of contributions by Parties to the Convention in comparison with the previous triennium. The 18 countries more than 3 years in arrears – would not be permitted to vote at the Ninth Meeting of the Conference of the Parties, unless it could be demonstrated that payment had been unavoidably delayed through exceptional circumstances, in accordance with Rule 15.2 of the draft Rules of Procedure.

23. Mr. Hepworth welcomed the improved rate of recovery of contributions and encouraged those Parties still in arrears to rectify the situation. Regardless of whether the Conference of the Parties confirmed the loss of voting rights from some, all Parties would be welcome at the Conference's Ninth Meeting.

24. During the ensuing discussion, it was noted that many of those countries in arrears were in post-conflict situations, which, it was suggested, should be considered to constitute exceptional circumstances according to Rule 15.2 of the draft Rules of Procedure. Several members of the Committee expressed their Governments' intentions to fulfil their financial obligations to the CMS in the near future. With regard to the issuing of credentials, certain difficulties were highlighted, particularly with regard to the limited number of authorities

considered competent to issue credentials and the language in which credentials could be submitted. At the same time, the complexity of any attempt to simplify the system while ensuring due respect for international law was strongly emphasized.

25. The Committee agreed to recommend to the Conference of the Parties that the draft rules should be applied in relation to countries in arrears with payment of subscriptions, unless it could be demonstrated that payment had been unavoidably delayed through exceptional circumstances, in accordance with Rule 15.2 of the draft Rules of Procedure.

#### **Agenda item 10: Key Draft Resolutions: Handling and Follow-up**

##### **(a) *Resolution on inter-sessional process regarding the future Shape of CMS***

26. The Chair said that substantive discussion on the future shape of the CMS was anticipated during the Ninth Meeting of the Conference of the Parties, including within a working group expected to be established.

27. Attention was drawn to a draft resolution submitted by France on behalf of the European Community and its Member States, contained in document UNEP/CMS/Res.9.13, which proposed, *inter alia*, that an ad-hoc working group be established to draft proposals on the future strategies and structure of the CMS and the CMS family. Draft rules of procedure for the proposed working group were being prepared and would be submitted to the Conference of the Parties as appropriate.

##### **(b) *Resolution on composition and organization of the Standing Committee***

28. Mr. Hepworth drew attention to document UNEP/CMS/Conf.9.35/Rev.1 and a draft resolution contained in document UNEP/CMS/Res.9.15. The draft resolution reflected the proposed alterations to the composition of the Standing Committee in the light of the increase in the number of Parties to the Convention since the Sixth Meeting of the Conference of the Parties. In response to a question from the floor, he explained that the proposed seat for the Host Country of the next meeting of the Conference of the Parties would be left vacant until a host country had been identified, hence the use of the wording “where appropriate” in paragraph 2. (a) (iv) of the draft resolution. It was intended that no distinction should be made in the voting rights of Committee members. Apart from Australia, Ukraine and the United Kingdom, which had served two consecutive terms, all Parties were eligible for election to the Standing Committee.

##### **(c) *Standing Committee: guidance on new members and alternates eligible for election in the light of Resolution 9.15***

29. The Committee agreed to defer issuing guidance on new members and alternates for election to the Standing Committee until after the draft resolution had been considered by the Conference of the Parties.

**Agenda item 11: Matters relating to the Scientific Council – Report by the Scientific Council Chair on:**

**(a) *Key issues and outcomes of the ScC15 Meeting***

30. Mr. Colin Galbraith, Vice-Chair of the Scientific Council deputizing for Mr. John Mshelbwala, the Chair, outlined the key issues discussed by the Scientific Council at its 15<sup>th</sup> Meeting and the outcomes of its deliberations. The Council had particularly requested that the Small Grants Programme be revived and that more time be allowed for future Scientific Council meetings. He highlighted the contribution to the work of the Council made by Mr. Wim Wolff (Netherlands), who had stepped down after many years' service, and Mr. Marco Barbieri, Acting Scientific and Technical Officer, who had taken up a new post within the CMS Secretariat. A full written report would be submitted to the Conference of the Parties (see document UNEP/CMS/Inf. 9.9).

**(b) *Outcome of the election of the Chair and Vice-Chair(s) of the Scientific Council***

31. Mr. Barbieri, Acting Scientific and Technical Officer, reported that the Scientific Council had unanimously re-elected the Chair, Mr. John Mshelbwala (Nigeria), and the Vice-Chairs, Mr. Colin Galbraith (United Kingdom) and Mr. Pierre Devillers (European Community), to serve a further term. The Eight Conference-of the Parties appointed councillors had all expressed their willingness to continue in their posts, if the Conference so decided.

**Agenda item 12: Any other business**

32. Ms. Briceño Sanchez (Peru), welcoming the new Parties from her region, encouraged other countries to become Party to the Convention, in the interests of strengthening conservation efforts worldwide. She outlined key activities undertaken in her country and region to implement the provisions of the Convention.

**IV. CLOSURE OF THE MEETING**

33. Following the customary exchange of courtesies, the Chair declared the meeting closed at 12.55 p.m. on Sunday, 30 November 2008.

**ANNEX 1 to StC34 Report****AGENDA TO STC34 MEETING****Venue:** Green Room**Time**

08:45 onward Registration for Members, Parties and invited observers only

09:30 1. Adoption of the Agenda and Rules of Procedure (UNEP/CMS/StC34/1)

**Outstanding Business 2006-8**09:35 2. Adoption of the Reports of the 32<sup>nd</sup> and 33<sup>rd</sup> Meeting of the Committees (UNEP/CMS/StC34/Inf.1 and UNEP/CMS/StC34/Inf.2)10:05 3. Developments since the 33<sup>rd</sup> Meeting of the Standing Committee (short oral report by Secretariat and Members).

10:15 4. CMS Budget, Manpower &amp; Work Programme Results 2006-8 (UNEP/CMS/Conf.9.5, UNEP/CMS/Conf.9.33/Rev.1 and presentation by the Secretariat)

10:30 5. Co-operation between CMS and CITES (UNEP/CMS/StC34/3)

10:45 6. Experimental Merger of CMS &amp; ASCOBANS Secretariat

11:05 7. Chairman's Report to COP9 (UNEP/CMS/Conf.9.7)

**Preparations for COP9**

11:15 8. Summary of preparatory work (short oral report by Secretariat – see also Countdown to COP9)

11:20 9. Logistics and procedures

- (a) Meeting structure: Committees, working groups and Chairs/Vice Chairs
- (b) Conference timetable including side events & regional meetings (Documents: UNEP/CMS/Conf.9.1/Rev.4; UNEP/CMS/Conf.9.2/Rev.3)
- (c) COP9 Rules of Procedure (Document: UNEP/CMS/Conf.9.4/Rev.1)
- (d) Credentials & eligibility to vote

11:45 10. Key Draft Resolutions: Handling &amp; Follow-up

- (a) Resolution on inter-sessional process regarding the Future Shape of CMS (UNEP/CMS/Res.9.13)
- (b) Resolution on composition and organization of the Standing Committee (UNEP/CMS/Conf.9.35/Rev.1 and UNEP/CMS/Res.9.15)
- (c) Standing Committee: guidance on new members and alternates eligible for election in the light of Res. 9.15

12:15 11. Matters relating to the Scientific Council – Report by the Scientific Council Chair on:

- (a) Key issues and outcomes of the ScC15 Meeting
- (b) Outcome of the election of Chair and Vice-Chair(s) of the Scientific Council

12:25 12. Any other business

12:30 Close

## ANNEX 2 to StC34 Report

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