



Convention on the Conservation of Migratory Species of Wild Animals

Secretariat provided by the United Nations Environment Programme



Report of the 33rd Meeting of the CMS Standing Committee

Bonn, 22 September 2008

Agenda Item 1: Opening remarks and introductions

1. Andrew McNee (Chair, Australia) called the meeting to order at shortly after two o'clock local time, having established that a quorum of participants was present in person or on the telephone.
2. He expressed his thanks to the Secretariat for making the arrangements for the meeting at relatively short notice and for all the participants taking part by telephone in various time zones. He apologised for the lack of French and Spanish interpretation and pointed out that the conference was being recorded.
3. Mr McNee explained that he had called the meeting to follow up on a number of issues raised at the previous Standing Committee meeting in November 2007, particularly the review of the structure of CMS which had been subject of some correspondence between parties and the Secretariat. In view of the imminent Conference of the Parties, the meeting would provide an opportunity to agree on a common approach and strategy.

Agenda Item 2: Adoption of the Agenda and Rules of Procedure

4. Referring to document StC33/1(the agenda) and StC32/Inf6 (the Rules of Procedure), the Chair asked for any comments before moving the adoption of both. He commented that the Rules of Procedure were the standard rules under which the Committee operated, but pointed out that interpretation would not be available. There being no comments from the floor, both the agenda and Rules of Procedure were adopted.

Agenda Item 3: Oral reports by the Chair and Secretariat on key developments since the 32nd Meeting

5. The Chair observed that some encouraging progress had been made since the last meeting of the Standing Committee, including on marine turtles where the West African MOU was being reactivated, the conclusion of the Dugong MoU and solid progress towards a CMS instrument for raptors. He then called upon Robert Hepworth (Executive Secretary) to give a report.
6. Mr Hepworth pointed out that the COP document highlighting achievements over the past triennium had been posted on the CMS website. Progress since the Standing Committee last met had been made on a number of issues. An office had been established in Washington DC with the assistance of the US Fisheries and Wildlife Service, which had opened in spring 2008 and was being staffed by a consultant (a key task of the office would be to recruit the USA, Canada and Mexico). Dr Samantha Petersen had won the second CMS Thesis Award for her work on bycatch. A successful meeting in Bali in August on the Dugong (the MOU had 11 signatories) had been held back-to-back with the 5th meeting of the IOSEA turtles MOU that now counted 27 signatories. Abu Dhabi had offered a considerable sum of money to finance a Coordination Unit for the Dugong MOU, the western region of IOSEA and the possible raptor instrument. Precise details of arrangements were being negotiated (see also Agenda item 5). The Executive Secretary added that

the signatories of the African Turtle MOU had adopted an amendment establishing an advisory committee. At the beginning of October, the second WATCH meeting would take place in Lomé, Togo which might result in an MOU for cetaceans of the East Atlantic and Macaronesia with action plans for manatees and small cetaceans. Forty countries had registered for the raptors meeting 20-22 October in Abu Dhabi, which would hopefully conclude the instrument and be able to consider the Abu Dhabi offer to fund a Coordination Unit. The second sharks meeting would take place immediately after COP in Rome following up on the meeting in the Seychelles in December 2007 which had agreed in principle to seek an instrument under CMS covering the three species currently listed on the CMS Appendices. The first meeting of signatories of the Grassland Birds MOU was scheduled to take place in Foz de Iguazu in October. The Gorilla agreement had entered into force in June 2008 and Gabon was about to become the sixth of the ten range states to become a party. Its first MOP would take place just before the COP. The Year of the Dolphin 2008 was drawing to a close ending two years of actions for dolphins and Year of the Gorilla 2009 would be launched at COP.

7. Secretariat staffing had presented some challenges with a number of vacancies in key posts over the past 18 months. Consultancies had helped to cover some of the work. Sergey Kurdjukov, present at the meeting, would be taking up his post as Administration and Fund Management Officer next week. With regard to the CMS budget, a modest surplus was forecast for the triennium.

Agenda Item 4. Preparations for COP9

8. Due to a technical problem which meant that the Italian participant could not be heard, the Chair deferred the discussion of agenda item 4(a) - COP organisation and logistics - and took agenda item 4 (b) – Provisional Agenda and Schedule for COP9 first.

4b. Provisional Agenda and Schedule for COP9

9. The Chair said that from initial examination, the COP seemed to face a heavy workload. Veronique Herrenschildt (CMS) suggested amending the title of Agenda Item 16b to include joint work programmes with other organisations as well as FAO, as progress had been achieved recently with CITES. This was agreed.

Action: Secretariat to amend draft provisional agenda accordingly

4a COP Organisation and Logistics

10. The Chair invited Laura Cerasi (CMS) to report on progress in the organisation of the COP. She referred to the provisional schedule (Conf Doc 9.2) and to the Countdown document. The COP would open with a High Level Ceremony at 9:00 am on Monday, 1 December and the first day would conclude with the Host Government's reception and the "Champions" event. The main conference would be interspersed with a number of signing ceremonies for partnership agreements and other side events.

11. So far, 65 Parties and thirteen non-Parties had registered as well as 35 NGOs. More parties were expected to register. Thirteen Conference documents and nineteen information documents had been posted on the CMS website and one draft resolution received in advance of the 1 October deadline.

12. Besides the main conference, a number of associated meetings had been planned immediately before and after the COP, including the Standing Committee (30 November), the Gorilla MOP, the Sharks negotiation meeting, the Scientific Council and a meeting on aridland mammals.

13. Ms Cerasi called on the Committee to urge parties to register, to submit draft resolutions and to organise side events. Three written invitation letters had already been issued since March 2008 and a fourth letter would be sent in October

14. The Chair asked for a list of Parties that had not registered to be circulated so that Standing Committee members knew whom to remind. The Secretariat confirmed that the previous COP had set a deadline of sixty days before the start of COP for the submission of draft resolutions, and the proposals needed to be submitted by 1 October. The Executive Secretary suggested that committee members should remind Parties of this new requirement, as only one draft resolution from Parties, regarding the future structure of the Convention, had been received.

15. The Chair then invited Italy to comment. Damiano Luchetti confirmed that the Italian government was ensuring that all logistical arrangements and the venue would be ready. The usual facilities like interpretation and cyber cafés would be provided. Italy was working within the context of EU coordination under the French Presidency on policy issues

16. Lahcen El Kabiri (Deputy Executive Secretary) thought that the decision to withhold support from eligible countries in arrears with their subscriptions might have discouraged some registrations but pointed out that the level of arrears had fallen by 75% in comparison with the equivalent period in the last triennium.

Action: Secretariat to circulate list of Parties that had not registered (see Annex and please note date)

Action: Secretariat and Committee members to remind Parties to submit draft resolutions and register side events by 1 October

4 c (i) Terms of reference for Inter-sessional Review of CMS Organisation

17. Apologising for the technical problems which prevented the documents being downloaded earlier, the Chair introduced the document StC33/3, on the future organisation of CMS, a subject which had first been discussed at the Standing Committee's 32nd meeting. The paper on the table had emerged from discussions within the European Union following the debate initiated by the Secretariat.

18. Michel Perret (France) introduced the draft resolution, which his country as it was holding the European presidency had taken the lead in negotiating. He stressed that the resolution was still a draft and would be finalised within the EU processes by the following week. The final draft would be submitted to the secretariat by the 1 October deadline but any comments from the Committee would be welcome and where possible incorporated into the draft.

19. Trevor Salmon (UK) read out the preamble to the draft resolution and added a commentary to explain the rationale underlying the proposal. The first preambular paragraphs set the context referring to the Strategic Plan and the COP8 Resolution adopting it. The fourth and fifth paragraphs reflected that CMS had grown, while the sixth reflected the wider UN processes of reviewing organisational arrangements. The seventh referred to the debate started at the previous Committee meeting as a result of the Secretariat's paper (StC32/7) and the final paragraph set out the new for CMS to reassess its modus operandi.

20. Mohammad Sulayem Saudi Arabia welcomed the opportunity to discuss the draft resolution which he considered a very helpful contribution to the debate. He sought clarification of the timetable for commenting and submitting the draft.

21. The Chair and Mr Perret explained that France on behalf of the EU was coordinating the drafting of the resolution and would be submitting the final draft by 1 October. Comments from the Standing Committee would be welcome but needed to be sent to the Secretariat for forwarding to France by the end of Tuesday, 23 September. As the issue was not just of interest to European Union countries, as wide a range of contributions as possible would be welcome. Internal EU consultation was however a time consuming process.

22. Mr Hepworth added that Parties would have further opportunities to amend the resolution, both at the next Standing Committee and at the COP itself, so he encouraged committee members to consult with their regional parties. It was not necessary to secure final agreement by the deadline for submission of the draft resolution on 1 October.

23. Mohammad Sulayem (Saudi Arabia) asked whether the establishment of an open-ended intersessional working group would have significant administrative, organisational or financial implications.

24. The Chair agreed that these were important considerations for the COP to take into account when establishing the working group and urged that adequate resources should be earmarked in the budget to ensure that the group could carry out its tasks. The Executive Secretary concurred saying that an “open-ended” working group could indeed have cost implications especially if developing countries were to be allowed to participate fully. The work could be assigned to the Standing Committee, but a great deal depended on what was meant by “open-ended”.

25. At the request of Franco Alvarez (Australia), the Chair then invited Trevor Salmon (UK) to explain the rationale behind the provisions of the substantive part of the draft resolution. Mr Salmon explained that the first two paragraphs established the intersessional working group. The third contained a number of issues which the working group should consider, including possible multispecies initiatives mentioned in earlier papers; the question of whether CMS should be “less Bonn focussed”; the role of agreements; the science base; and relations with other bodies

26. Mohammad Sulayem (Saudi Arabia) suggested that the phrase “if and where appropriate and possible” in the third bullet point of paragraph three could be deleted in order to strengthen the recommendations. Dr Christiane Paulus (Germany) suggested that it be made clear that the scope of the review covered the CMS family, as the parent convention did not operate in isolation.

27. Following up Dr Paulus’s point, Trevor Salmon (UK) sought guidance from the Secretariat as there were legal and institutional considerations to be taken into account. He recognised that changes to the structure of the parent convention could have implications for the daughter agreements. The Executive Secretary agreed that CMS could not be viewed in isolation from the wider CMS family, as one of the statutory tasks of the COP was to review progress made by the agreements and MOUs: agreements were an integral part of the strategy to implement the Convention itself.

28. Marina Rosales Benites (Peru) supported the draft in principle, and suggested some amendments including in paragraph two, an indicative timetable for the working group on which Chile had also been working. She undertook to pass appropriate wording to the French delegate via the Secretariat.

29. The Chair thanked France in its role of Presidency of the EU for the work undertaken so far and reminded the Committee that any comments needed to be submitted within 24 hours if they were to be considered by the EU at this stage of the process.

Action: Parties to submit any comments via the Secretariat.

4 c (ii) Budget and Manpower

30. The Chair explained that there had been a pre-briefing meeting in the morning concerning the budget, which had resulted in a promise from the Secretariat to produce further written information on a number of issues. The purpose of this agenda item was to provide the Committee with the opportunity to air concerns and raise issues, rather than necessarily resolve all outstanding problems.

31. The Executive Secretary referred to Conf Doc 9.33 which had been posted on the CMS website three weeks previously. The paper set out two budget options: the first provided for a very modest growth of the budget to cover inflation, recognise the Convention's growth and established three posts to strengthen the Secretariat's capacity. The second option allowed for a further four posts to strengthen the Convention's operations across the board and the adoption of the SONAR reporting system and greater capacity building. (The case for expanding the Convention's capacity building effort was contained in Conf Doc 9.30). The effect of the proposed budgets differed from party to party mainly because of changes in the UN scale of assessment. Both options were based on the Convention's medium term plan (MTP), the first being 4% below the MTP and the second 6% above. Parties would have the opportunity to examine the proposals in details and choose elements from both options. Additional information would be provided in due course concerning the posts identified for upgrading and new posts, the small grants programme, IT and rules for sponsored delegates. The Committee was invited to submit comments and the Secretariat undertook to provide a revised document before the COP.

32. Dr Paulus (Germany) asked how the recruitment procedures were progressing to fill the vacancies among the professional posts of the secretariat, explaining that she could not persuade her finance colleagues that new posts were necessary when there were long standing vacancies in the core staff contingent.

33. The Executive Secretary explained that three of the P4 posts among seven professional positions in the Secretariat had fallen vacant during 2007. The Administration and Fund Management Officer post had taken longest to fill, but Sergey Kurdjukov would be entering service the following week. The Agreements Officer post had been filled by level transfer but that too had taken almost a year through the UN staff system, "Galaxy". This level transfer had opened a vacancy for the Scientific and Technical Officer, which was now the top priority to fill. The Secretariat was waiting for the post details to be translated into other UN languages. It now seemed unlikely that an appointment would be made or even interviews held before the COP, unless an internal applicant emerged. However such was the importance of the post that the Executive Secretary wanted to see whether external candidates applied.

34. The vacancies had meant that €500,000 had been saved in salaries and €455,000 of this had been spent on consultancies. Twenty-nine consultancies had been issued and nineteen were current. Most were time-limited and some were part-time. Consultancies did however also impose some further demands on supervisors.

35. Oliver Schall (Germany) commented that UNFCCC seemed able to make appointments faster than CMS and wondered whether there were any lessons to be learned from them. The Chair felt that it would be useful to have information from other UN bodies that did not use Galaxy. This was agreed.

36. Trevor Salmon (UK) commented that the format of the budget papers made it difficult to compare the new budget with that from the last triennium. He therefore offered to work with the Secretariat to facilitate read-across to previous budgets. This was also agreed.

37. Marina Rosales Benites (Peru) stressed that consultations were still be carried out in the region and suggested that indication of priorities for migratory species conservation should be

included in the budget options. This was also agreed. They also expressed a preference for a budget which would allow the CMS Strategic Plan to be completed as confirmation of the Parties' commitment to conservation migratory species.

38. The Chair reminded the committee that comments on the budget should be submitted to the Secretariat and urged members to submit questions to help facilitate the debate in advance of the COP.

Action: the Secretariat to produce revised budget papers taking account of comments received from the Standing Committee, and other parties

Action: UK to submit spreadsheet presentation comparing COP8 and COP9 budgets, either as addendum to paper or as informal document.

Action: Secretariat to produce UNFCCC and CMS comparative recruitment data.

4 c (iii) Key Conservation Issues

39. The Chair explained that this item had been added the agenda at his request as a means of avoiding unpleasant surprises and preparing for any areas of controversy. In his recent experience from other forums the issues most likely to cause difficulties involved commercial fisheries.

40. Oliver Schall (Germany) advised the Committee that Germany was preparing a resolution on noise pollution and cetaceans and was currently in discussion within EU forums.

41. Trevor Salmon (UK) said that the UK was seeking a means of introducing the findings of the working group on Avian Influenza to the Conference.

42. The Executive Secretary referred to the COP agenda item 17 and indicated that papers were pending on climate change and migratory species, avian influenza (building on the statement being endorsed at other MEAs); marine species (including the High Seas), flyways (at least a factual report and hopefully a policy document) and terrestrial species.

4 c (iv) UNEP Review of CMS and ASCOBANS Secretariat Merger

43. Marco Barbieri (Agreements Officer) explained the background to the review which was based on the decision of the ASCOBANS MOP5 to merge on an experimental basis for three years the ASCOBANS secretariat with that of the CMS. The CMS Standing Committee had been informed of progress in the implementation of the merger at its 32nd meeting. An independent review was taking place to report to CMS COP9 and ASCOBANS MOP6. The Netherlands had pledged the resources to enable the review to be carried out and had led in the definition of terms of reference for the evaluation, in consultation with the ASCOBANS Advisory Committee and UNEP (see document StC 33/4).

44. UNEP's Evaluation and Oversight Unit (EOU) was managing the review and had appointed an evaluation team, composed of a former UNEP official as evaluator and an EOU Staff member. The review team had visited CMS HQ the previous week and was starting to contact Member States. A questionnaire was in preparation, which would be sent to parties and other interested bodies.

45. The first draft of the report was due to be completed in October and would be reviewed first by EOU and then by the Secretariat, UNEP DELC and the working group. Final comments would have to be submitted by 10 November and the final report would be published on 24 November. A paper would be prepared for the COP.

46. Martin Lok (Netherlands) said that the ASCOBANS Advisory Committee had established a working group to support the review process. No decision had been made yet on whether the group would have to meet rather than just consult electronically, but the former was the preferred option at this stage. He was looking at possible dates at the end of October or beginning of November.

4 c (v) Composition and Operation of the CMS Standing Committee

47. The Executive Secretary introduced Conf Doc 9.35 rev 1. He explained that the last major review of the composition of the Standing Committee had taken place at COP6 when the Convention had only 65 members. The paper proposed enlarging the Standing Committee to reflect the Convention's growth and adjusting the regional boundaries. A larger Committee would have some modest cost implications.

48. Trevor Salmon (UK) said that from his experience he knew that it was difficult for a small committee to represent a large membership but saw merits in keeping the Committee as small as possible. He added that he did not think that the Depositary, Germany, should be treated as one of Europe's regional representatives.

49. Oliver Schall (Germany) questioned why it was proposed to split Asia into two regions with one member each rather than follow the present model of Europe and Africa which were each treated as one region with two members.

50. Michel Perret (France) agreed with the UK regarding not treating the Depositary as a regional representative. He also wondered whether Europe and Africa needed a third elected representative. Not granting a third member to these regions, the Executive Secretary felt, implied that the Committee should not be enlarged at all.

51. Summarising, the Chair said that the Committee had acknowledged that some changes were necessary and agreed that the Depositary should be handled separately from regional representatives. The Committee had also raised the questions of (i) whether Asia should be a single region with two representatives or be split into two single member regions, and (ii) whether Europe and Africa's representation should be raised to three or remain at two.

Action: The Secretariat would consider all the points agreed or raised and issue a revised proposal before the COP.

5. Offer from Abu Dhabi to provide Co-ordinating Unit for CMS MoU Agreements on Raptors, Dugongs and Turtles

52. Deputy Executive Secretary, Lahcen El Kabiri introduced document StC33/2. He explained that the Dugong MOU was now operative and a meeting had been held in Bali back-to-back with the 5th meeting of signatories to IOSEA marine turtle MOU. At that meeting, Abu Dhabi had offered to finance a coordination unit and details were now being discussed with the Secretariat. The document circulated contained a proposed organisation chart for the proposed office. The working group dealing with the proposed raptor instrument would consider the offer. The offer clearly had potentially extremely advantageous implications for the CMS budget. The Deputy Executive Secretary confirmed that he had written to the authorities in the UAE to inform them that the offer had been referred to the Standing Committee.

53. The Chair invited the meeting to note the document and the Deputy Executive Secretary's report and welcome the generous offer from Abu Dhabi.

54. The Chair said that the Standing Committee should express its views and any concerns and seek the opinions of other parties within the regions. In summary, the Chair said that the Committee was in accord with the recommendations contained in Document StC 33.2.

6. Any Other Business

55. The Chair explained that he hoped to clear the draft report of this meeting within two weeks. He was also aware that the report of the 32nd Standing Committee had not been finalised and proposed to deal with that issue at the 34th meeting and urged parties to submit any further comments to the Secretariat, also within the next two weeks.

56. Oliver Schall (Germany) offered to report on the successful AEWA MOP which had just been held in Madagascar to any parties interested after the closure of the meeting.

57. Thanking the participants for their patience and tolerance during the first ever teleconference Standing Committee meeting, the Chair closed the meeting.

Action: Secretariat and Chair to circulate draft report of the 33rd meeting within two weeks to all participants

Action: All participants at 32nd meeting to send in final comments to the Secretariat

Report from AEWA MOP

58. Oliver Schall (Germany) reported that the AEWA MOP had been successful with fruitful collaboration between the African and Eurasian parties. There had been some criticism about the lack of parity between English and French as official languages, but efforts were made to enhance the status of French within the Agreement. African states agreed to set a minimum annual subscription of €2000 to help fund a bilingual desk officer for Africa. The overall budget settlement saw an increase of 15%. A number of species action plans had been adopted.

59. The discussion about a forum to overseeing implementation of the Agreement led to this task being assigned to the AEWA Standing Committee. This could be an example for CMS.

60. France had offered to host the next MOP. As a compromise to settle the issue of the period between meetings (either three or four years) it was agreed that the next MOP should take place early in 2012.

CMS PARTIES YET TO REGISTER FOR COP9
as at 15 October 2008

AFRICA	AMERICAS	ASIA	EUROPE	OCEANIA
Benin Cape Verde Djibouti Egypt Eritrea Gabon Gambia Libyan Arab Jamahiriya Rwanda Sao Tome and Principe Somalia Uganda	South and Central America Bolivia	India Israel Kazakhstan Saudi Arabia Uzbekistan	Cyprus Estonia European Community Greece Ireland Liechtenstein Luxembourg Malta Netherlands Poland Republic of Moldova Romania Slovenia Spain Sweden Switzerland	Australia Cook Islands New Zealand