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FOREWORD

The Conference of the Parties, the decision-making organ of the Convention on the Conservation of Migratory Species of Wild Animals (CMS), normally meets at intervals of not more than three years, unless the Conference decides otherwise. In accordance with Article VII of the Convention, the Conference of the Parties held its sixth meeting in Cape Town, South Africa from 10 to 16 November 1999.

The *Proceedings of the Sixth Meeting of the Conference of the Parties* include, *inter alia*, the report of the meeting, the resolutions and recommendations adopted by the Conference of the Parties, and the reports of associated meetings of the CMS Standing Committee and Scientific Council.

The *Proceedings of the Sixth Meeting of the Conference of the Parties* are also available in French and Spanish.

Part I:
Report of the Sixth Meeting of
the Conference of the Parties

REPORT OF THE SIXTH MEETING OF THE CONFERENCE OF THE PARTIES
TO THE CONVENTION ON THE CONSERVATION OF
MIGRATORY SPECIES OF WILD ANIMALS

Introduction

1. The sixth meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) was held at the Lord Charles Hotel, Somerset West, Cape Town, South Africa, from 10-16 November 1999, at the invitation of the Government of South Africa.

2. All the Parties to CMS (currently 65 in number) were invited to participate in the meeting, and the following 52 Parties were represented:

Australia	Hungary	Romania
Belgium	Israel	Senegal
Benin	Italy	Slovakia
Bulgaria	Kenya	South Africa
Burkina Faso	Latvia	Spain
Cameroon	Mali	Sri Lanka
Czech Republic	Monaco	Sweden
Democratic Republic of Congo	Mongolia	Switzerland
Denmark	Morocco	The Former Yugoslav Republic of Macedonia
Egypt	Netherlands	Togo
European Community	Niger	Tunisia
Finland	Nigeria	Ukraine
France	Norway	United Kingdom
Germany	Pakistan	United Republic of Tanzania
Ghana	Paraguay	Uruguay
Greece	Peru	
Guinea	Philippines	
Guinea-Bissau	Poland	
	Portugal	

3. The following 39 States were represented by observers:

Algeria	Costa Rica	Malawi
Armenia	Cote d'Ivoire	Mauritius
Azerbaijan	Equatorial Guinea	Namibia
Bangladesh	Eritrea	Republic of Moldova
Belarus	Estonia	Russian Federation
Bolivia	Ethiopia	Sao Tome and Principe
Brazil	Gabon	Sudan
Burundi	Gambia	Suriname
Cambodia	Georgia	Tajikistan
Central African Republic	Islamic Republic of Iran	United Arab Emirates
China	Jordan	United States of America
Comoros	Kazakhstan	Viet Nam
Congo		Zambia

Zimbabwe

4. The intergovernmental and non-governmental organizations which attended the meeting are listed in paragraph below. The complete participants list appears as Annex XI.

I. OPENING CEREMONY AND WELCOMING ADDRESSES (Items 1 and 2)

5. The joint opening of the sixth meeting of the Conference of the Parties to CMS and the first Meeting of the Parties to the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) took place at the Lord Charles Hotel at 4.30 p.m. on Saturday, 6 November 1999.

6. Opening statements were made by Dr. Pieter Botha, Deputy Director for Species Conservation, Department of Environmental Affairs and Tourism of South Africa; Mr Mohammed Valli Moosa, Minister of Environmental Affairs and Tourism of South Africa; Ms. Geke Faber, State Secretary for Agriculture, Nature Management and Fisheries of the Netherlands; Ms. Gila Altmann, Parliamentary State Secretary, Federal Ministry for the Environment, Nature Conservation and Nuclear Safety of Germany; Mr. Kas Hamman, Director of Environment of the Western Cape Provincial Government; Mr. Dave Pritchard, of BirdLife International; Mr. Alwyn Nel, Senior Manager of Philatelic Services of the South African Post Office; and Dr. Klaus Töpfer, Executive Director of the United Nations Environment Programme (UNEP).

7. Dr. Botha welcomed all participants, noting that more than 250 delegates from some 100 countries would be attending the AEWA and CMS meetings. The large number of observers from non-Party countries was also encouraging, since he believed that they would in due course become full members within the group of countries involved in the activities of CMS. The current meeting marked the first time since 1985 that a CMS Party had hosted a meeting of the Conference of the Parties. He considered it very appropriate that the meeting was taking place at the southernmost tip of Africa, at the end of the flyway of a large number of migratory birds, and with significant migratory populations of marine mammals.

8. Mr. Valli Moosa, welcoming all participants and officially opening the sixth meeting of the Conference of the Parties to CMS, said that South Africa's location on the migratory routes of many birds and marine mammals gave it an important role in their conservation and made it an ideal venue to celebrate two milestones in the history of the Convention, its twentieth anniversary and the first Meeting of the Parties to AEWA.

9. South Africa, he said, was one of the few countries that had anchored the environmental rights of its citizens within the Constitution. Great interest had been aroused by the country's recently issued 700-page report on the state of the environment, which contained highly detailed environmental information, including both good and bad news, thereby fulfilling South Africa's constitutional and international obligations for the provision of information. The report could be accessed on the Internet and he was happy to present a CD-ROM version of the report to the Executive Director of UNEP.

10. Drawing attention to recent agreements between South Africa and neighbouring countries on the formation of transboundary conservation areas, including some of the biggest in the world, he said that such agreements recognized that ecosystems transcended national boundaries and that there was a need for transborder cooperation in the conservation and management of the shared natural resources for the benefit of the people of the region.

11. Ms. Faber thanked and congratulated the Government of South Africa for hosting the first session of the Meeting of the Parties to AEWA, which would serve as an exemplary agreement

for the preservation of nature and would also allow for practical implementation of CMS. Because the efforts for the conservation of waterbirds would have a positive effect in many other fields, AEWA could be an important step in the elaboration of an integrated strategy for sustainable development.

12. With regard to the important issue of the sustainable use of waterbirds, AEWA could play a key role in collecting and distributing information about the hunting of waterbirds. It could provide funds for protection programmes, training and education. The Netherlands was implementing a major project with Mali and other West African countries to promote sustainable use.

13. The agenda also contained an item on the secretariat of AEWA. For four years, the Netherlands had financed and housed the interim secretariat of AEWA. The Netherlands supported the idea of co-locating the secretariats of international agreements for reasons of efficiency and because it encouraged mutual policy development and gave the agreements more international stature. It therefore supported moving the AEWA secretariat to Bonn, where it could be housed in the Agreements Unit of CMS.

14. With regard to a third significant item on the agenda, the joint implementation of AEWA, she said that, by joining forces with other international organizations such as the United Nations Development Programme (UNDP) and UNEP, AEWA could be transformed into a model agreement, which could have relevance for other fields as well. With those remarks, she officially opened the first Meeting of the Parties to AEWA.

15. Ms. Altmann, on behalf of the German Environment Minister Jürgen Trittin, said it was a pleasure to address representatives from countries and international organizations that were committed to conserving migratory species and, in particular, migratory waterbirds.

16. The success of CMS and its Agreements depended on the Parties' or signatories' abilities to fulfil their commitments and, for many countries, that was a financial and capacity issue. Accordingly, Germany wished to make an additional annual contribution for projects or events of the AEWA secretariat, to support the conservation of migratory waterbirds in the AEWA area.

17. Turning to CMS, she observed that the Convention had held its twentieth anniversary in 1999 and, to mark that occasion, the German Minister for the Environment, had hosted an anniversary ceremony in Bonn. Germany's conclusion, after 20 years, was that CMS had passed the test and had a future. The Convention on Biological Diversity supported CMS, it did not replace it. Germany recommended, however, that funding from the Global Environment Facility (GEF) should also be made available for CMS projects.

18. In 1979, 22 States had signed CMS in Bonn. The fact that more than 50 Parties were expected at the current conference was an encouraging development, but it was not enough. Many regions were not yet adequately represented and some large Range States were not yet Parties. Some participated in the work under regional agreements or memorandums of understanding, without being Parties to CMS. Accordingly, Germany would continue its efforts to promote the Convention.

19. As an illustration of the great significance that Germany attached to CMS and AEWA, on behalf of her Government she extended its offer to host the seventh meeting of the Conference of the Parties to CMS and the second session of the Meeting of the Parties to AEWA in Bonn in late 2002 or early 2003.

20. Mr. Hamman, speaking on behalf of the Government of the Western Cape Province and the organization, Cape Nature Conservation, welcomed participants to the Western Cape, which was one of the world's six plant kingdoms, hosting more than 10,000 endemic species of plants and animals and also offering a large number of waterbird habitats. The Western Cape was also the site of South Africa's first biosphere reserve and had a large number of conservation areas, including conservancies, which, he said, represented a successful management tool, involving people on the ground in a self-regulatory mechanism. Looking forward to the forthcoming deliberations, he wished the participants in both bodies successful meetings.

21. Mr. Nel introduced the new issue of South African stamps featuring migratory species and presented commemorative sets of the stamps to Ms. Faber, representing the Netherlands Government, and Mr. Moosa, representing the South African Government. It was hoped that the stamp issue would help to raise public awareness of the species and would serve to illustrate the commitment of the South African Post Office to serving the goals of environmental conservation.

22. Mr. Pritchard, speaking on behalf of the non-governmental organizations present at the two meetings, in particular the four international conservation non-governmental organizations, BirdLife International, the World Conservation Union (IUCN), Wetlands International and the World Wide Fund for Nature (WWF), stressed the need for more signatures and ratifications of the Convention and its various Agreements, especially in areas where there were significant gaps in coverage.

23. Expressing his appreciation for the access granted by the Convention and agreements to non-governmental interests, he welcomed the draft proposal before the CMS Conference of the Parties on permanent observer status in the Scientific Council for certain non-governmental organizations, and hoped that a similar move would be considered by the Standing Committee.

24. He drew attention to the importance of enhanced synergy and integration among the various biodiversity-related conventions, both at a national and international level, and the need for effective implementation. In that connection, he pledged the support of the conservation non-governmental organizations for the proposals to add new species to the appendices; to encourage measures to combat by-catch; and for an Agreement on albatrosses.

25. In conclusion, he said that the partnership between Governments and non-governmental organizations represented at the current meetings offered a valuable opportunity for progress in addressing the urgent issues facing AEWA and CMS.

26. Dr. Töpfer drew attention to the close integration of biodiversity-related issues with those of other social parameters, such as linguistic and cultural diversity, and noted that, where diversity was reduced, instability increased. Accordingly, in the globalizing world it was essential to be aware of and to safeguard regional identity and diversity in all their aspects. To succeed, efforts to promote conservation of species, as exemplified by the current meeting, must be integrated into an enabling context, linked with efforts to reduce poverty. The recently launched GEO-2000 report identified two primary reasons for the environmental problems facing the world: the poverty of the majority of the world's population and the lifestyle and consumption patterns of a minority. It was essential to build a bridge between the poor and the rich, if the world's migratory species of wild animals - the "travelers without passports", in the phrase of the Secretary-General of the United Nations - were to be protected.

27. To mark the holding of the two meetings, a message had been sent from Europe to Mr. Thabo Mbeki, President of South Africa, borne by four migratory eagles, whose passage over Africa was being tracked by satellite telemetry. The birds had left their breeding area in September 1999 and were currently nearing the northern frontier of South Africa. The message

read:

"This eagle connects ecosystems of Europe, the Middle East and Africa. Migratory animals are paramount symbols of our common natural heritage."

28. He stressed the need for intensified international efforts, such as the current meetings, to help protect and conserve the world's migratory species. In that context, he reaffirmed the support of UNEP, including for the implementation of CMS work programmes and in the submission of projects for GEF funding, and noted that a four-country project for the conservation of globally significant wetlands and migration corridors required by Siberian cranes and other migratory waterbirds in Asia had recently secured GEF approval for funding. He pledged to strengthen synergies between the work programmes of UNEP and CMS.

29. In conclusion, he commended the CMS Secretariat on its organization of a young people's art competition on the theme of migratory species and congratulated its winner, Mechthild Meyer, who was a special guest at the opening ceremony. That competition and its winning entry, whose imagery captured the interaction between migratory species and the responsibility of all countries to protect and nurture those species, represented a wonderful example of cooperation and integration.

30. Following the joint opening ceremony, the sixth meeting of the Conference of the Parties was suspended and resumed on 10 November, after the conclusion of the first session of the Meeting of the Parties of AEWA.

31. The 1st plenary session of the sixth meeting of the Conference of the Parties to CMS was opened on Wednesday, 10 November 1999 by Dr. Gerard Boere (Netherlands) who, in his capacity as Acting Chair of the Standing Committee, was also acting as temporary Chair of the meeting until the Conference of the Parties elected the officers of the meeting. He extended the apologies and best wishes of Prof. Abdulaziz H. Abuzinada (Saudi Arabia), the Chair of the Standing Committee, who had been unable to attend due to other pressing government commitments. The acting Chair highlighted the importance for the Convention of the African-Eurasian Waterbird Agreement (AEWA), which had just concluded the first session of its Meeting of Parties. AEWA now had a new secretariat and had adopted decisions on its budget and other important substantive issues.

II. ADOPTION OF RULES OF PROCEDURE (Item 3)

32. In its consideration of the item, at its opening plenary session on 10 November 1999, the Conference had before it the document containing draft rules of procedure for the sixth meeting of the Conference of the Parties (UNEP/CMS/Conf.6.4). Referring to the cover paper, the acting Chair pointed out that new information had been received from the United Nations Office at Nairobi (UNON), which concerned the application of rule 14 (2), dealing with voting rights for members that were three or more years behind in payment of their subscriptions.

33. The Conference agreed to adopt its rules of procedure, with the exception of rule 14 (2) which was placed in square brackets, pending examination of the question and a recommendation by the working group on budget and administration to be set up at a later stage. Subsequently, the budget group recommended that arrears of the following Parties -- Burkina Faso, Cameroon, Democratic Republic of Congo, Egypt, Guinea, Mali, Niger, Senegal, and Somalia -- dating from four years or longer (i.e. 1995 and earlier) should be written off, and that Parties in arrears should be allowed to continue exercising their voting rights at the present meeting, but that

rule 14(2) would be strictly adhered to at the seventh meeting of the Conference of the Parties. The Rules of Procedure, as adopted, appear at Annex VIII.

III. ELECTION OF OFFICERS (Item 4)

34. The Conference elected the following officers by acclamation:

Chair: Dr. Tanya Abrahamse (South Africa)

Vice-Chair: Mr. Robert Hepworth (United Kingdom)

35. In accordance with rule 5, paragraph 2, of the rules of procedure, the Chair of the Committee of the Whole would also serve as Vice-Chair of the meeting. The Conference elected Mr. Jorge Cravino Castro (Uruguay) as Vice-Chair of the Committee of the Whole.

IV. ADOPTION OF THE AGENDA AND WORK PROGRAMME (Item 5)

36. Introducing the provisional agenda of the meeting (UNEP/CMS/Conf.6.1(Rev.1)) and the proposed timetable for its work (UNEP/CMS/Conf.6.3), Mr. Douglas Hykle, the Deputy Executive Secretary, explained that, at its twentieth meeting, held on 9 November 1999, the Standing Committee had agreed on the inclusion of an additional subitem 10 (e), "Other Matters", to permit discussion of a number of other issues pertaining to implementation of the Convention.

37. The Conference adopted its agenda on the basis of the provisional agenda that had been circulated in document UNEP/CMS/Conf.6.1 (Rev.1) and as orally amended in the meeting. The agenda is provided in Annex IX to the present proceedings. A list of all the conference documents appears at Annex X.

V. ESTABLISHMENT OF THE CREDENTIALS COMMITTEE AND SESSIONAL COMMITTEES (Item 6)

38. At its opening plenary session, the Conference established a Credentials Committee, under the chairmanship of the Philippines and comprising the following members: representatives from Ghana, Latvia, Peru and Sri Lanka.

39. As required by rule 23 of the Rules of Procedure, it also established a Committee of the Whole, with open-ended membership, and with the officers mentioned in paragraphs 34 and 35 above.

40. During the course of the meeting, ad hoc open-ended working groups were also established on the Strategic Plan, chaired by Ms. A. Delahunt (Australia), and on the information management plan and the analysis of reports, chaired by Mr. Sven Åage Mahli (Norway). Within the working group on the Strategic Plan, a subgroup was set up on the budget, chaired by Ms. V. Herrenschmidt (France).

41. At the final plenary session, on Tuesday 16 November 1999, the Chair of the Credentials Committee said that the Committee had approved the credentials of 47 countries, out of 52 Contracting Parties attending the meeting of the Conference of the Parties.

42. He suggested that the Secretariat, when issuing invitations for the next meeting of the

Conference of the Parties, should emphasize the need for countries to furnish the *originals* of credential letters.

VI. ADMISSION OF OBSERVERS (Item 7)

43. In addition to the five Scientific Council experts appointed by the Conference of the Parties, the following intergovernmental organizations, international non-governmental organizations and national non-governmental organizations, each of which were considered to have met the criteria in Article VII, paragraph 9, of the Convention, were admitted as observers:

(a) Intergovernmental organizations: Interim Secretariat of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds; the Secretariat of the Agreement on the Conservation of Bats in Europe (EUROBATS); Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR); Globe Southern Africa; International Convention for the Regulation of Whaling—International Whaling Commission (IWC); International Council of Environmental Law; Ramsar Convention on Wetlands of International Importance; the United Nations Environment Programme ;

(b) International non-governmental organizations: BirdLife International; Migratory Bird Commission of the *Conseil International de la Chasse et de la Conservation du Gibier* (CIC); World Conservation Union (IUCN); Global Nature Fund; *Oiseaux Migrateurs du Paléarctique Occidental* (OMPO); World Conservation Monitoring Centre (WCMC); Wetlands International; WWF Southern Africa Regional Office;

(c) National non-governmental organizations: *Deutscher Jagdschutz Verband* (German Hunters' Association) (DJV), Germany; National Museums of Kenya; *Naturschutzbund* (Nature Conservation Association), Germany; Noah's Ark Centre for the Recovery of Endangered Species (NACRES), Georgia; Ornithological Society of Ukraine; Whale and Dolphin Conservation Society (WDCS); Wildfowl and Wetlands Trust (WWT).

VII. OPENING STATEMENTS (Item 8)

44. The Chair observed that it had been agreed that opening statements would not be presented orally but should be submitted in writing for distribution and inclusion in the report of the meeting. The opening statements are contained in Part II to the present proceedings, in the form in which they were submitted.

VIII. REPORTS (Item 9)

A. Secretariat

45. At its 1st session, on 10 November 1999, the plenary took up consideration of the report of the Secretariat, (UNEP/CMS/Conf.6.5.1).

46. Mr. Arnulf Müller-Helmbrecht, the Executive Secretary, introduced the report and also drew attention to part I of the Strategy for the Future Development of the Convention (UNEP/CMS/Conf.6.12). In his overview of the Secretariat's work from 1 May 1997 to date, he was happy to report that, since the previous meeting of the Conference of the Parties in April 1997, a further 15 States had become Parties, bringing the number of Member States to 65 as at

1 November 1999. That had been the result of intensive contacts and promotion work by the Secretariat, the German Foreign Ministry and the German Ministry of the Environment, and members of the Standing Committee. He believed that efforts should also concentrate on increasing the number of Parties in Asia, the Americas and Oceania, to give better coverage of those areas.

47. He highlighted the excellent cooperation with the secretariats of Agreements that were co-located in Bonn - EUROBATS and the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) - as well as with the interim secretariats of AEWa and of the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS). Noting the continuing cooperation with Governments, he extended special thanks to the Governments of Germany, Netherlands, South Africa and the United Kingdom of Great Britain and Northern Ireland. He also thanked all those countries that had provided funds for the implementation of projects.

48. Cooperation had continued with intergovernmental organizations and with international and national non-governmental organizations. The coordination of the secretariats of biodiversity-related conventions under UNEP was progressing, particularly with respect to reporting. In the current restructuring phase of the UNEP programmatic divisions, synergies were being enhanced, as evidenced by the support for the development of GEF-funded projects for the implementation of CMS. The Secretariat continued its endeavours to strengthen cooperative links with the Convention on Biological Diversity, in order to complement the implementation of that convention.

49. The Deputy Executive Secretary gave a brief report on personnel matters of the Secretariat. The additional staff members recruited in 1999 to assist in public awareness and promotional activities had had a valuable impact on the work of CMS in that field. He drew particular attention to the continued development of the CMS web-site ([http:// www.wcmc.org.uk/cms](http://www.wcmc.org.uk/cms)), hosted by WCMC. He believed that the capacity of the Secretariat could be upgraded by an internship programme within the Secretariat, and considered that the possible development of such a programme should be explored.

50. The representative of Germany commended the Secretariat on its progress, which had been achieved in spite of limited staffing levels. In the past, his Government and others had been able to second staff to assist the Secretariat with its increasingly heavy workload. Drawing attention to section II (e) of the report of the Depositary (UNEP/CMS/Conf.6.5.4), he expressed regret that the conditions for secondments set out in United Nations General Assembly Resolution 51/243 of 15 September 1997 would mean that such seconded staff would no longer be available to support the Secretariat. That state of affairs would also have major budgetary implications, since it would now be necessary to fund seconded staff members from the CMS Trust Fund. It was agreed that the subgroup on the budget should discuss the issue.

51. The Conference took note of the report of the Secretariat.

B. Standing Committee

52. The Conference took up the item at its 1st plenary session, on 10 November 1999. Dr. Boere, in his capacity as acting Chair of the Standing Committee, reported that the Committee had held four meetings since COP5 in April 1997 and that it had extensively discussed the Strategic Plan that was before the current meeting. The issues raised at its twentieth meeting, held on 9 November 1999, were contained in the report of that meeting (UNEP/CMS/StC.20/Doc.3), attached as Annex IV to the present proceedings. The report of the

twenty-first meeting of the Standing Committee appears at Annex V.

53. The Conference took note of the report of the Standing Committee.

C. Scientific Council

54. The Conference took up the item at its 1st plenary session, on 10 November 1999. Dr. Pierre Devillers, Chair of the Scientific Council, introduced the report of the ninth meeting of the Council (UNEP/CMS/ScC.9/Doc.11) and said that the report of its eighth meeting, held at Wageningen, Netherlands, from 3 to 5 June 1998 (CMS/ScC.9/Inf.1), was also available at the current meeting. The text of the Chairman's oral report to the Conference of the Parties and the report of the ninth meeting of the Scientific Council are contained in Annexes VII and VI, respectively, to the present proceedings.

55. In concluding his remarks, he announced, as the outgoing Chair of the Scientific Council, that Dr. Colin Galbraith (United Kingdom) had been elected by the Council to serve as its Chair for the coming triennium. As no nomination for the post of Vice-Chair had been received by the agreed deadline, a written procedure would be followed in the Council for nominations for the post, in early 2000.

56. Dr. Michael Moser, a Conference-appointed Councillor, expressed profound thanks to Dr. Devillers on behalf of the members of the Scientific Council for his dedication and expertise in chairing the Council over the past triennium. Those sentiments were echoed by the Executive Secretary, who was also grateful for the exemplary cooperation between the Council and the Secretariat. He wished to put on record his personal thanks to all those colleagues who, through their dedication and enthusiastic commitment, had helped to support the work of the Convention.

57. Dr. Moser also expressed concern that, owing to the small number of Contracting Parties from the Asia and the Oceania regions, the programme for the conservation of avian species of Appendices I and II in those regions was under some constraints. He proposed that the Conference of the Parties consider the appointment of a special Scientific Councillor to advance the work on the taxa in those regions. That could also prove to be an inexpensive means of raising the profile of the Convention in the countries of East Asia and Oceania, where more Parties were needed. Accordingly, Resolution 6.6 included provision for the appointment, by the Conference, of a Scientific Councillor for Asiatic fauna. The selection of the candidate to fill this post would be confirmed by the Standing Committee.

58. The Conference took note of the report of the Scientific Council.

D. Depositary

59. The Conference took up the item at its 1st plenary session, on 10 November 1999. The representative of the Depositary introduced its report (UNEP/CMS/Conf.6.5.4), highlighting the major issues contained therein.

60. The Executive Secretary praised the increasingly valuable cooperation with the Depositary and the importance of its constant efforts to encourage countries to join the Convention. He regretted that, if it was no longer possible to rely upon the services of extra-budgetary staff, the Secretariat would have to scale back its activities in particular fields. He appreciated the developments that had taken place to endeavour to conclude a new headquarters

agreement, to provide CMS with a status equivalent to that of the other United Nations bodies located in Bonn.

61. The Conference took note of the report of the Depositary.

62. The observers from Côte d'Ivoire and from Zimbabwe announced that their Governments were in the process of ratifying or acceding to the Convention and that they expected the process to be completed in the near future.

63. The representative of Bulgaria, noting the recent ratification of CMS by her country, expressed thanks for the technical and financial support that had been provided which had enabled the country to accede to the Convention.

IX. REVIEW OF IMPLEMENTATION OF THE CONVENTION (Item 10)

A. Overview of Party reports

1. *National reports pursuant to paragraph 3 of article VI of the Convention*

64. The sub-item was taken up by the Committee of the Whole at its 1st session, on 10 November 1999. The Deputy Executive Secretary introduced the background documents on the item, UNEP/CMS/Conf.6.6 and its addendum. He noted the variability in both length and format of the national reports that had been received and the disquietingly low level of submission. Recognizing the onerous nature of reporting requirements under the various multilateral environmental agreements, the Secretariat was actively participating in a feasibility study undertaken by WCMC on the harmonization and streamlining of those requirements under five biodiversity-related conventions. He believed that the WCMC initiative was potentially useful and should be pursued.

65. The Secretariat had requested WCMC, prior to the current meeting, to examine options for reviewing the national reports in order to assess implementation of the Convention, a task which the Secretariat lacked the capacity to perform. The project proposal prepared by WCMC had three main components, namely: the preparation of a synthesis report; a study of the reporting format and procedures; and consideration of an overall synthesis, taking into account the reporting requirement of other conventions.

66. The representative of WCMC introduced the Centre's proposal, explaining that it had been prepared in an endeavour also to explore linkages and harness synergies with other conventions. He described the various stages of the process and drew attention to the budget, which, he pointed out, was indicative only and estimated at a total of some \$49,000.

67. The Chair reiterated that the proportion of Parties submitting timely reports had fallen since the Conference's last meeting, with only 27 Parties having complied, representing about half of the Parties from whom reports might have been expected. He requested the Conference to endeavour to identify the real obstacles to compliance.

68. In the ensuing discussion, a number of representatives drew attention to the growing burden of reporting requirements that they had to bear, under the increasing number of conventions to which they were party, and stressed the need for some effort to streamline the process, by identifying common areas. It was noted that the problems in compliance were not necessarily resource-related, as they affected developed and developing countries alike. Some

favoured the idea of a synthesis report to evaluate implementation, while others felt that merely summarizing the content of the national reports was not the best way to spend scarce resources.

69. Various suggestions were made as to how the process could be simplified and rendered less onerous, including through the use of the internet; by identifying the minimum information requirements; and through the promotion of best practices, by analysing the reports submitted and by circulating model reports for developing and developed countries. The representative of WCMC pointed out that the proposed synthesis would be much more than an editing exercise. It would serve to highlight overall trends in the various reports, compile and present the information in a more useful way and identify areas where synergies might be possible. In that context, he drew attention to work under way in the Convention on Biological Diversity on the synthesizing of its national reports.

70. There was some discussion as to whether or not the reporting requirement was mandatory, or merely recommended, and it was pointed out that the English and French versions of the Convention text used "soft" language, while the Spanish was firmer in its obligation. The Chair stated his view that, however worded, the intent of the Convention was for reports to be a mandatory requirement. The Executive Secretary and several representatives supported that interpretation.

71. The Conference agreed to entrust further consideration of the issue of reporting to the working group on the information management plan and the analysis of reports.

72. The report of the chair of the working group is summarized in paragraphs 76 and 77 below.

2. Information pursuant to paragraph 7 of Article III and paragraph 2 of Article VI of the Convention

73. The Deputy Executive Secretary introduced a related study commissioned by the Conference at its fifth meeting and carried out by WCMC (UNEP/CMS/Conf.6.7), with a view to developing a more harmonized system of reporting within CMS, an executive summary of which had been prepared, together with a table, in the addendum to the document. He pointed out that, as the study had not yet been integrated into the draft strategic plan for the Convention, many of its activities would have to be taken into consideration in the further development of that plan.

74. Reporting in more detail on the study, the representative of WCMC stressed the importance of information management, which was key to the effective implementation of the Convention and noted that the study would also help in resolving some of the reporting problems identified earlier in the debate. He said that, at its current meeting, the Conference would need to identify the activities needed for the implementation of the information management plan; its priorities; and its budgetary implications.

75. The Conference entrusted further consideration of the issue of information management and the WCMC study to the working group on the information management plan and the analysis of reports.

76. At the 6th session of the Committee of the Whole, on 15 November 1999, the representative of Norway, the chair of the working group on the information management plan, reported on its consideration of the issues of national reports and information management and

introduced draft Resolution 6.11 (contained in document UNEP/CMS/Res.6.11) which addressed both subjects. That draft resolution and its annex on the implementation of the management plan set out the priorities and the indicative costs of identified objectives. Those costs did not reflect the costs of the work of the CMS Secretariat, but were to cover external consultant costs. It was observed that all references to the strategic plan would be finalized once that plan had been adopted by the Conference.

77. Following an exchange of views among several representatives as to how best to reflect the provisions of the information management plan in the core budget, the Chair referred the issue to the subgroup on budget and finance.

78. At the 7th session of the Committee of the Whole, on 15 November 1999, the Executive Secretary explained, with reference to the "Evaluation of Convention implementation" study to be undertaken in the year 2000, that limited funds were available in the CMS Trust Fund and that, if there was a deficit, the Secretariat would have to request Parties to provide voluntary contributions. The Chair said that, for the additional funds required to continue the work in 2001-2002, the chair of the subgroup on the budget could advise and make a link with the budget. The Committee agreed that the resolution, as amended, should be forwarded to the plenary for adoption, leaving only the matter of the budget link for 2001-2002 to be resolved. Subsequently, it was decided that resources should be allocated from the Trust Fund reserve, as and when available, to cover implementation costs for the study in 2001-2002.

79. At its final plenary session, on 16 November 1999, the Conference adopted Resolution 6.11 on the information management plan and national reporting, contained in Annex I to the present proceedings.

B. Measures to improve the conservation status of Appendix I species

80. The sub-item was taken up by the Committee of the Whole at its 2nd session, on 11 November 1999. The Chair of the Scientific Council, Dr. Pierre Devillers, introduced the document prepared by the Secretariat on measures to improve the conservation status of Appendix I species (UNEP/CMS/Conf.6.8). He also introduced its associated draft Resolution 6.1 (UNEP/CMS/Res.6.1/Rev.1), explaining that the concerted action measure was perhaps the most important and visible tool of CMS for the conservation of the most endangered animals. The resolution had been revised to reflect the outcome of the deliberations of the Scientific Council at its ninth meeting.

81. In response to a query, he described the procedure for listing species in the Appendices, as well as the process to assess whether the species should be the subject of concerted action. The latter process relied essentially on three criteria: if there were sufficient CMS Parties within the range of the species; if the action could be defined and if it was considered that CMS was the best instrument and had the capacity to carry it out; and if a reasonably reliable agent could be identified to help carry out the concerted action throughout the upcoming period.

82. The representative of Italy requested the inclusion of the Ferruginous duck (*Aythya nyrocarra*) and Audouin's gull (*Larus audouinii*) on the list of Appendix I species designated for concerted action. The Committee asked the Chair of the Scientific Council to provide further advice to the Conference at its current meeting on that proposal.

83. The observer from Zimbabwe questioned the inclusion of the White winged flufftail

(*Sarothrura ayresi*) on the list of species for concerted actions, since there was doubt as to whether it was a genuinely migratory species. Following an exchange of views among several representatives, it was agreed that the species should be retained on the list.

84. In answer to a question on the justification for inclusion of the Mountain gorilla (*Gorilla gorilla beringei*), Dr. Devillers drew attention to a proposal to create a transboundary peace park between three Range States - Democratic Republic of the Congo (a CMS Party), and Rwanda and Uganda, both of which were considering joining the Convention. The Scientific Council had considered that a CMS project to support the establishment of the park would bring the double benefit of conservation of the species and promotion of the Convention for two potential Parties.

85. The representative of Senegal reported that his country was in the process of examining the establishment of a transboundary reserve with Guinea for the conservation of endangered African wild dogs (*Lycaon pictus*) and would be grateful for assistance from CMS in that endeavour. The Chair of the Scientific Council, welcoming the initiative, said that the Conference of the Parties should be invited to note the proposal and recommended that the Scientific Council take up the issue intersessionally. The Committee agreed to that suggestion.

86. The representative of Uruguay, referring to the proposed investigation of the biology and ecology of the Franciscana dolphin (*Pontoporia blainvillei*) listed in document UNEP/CMS/Conf.6.8, paragraph 16, observed that, since the range of the species extended beyond the waters of Argentina into those of Uruguay and beyond, future actions should be expanded to take into account the other Range States. The Committee supported the proposal.

87. The Committee approved the list of measures to improve the conservation status of Appendix I species and the draft Resolution 6.1 for transmission to the plenary, subject to possible amendment in light of the issues raised during the debate.

88. At its final plenary session, on 16 November 1999, the Conference adopted Resolution 6.1 on concerted action for Appendix I species, contained in Annex I to the present proceedings.

C. Review of Article IV Agreements concluded or under development

89. The sub-item was taken up by the Committee of the Whole at its 1st session, on 10 November 1999. Introducing the background document on the item (UNEP/CMS/Conf.6.9), the Chair drew attention to the encouraging range of Agreements currently in force, or in preparation, under the Convention. The Agreements were considered in three groups: those for which secretariats or interim secretariats had already been established; those for which CMS provided secretariat services; and those still under development.

90. On the suggestion of the Chair, the Committee appointed representatives from the following countries to act as informal focal points for certain species and to identify any further proposals for consideration later in the meeting:

- (a) Australia, for albatrosses;
- (b) Belgium, for Sahelo-Saharan antelopes;
- (c) Burkina Faso, for the African elephant;
- (d) European Community, for bustards;

- (e) Nigeria, for marine turtles of west Africa; and
- (f) Philippines, for marine turtles of the Indian Ocean and Australasian region.

1. Agreements for which secretariats or interim secretariats have already been established

(a) *Agreement on the Conservation of Seals in the Wadden Sea*

91. The Executive Secretary recalled that the Wadden Sea Seal Agreement was the first Agreement under CMS and had served as the prototype for subsequent Agreements. Since its adoption, the seal population in the area had recovered significantly, demonstrating the benefit of the mechanisms put in place by the Agreement. It was hoped to address the remaining environmental problems in the area through the conservation and management plan. The Agreement secretariat was currently housed in the Common Wadden Sea Secretariat.

(b) *Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS)*

92. The representative of Germany, on behalf of the Advisory Committee of ASCOBANS, reported on the Agreement, informing the Conference that the new Executive Secretary was Mr. Rüdiger Stempel and that Finland had recently acceded to the Agreement. He drew attention to the problem of by-catch and to a draft resolution on the issue that had been submitted to the meeting of the Parties to ASCOBANS in 1997 and to a workshop to be held on the by-catch problem in early 2000. In addition, he noted the establishment of a working group on protected areas for the species.

(c) *Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS)*

93. The representative of Monaco, as the country hosting the interim secretariat of the Agreement, reported on activities under the Agreement, including the preparation of a poster and a web site, which was soon to be launched. It was hoped that the Agreement would enter into force in 2000 and, in that event, Monaco had offered to host the permanent secretariat and had made the necessary budgetary provisions, including for the first meeting of the Parties to the Agreement.

94. The representative of the United Kingdom informed the Conference of his country's intention to ratify the Agreement in respect of the Overseas Territory of Gibraltar.

(d) *Agreement on the Conservation of Bats in Europe (EUROBATS)*

95. The Executive Secretary of the EUROBATS secretariat, which was co-located with the CMS Secretariat, said that the Agreement had thus far proved a success in providing protection for bats in Europe, including through a range of awareness-raising measures which aimed to overcome traditional prejudices against the species. The Agreement currently had 19 Parties and a strategy for its future development would be prepared, which would provide, *inter alia*, for the development of bats Agreements for other regions as well.

96. In the ensuing discussion, the representatives of several African countries and one country in South America expressed their support for the development of bats agreements for their

regions. Praise was also expressed for the "European Bat Night" initiative, which had proved successful in raising public awareness of the plight of bats and in drawing non-governmental organizations into the work of the Agreement.

97. At the final meeting of the plenary, on 16 November 1999, the representative of EUROBATS announced that Belgium had confirmed its intention to make a substantial financial contribution for the funding of an awareness campaign for bat conservation in eastern and south-eastern Europe.

(e) *Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA)*

98. The representative of the Netherlands, as the country hosting the interim secretariat, reported that AEWA had entered into force on 1 November 1999 and was the largest Agreement under CMS in terms both of the number of species and the geographical area that it covered. He said that almost all the targets set by the interim secretariat for the reporting period had been achieved at the first session of the Meeting of the Parties. The location of the permanent secretariat had been decided; the budget for the next period had been approved; all species covered by the Agreement had been brought under the Action Plan, bringing the total from 60 to more than 170; a rolling international implementation plan had been adopted; and the conservation guidelines had been agreed upon and submitted to the Technical Committee for implementation.

99. Commending the interim secretariat on its work and expressing appreciation to the Government of the Netherlands for its support, the Executive Secretary said that AEWA, as the first CMS Agreement to be intensively implemented even before its entry into force, constituted a model example of how CMS and its Agreements should work.

2. Agreements for which CMS provides the secretariat

(a) *Memorandum of Understanding concerning Conservation Measures for the Siberian Crane*

100. Reporting on the status of the memorandum of understanding, the Deputy Executive Secretary noted various positive outcomes, including the convening of a meeting of Range States in the Islamic Republic of Iran - the first time a CMS meeting had been held in that country; and the approval of GEF funding under the PDF block B facility up to an amount of \$350,000, to develop a project to conserve wetlands important for Siberian cranes and other waterbirds in four Range States - China, the Islamic Republic of Iran, Kazakhstan and the Russian Federation. Noting that the western and central populations of the species were particularly endangered, he reported on efforts to identify other wintering sites and to boost populations, through captive breeding and egg translocation schemes.

(b) *Memorandum of Understanding concerning Conservation Measures for the Slender-billed Curlew*

101. Reporting on the memorandum of understanding, Dr. Boere, as Chair of the CMS Slender-billed curlew working group, noted the extremely precarious status of the species, with between 50 and 270 individuals remaining, and informed the Conference about recent work on the establishment of a database and to identify hitherto unknown wintering areas in the Middle East. The Netherlands and the Islamic Republic of Iran were currently considering the development of an agreement on research into the species. Noting the need for better information

about the migration routes of the species, he said that debate was also under way on the advisability of fitting radio transponders to such small birds. Recalling that 17 countries had signed the memorandum of understanding, the Executive Secretary urged non-signatory Range States to join their number, pointing out that an opportunity for such signature would be provided during the current meeting.

(c) *Memorandum of Understanding concerning Conservation Measures for Marine Turtles of the Atlantic Coast of Africa*

102. On the issue of marine turtles, the Deputy Executive Secretary reported on the May 1999 meeting in Abidjan, Côte d'Ivoire, which had resulted in the adoption of a memorandum of understanding on regional cooperation, signed by seven Range States. A conservation plan for the species was in preparation and would be circulated for comments in 2000. Expressing thanks to the Government of France and the French Committee for IUCN for assistance in sponsoring that meeting, and also to the authorities of Côte d'Ivoire for the organisational arrangements, he called on other Range States to sign the memorandum.

103. In the ensuing discussion, several west African Range States reported on conservation efforts, including institutional arrangements, that they had undertaken and a number of others expressed their willingness to sign the memorandum during the present conference.

104. Accordingly, an official signing ceremony was organised during the conference, at which the memorandum was signed by the Democratic Republic of the Congo, the Gambia, Ghana, Nigeria and Togo. Following the ceremony, Mr. Imeh Okopido, Minister of State for Environment of Nigeria, noted the positive development in his country, when, in May 1999, an environmentalist had been elected President and a Ministry of the Environment was created. He hoped that the memorandum would help address the problem of beach erosion, a problem shared by the countries of the African Atlantic coast, which was increasing the rate of mortality of marine turtles.

105. At the 6th session of the Committee of the Whole, on 15 November 1999, the representative of Nigeria, as the coordinator of the contact group on the species, said that a workshop was urgently needed to finalize the conservation plan that had been elaborated in Abidjan. To that end, an update of the conservation status of the species was needed in each of its Range States. He urged countries to provide funding for the efforts to finalize and implement the conservation plan.

106. At the Committee's 8th session, on 16 November 1999, the representative of Nigeria introduced draft Recommendation 6.7 on the conservation of marine turtles on the Atlantic coast of Africa, including Macaronesia (UNEP/CMS/Rec. 6.7). Following clarification of the precise geographical area to be covered by the recommendation and some minor editorial corrections, the Committee agreed to forward draft Recommendation 6.7 to the plenary for adoption.

107. At its final plenary session, on 16 November 1999, the Conference adopted Recommendation 6.7 on the conservation of marine turtles on the Atlantic coast of Africa, including Macaronesia, contained in Annex II to the present proceedings.

3. Agreements under development

(a) *Houbara bustard and Great bustard*

108. With regard to the Houbara bustard, the Executive Secretary regretted the inability of Saudi Arabia, the lead country for the development of an Agreement and action plan for the species, to be represented at the meeting. Considerable effort and time had already been invested in the process and, as very little work remained, it had been hoped to present the draft Agreement and action plan to the current meeting of the Conference of the Parties. One Range State reported on national conservation efforts which had resulted in an increase in the local population of the species.

109. On the Great bustard, the Executive Secretary reported that a memorandum of understanding for the species was in the final stage of preparation and hoped that it could be submitted to Range States in the next few months. The representative of one Range State reported on significant investments it had made in conservation efforts and, referring to technical problems it had with the first draft of the memorandum, welcomed the amended version which he believed his country would now be able to sign.

110. In response to concerns expressed by the representative of BirdLife International over the slow pace in the development and adoption of Agreements on the listed bustard species, the Chair hoped that the current meeting might offer an opportunity to break that deadlock.

111. The representative of the European Community, as the coordinator of the contact group on bustards, said that the working group had agreed that the conservation status of both species merited immediate concerted action, as set out in draft Recommendation 6.4 (UNEP/CMS/Rec.6.4). He also stated that such action should not await the preparation of a memorandum of understanding or other documentation. It was necessary rapidly to set up working groups, identify the Range States that could participate in activities, and set a timetable for results.

112. At the 7th session of the Committee of the Whole, on 15 November 1999, the coordinator of the contact group introduced the revised draft of the recommendation and explained that it emphasized the need for urgent action on the Houbara bustard and to remedy delays in addressing its conservation needs. The observer from Zimbabwe drew attention to the need for the future working group on the species, to be established pursuant to the resolution, to give careful consideration to the problem posed for the survival of the species by foreign hunters.

113. The Committee agreed to forward the draft recommendation to the plenary for adoption.

114. At its final plenary session, on 16 November 1999, the Conference adopted Recommendation 6.4 on the working groups on the Houbara bustard and the Great bustard, contained in Annex II to the present proceedings.

(b) *Marine turtles of the Indian Ocean and Australasian region*

115. The representative of Australia reported on a well-attended meeting on the species, held in Perth in October 1999, at which all participating countries had agreed on the need for a regional instrument for cooperation on marine turtles, possibly under CMS.

116. The Deputy Executive Secretary drew attention to a planned workshop on the species for Range States of the Gulf and Red Sea area. The United Arab Emirates was taking the lead in that initiative.

117. In response to a question relating to the conservation of marine turtles of the Caribbean region, the Deputy Executive Secretary said that a number of instruments already in force

provided for protection of the species in the Caribbean, including a protocol under the Cartagena Convention and a joint partnership between Governments and a non-governmental organization known as WIDECAS. Another inter-American treaty had been opened for signature since the end of 1998. While that convention was not an Agreement under Article IV of CMS, the Chair hoped it might be brought into the CMS family. One representative said that, as marine turtles were an aquatic species, fisheries and fish conservation agencies should also be involved in the development of Agreements to protect them.

118. At the 6th session of the Committee of the Whole, on 15 November 1999, the representative of the Philippines, as the coordinator of the contact group on the species, referring to document UNEP/CMS/Conf/Inf.6.14 and the need for a regional instrument on the conservation of the marine turtles, introduced draft Recommendation 6.6 (UNEP/CMS/Rec.6.6).

119. At the 7th session of the Committee of the Whole, on 15 November 1999, the coordinator of the contact group introduced the revised draft recommendation. The representative of Australia reaffirmed his country's support for the recommendation, noting the grave conservation need in the Indian Ocean area for the species. The Committee agreed to forward the draft recommendation to the plenary, with one minor editorial amendment, for adoption.

120. At its final plenary session, on 16 November 1999, the Conference adopted Recommendation 6.6 on regional coordination for marine turtles of the Indian Ocean and south-east Asia, contained in Annex II to the present proceedings.

(c) *Albatrosses of the southern hemisphere*

121. The representative of Uruguay, as coordinator for the Valdivia group of countries, reported that the group had established a working group on albatrosses, which had held its first meeting in Canberra in June 1999 and had adopted the Canberra Declaration on the species, which would be made available to the present meeting. Work was also under way on the development of an Agreement within the CMS framework on the protection of albatrosses in the southern hemisphere. He also drew attention to the problem of mortality due to by-catch and, in that context, attention was drawn to the draft resolution on southern hemisphere albatrosses submitted by Australia (UNEP/CMS/Res.6.4), which complemented the by-catch resolution submitted by the United Kingdom (UNEP/CMS/Res.6.10) (see paragraph 139 below).

122. In the ensuing discussion, the representative of CCAMLR recalled the alarming statistics tabled at the meeting of the Scientific Council on the mortality rate of the species: as noted in the Council's report, up to 250,000 seabirds had been killed in the southern areas in the last year, largely as a result of illegal fishing operations, representing an unsustainable rate of loss. Accordingly, he called for swift action to develop and adopt an Agreement on the species. Strong support for such an Agreement was expressed by a number of Range States and BirdLife International.

123. At the 6th session of the Committee of the Whole, on 15 November 1999, the representative of Australia, speaking as coordinator of the contact group on the species, noted that there had been agreement on the need for urgent action to conserve the species and introduced the revised draft Resolution 6.4 (UNEP/CMS/Res 6.4/Rev.1) on southern hemisphere albatross conservation. He observed that the draft drew particular attention to the need for States to implement the conservation measures of CCAMLR and encouraged all relevant States to implement the FAO International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries.

124. At its final session, on 16 November 1999, the Committee agreed to forward the revised draft resolution to the plenary for adoption.

125. At its final plenary session, on 16 November 1999, the Conference adopted Resolution 6.4 on Southern hemisphere albatross conservation, contained in Annex I to the present proceedings.

(e) *Other species and issues*

126. Taking up the issue of other species for which Agreements were under consideration, the Executive Secretary said that there was nothing further to report on ungulates of the Arabian peninsula. The Chair of the Scientific Council said that the Council had been informed of progress in the development of an Agreement on the Sand grouse of southern Africa.

127. A memorandum of understanding had been developed for the Aquatic warbler, under the lead of BirdLife International, and the species had been recommended by the Scientific Council for inclusion on the list of concerted action species.

(i) *Sahelo-Saharan antelopes*

128. With regard to Sahelo-Saharan antelopes, the Chair of the Scientific Council reported that a draft action plan had been developed by the lead countries and had been circulated to the Council. He noted that, as a result of CMS concerted action, conservation efforts for the Sahelo-Saharan antelopes had been greatly strengthened. The representative of Senegal reported on activities in his country to reintroduce the species and the representative of Belgium, as the Council-appointed rapporteur for mammals, reported on activities carried out for the conservation of Sahelo-Saharan antelopes, including the preparation of a four-year regional project, for which funding had been sought from the French Fund for the Global Environment (FFEM).

129. At the 6th session of the Committee of the Whole, on 15 November 1999, the representative of Belgium, speaking as coordinator of the contact group on the species, drew attention to draft Recommendation 6.3 (UNEP/CMS/Rec 6.3) on further action for the species and stressed that they were the most threatened of all migratory terrestrial mammals. The contact group had thus considered it imperative to implement action to conserve the species without delay.

130. The representative of France considered that the need for action to conserve the species was so urgent that it should not await the drafting or signing of a memorandum of understanding.

131. At the 7th session of the Committee of the Whole, on 15 November 1999, the representatives of a number of Range States expressed their support for the draft recommendation, suggesting that it should build upon and reinforce the Djerba Declaration. Following a short discussion, the Committee agreed to strengthen the reference to the Djerba Declaration by deleting the final paragraph of the draft and, instead, annexing the full text of the Declaration. With that amendment, the Committee agreed to forward the recommendation to the plenary for adoption.

132. At its final plenary session, on 16 November 1999, the Conference adopted Recommendation 6.3 on further action for Sahelo-Saharan antelopes, contained in Annex II to the present proceedings.

(ii) *African elephant*

133. At the 6th session of the Committee of the Whole, on 15 November 1999, the representative of Belgium as coordinator of the contact group on cooperative action for the African elephant, pointed to the fact that western and central African populations were small, fragmented and highly threatened. Immediate cooperative action was called for, especially the establishment of a working group to draft and implement an action plan within the Range States. As was the case for other threatened species, action was so urgently required that the process should not await the development of a memorandum of understanding.

134. At the 7th session of the Committee of the Whole, on 15 November 1999, the representative of Burkina Faso introduced the revised draft Recommendation 6.5 (UNEP/CMS/Rec.6.5 (Rev.1)). Following an extensive discussion on the differences in the conservation status of populations of African elephants in central, western, eastern and southern Africa and the possibility of translocating individuals and groups of animals from countries with an over-population problem to those where the population status was unfavourable, the Chair of the Scientific Council expressed the view that any translocation of the species was highly undesirable.

135. The Committee agreed to amend the title of the resolution, to limit its scope to the western and central African populations of the species, and to make several other amendments, *inter alia*, with a view to acknowledging the contribution of IUCN. With those amendments, the draft recommendation was forwarded to the plenary for adoption.

136. At its final plenary session, on 16 November 1999, the Conference adopted Recommendation 6.5 on cooperative action for the African elephant, contained in Annex II to the present proceedings.

(iii) *Cormorants*

137. The representative of the Netherlands introduced the action plan for the management of the Great cormorant in the African-Eurasian region (UNEP/CMS/Conf.6/Inf.16). He recalled that, at both its fourth and fifth meetings, the Conference of the Parties had adopted recommendations on the conservation and management of the Great cormorant in that region. As a follow-up, under the leadership of the Netherlands and Denmark, workshops had been held in Denmark, in 1995; in the Netherlands, in 1996; and in Denmark, in 1997. The Action Plan, which gave guidelines on the management of the species, had been forwarded to the CMS Secretariat and was available as information to all Parties to the Convention. In conclusion, he expressed thanks to Denmark for the cooperation in the preparation of the guidelines.

138. The Committee took note of the Action Plan for the Management of the Great Cormorant in the African-Eurasian Region.

(iv) *By-catch*

139. At the 5th session of the Committee of the Whole, on Friday, 12 November 1999, the representative of the United Kingdom, introducing draft Resolution 6.10 on by-catch, said that its intent was to give formal recognition of by-catch as a global issue which required action on national and international levels. The proposed resolution would highlight its effects, which caused significant and continuing mortality of very many endangered migratory species, particularly albatross and other sea-birds, marine turtles and cetaceans. He observed that by-

catch had notable effects on seabirds in various commercial long-line fisheries, on turtles in the course of trawling for prawns and shrimps, and on small cetaceans in a number of fisheries. He noted that work was already under way on the conservation of marine turtles off the coast of West Africa, and in the Caribbean area, while the ASCOBANS and ACCOBAMS Agreements addressed the issue for cetaceans. He also referred to initiatives in FAO. He emphasised, however, that strong political will and the further cooperation of a wide range of international bodies, fisheries agreements and countries would be needed to counteract the adverse effects of by-catch on vulnerable migratory species..

140. Noting that not all delegations present at the meeting concurred with the legal interpretation provided in the explanatory memorandum submitted by his delegation, he said that the United Kingdom wished, in the interest of preserving consensus on the issue, to withdraw the memorandum. The Conference took note of that withdrawal.

141. The representative of Monaco suggested, and the Committee agreed, that the resolution, once adopted, should be brought to the attention of the relevant United Nations regional seas conventions and action plans. A number of representatives expressed strong support for the draft resolution. The Committee agreed to forward the draft resolution to the plenary for adoption.

142. At its final plenary session, on 16 November 1999, the Conference adopted Resolution 6.10 on by-catch, contained in Annex I to the present proceedings.

D. Guidelines on the harmonization of future Agreements

143. The Committee took up the above item at its 4th session, on 12 November 1999. Introducing the draft guidelines for the harmonization of future agreements (UNEP/CMS/Conf.6.10), the Executive Secretary explained that, owing to circumstances beyond the control of the Secretariat, the revision of the draft guidelines had not been possible. He considered that, pending the final revision by the Parties' legal experts, the guidelines could be used as a working tool for the development of further agreements, but they should in no way be considered as legally, politically or morally binding.

144. The representative of Monaco considered that the guidelines needed to provide further details on the procedure for signature and ratification of Agreements, perhaps with supplementary information in footnote form. They also needed to set out clearly the interim measures to be followed between the signing of an Agreement, its entry into force, and its first meeting of Parties.

145. The Secretary of the EUROBATS Agreement stressed that the guidelines needed to take full account of the experiences of existing Agreements. For example, amending the EUROBATS Agreement, to add a family and species of bat, required ratification of the amendment by the Parties. Those Parties that were not Range States of the species, however, had little interest in initiating lengthy parliamentary ratification procedures. Moreover, future Parties to the Agreement needed to deposit instruments of ratification to the original Agreement and also to its amendments. From a purely practical point of view, Agreements governing specific species needed to have uncomplicated procedures for amendment, for example by having appendices which could be easily amended at a session of the Meeting of Parties.

146. Several representatives considered that, because of the legal implications of the draft

guidelines, it was necessary to continue the review by legal experts before they could be considered for adoption.

147. The Conference decided to take note of the revised draft guidelines for the harmonization of agreements; to instruct the Secretariat to proceed as requested in Resolution 5.2; and to request the Standing Committee to supervise the process of finalizing the guidelines, taking due account of the comments made at the current session.

E. Other matters

148. Under the sub-item, the Chair of the Scientific Council introduced Recommendation 6.1 (UNEP/CMS/Rec.6.1) on standardized nomenclature for the CMS Appendices. He explained that the recommendation had no significance beyond its purely scientific technical content, and implied no conservation changes of any kind.

149. The Committee agreed to forward the recommendation to the plenary for adoption.

150. At its final plenary session, on 16 November 1999, the Conference adopted Recommendation 6.1 on standardized nomenclature for the CMS Appendices, contained in Annex II to the present proceedings. (In the heading to operational paragraphs d) and e), the incorrect reference to "families" was replaced by the word "species".)

151. Under the same sub-item, the Chair of the Scientific Council, introducing the revised draft Recommendation 6.2 (UNEP/CMS/Rec.6.2 (Rev.1)) on cooperative actions for Appendix II species, noted that its aim was to continue cooperative actions already under way and to add new species to the list for cooperative actions.

152. Several representatives said that the recommendation should also state that the cooperative actions for the Corncrake, Quail and Black-necked swan (Recommendation 5.2) would continue for the biennium 2001-2002. The Chair of the Scientific Council agreed that there had never been any intention to withdraw species from cooperative actions, and the Chair of the Committee of the Whole, responding to suggestions from the floor, said that the following paragraph should be inserted as a new paragraph 4:

"Endorses the recommendation of the Scientific Council at its seventh meeting that cooperative actions for the species covered by Recommendation 5.2 be extended for a further two years (2001-2002)".

153. It was also suggested that the words "all albatrosses" be moved from the middle of the list in old operative paragraph 5 and be placed at the beginning of that list.

154. Several more amendments were proposed to the text of the draft and accepted by the Committee.

155. Responding to the concerns of one representative about the African wild dog, the Chair of the Scientific Council said that the species was not currently listed in Appendix II and therefore required a formal proposal by a Party at a subsequent meeting of the Conference of the Parties.

156. The Committee agreed to forward the recommendation, as amended, to the plenary for adoption.

157. At its final plenary session, on 16 November 1999, the Conference adopted Recommendation 6.2 on cooperative actions for Appendix II species, contained in Annex II to the present proceedings.

X. STRATEGY FOR THE FUTURE DEVELOPMENT OF THE CONVENTION (Item 13)

158. The Committee of the Whole took up the item at its 2nd session, on 11 November 1999. The Deputy Executive Secretary introduced the strategy for the future development of the Convention (UNEP/CMS/Conf.6.12) and the draft Resolution 6.3 thereon (UNEP/CMS/Res.6.3).

159. The representative of the European Community, speaking on behalf of its member States, said that the strategy needed to show a clear view of the division of tasks between the Secretariat and the Parties, and that those of the Secretariat, in particular, should be evaluated in terms of staff and financial resources. There should be no overlap with the work of other conventions. It was necessary to establish clear objectives, define the most efficient means to achieve them, and then determine the key actions required and their order of priority. He welcomed the progress achieved thus far, but considered that the working group on the strategy might need to continue its work in some form after the Conference, under the guidance of the Standing Committee.

160. Responding to a point raised on the need for the strategy to stress that cooperation between conventions was required in practice, and not just on paper, the Executive Secretary pointed to the extensive liaison work carried out by the Secretariat since 1994 and described in document UNEP/CMS/Conf.6.

161. The Committee agreed to refer the issue to the working group on the strategy.

162. At the 6th plenary session, on Monday 15 November 1999, the representative of Australia, the chair of the working group on the strategy, reported that the group had held a number of meetings, including one joint meeting with the subgroup on budget. She stressed that, because of the close interlinkages between the work of the two groups, their two chairs had liaised constantly. The results of the work were reflected in the revised draft Resolution 6.3 and the abridged strategic plan for the years 2000-2005 (UNEP/CMS/Res.6.3/Rev.1 and Add.1).

163. The group had noted the importance of the work carried out by the Standing Committee and the Secretariat in preparing the comprehensive working document on the strategy (UNEP/CMS/Conf.6.12), and members had wanted it to be retained as a reference point for additional focussed work on the issue. Discussion in the group had focussed on refining the strategy, clearly setting out the priorities and guidelines to be followed. It was stressed that the strategic plan was not in itself a budget document but, rather, represented a way forward for the Convention in prioritizing its work up to the next meeting of the Conference of the Parties.

164. Following the discussion, in which amendments were proposed by a number of representatives, the Committee approved draft Resolution 6.3 and the attached strategic plan for 2000-2005 for transmission to plenary.

165. At its final plenary session, on 16 November 1999, the Conference adopted Resolution 6.3 on the Strategic Plan for the Convention on Migratory Species, contained in Annex I to the present proceedings.

XI. CONSIDERATION OF PROPOSALS FOR AMENDMENTS TO APPENDICES I AND II OF THE CONVENTION

166. The Committee took up the item at its 5th session, on Friday, 12 November 1999. Dr. Devillers, the Chair of the Scientific Committee, introducing proposals for the amendment of Appendices I and II of the Convention, as summarized in document UNEP/CMS/Conf.6.11 Annex, said that the proposals were put forward unanimously by the Scientific Council. Most significant among the species proposed were those in the Whale shark and sturgeon families. He noted that putting a species in the Appendices was only the first step. To help conserve the species, concerted actions were required if the species were in Appendix I and Agreements if the species were listed in Appendix II.

167. The representative of BirdLife International welcomed the inclusion in the proposal of the so-called "austral migrants". The species currently proposed formed the core of a group of endangered grassland specialists migrating and breeding between various South American countries. For the next meeting of the Scientific Council, BirdLife International would bring up a proposal for two further threatened species (*Pseudocoloeryx dinellianus* and *Sporophila palustris*) and five near-threatened species (*Polystictus pectoralis*, *Knipolegus hudsoni*, *Alectrurus tricolor*, *Anthus chacoensis* and *Sporophila ruficollis*) for eventual consideration by the Conference of the Parties.

168. In response to a query about the migratory status of the Baikal sturgeon, number II/14 on the proposed list, the representative of Germany, one of the countries that had originally put forward the proposal, said that scientists in the Russian Federation had been consulted and had confirmed that the Baikal sturgeon migrated from Lake Baikal along the Selenga river in Mongolia, and therefore qualified as a migratory species.

169. Following that discussion, the Committee agreed to forward the proposals in their entirety to the plenary for adoption.

170. At the final plenary session, on 16 November 1999, the Deputy Executive Secretary, at the request of the Chair, presented a summary of the proposed changes to the lists of species in Appendix I and II, as contained in document UNEP/CMS/Doc.6.11; in all, there were seven proposals for additions to Appendix I and 31 proposals for Appendix II, which the Committee of the Whole had agreed to forward in their entirety to the plenary for adoption. Following that introduction, the Conference adopted the proposals. The list of species included in Appendices I and II by the sixth meeting of the Conference of the Parties appears at Annex III to the present proceedings.

XII. FINANCIAL AND ADMINISTRATIVE ARRANGEMENTS

1. Extension of the CMS Trust Fund

171. At its final session, on 16 November 1999, the Conference agreed, by paragraph 17 of Resolution 6.7 on the financial and administrative matters, to request the Executive Director of UNEP to extend the duration of the Trust Fund for the Convention on the Conservation of Migratory Species of Wild Animals to 31 December 2002.

2. Adoption of the budget

172. The Committee took up the item at its 4th session, on 12 November 1999. The Deputy Executive Secretary introduced the Secretariat's report on financial and administrative matters (UNEP/CMS/Conf.6.13.1), an addendum to that report, based on supplementary information recently supplied by UNON, and draft Resolution 6.7 on the budget (UNEP/CMS/Res.6.7).

173. On the status of contributions to the CMS Trust Fund, he said that, as at 26 October 1999, a total of some \$450,000 was outstanding. Although, going by the precedent of recent years, he was confident that over 90 per cent of those dues would be collected, he pointed to the potential problem of countries paying late in the year in which contributions were due, or even in the following year. In the past, the balance of the Trust Fund had been such that late payment posed little difficulty, but it was feared that late payment could cause cash-flow problems for the Secretariat in the future. As at 31 October 1999, approximately \$835,000 was available in the Trust Fund, a figure lower than that known to the Secretariat when preparing the draft budget at the end of August 1999.

174. Increased Party contributions were being requested for a number of reasons. The comprehensive strategic plan that had been drafted needed to be financed adequately if CMS were to be able to carry out the activities which it envisaged. In addition, since 1994, membership of CMS had increased 48 per cent. Twelve of the new Parties joining since that time -- 20 per cent of the total membership -- were developing countries. Since their presence at Scientific Council and other CMS meetings was considered very important and was supported from the budget, there needed to be an increase in budgetary resources commensurate with the increase in their numbers.

175. A number of new regional memoranda of understanding had been signed in recent years, for which CMS provided de facto secretariat services, without any additional financial resources. Funds were needed from the core budget if those implementation tools were to serve their intended purpose. Moreover, the budget proposed, for the first time, to institutionalize the holding of annual regional meetings of CMS Parties, something which other conventions had shown to be of great value.

176. The Secretariat's staffing situation remained problematic. The workload of CMS and comparison with the budget-staffing ratio of related conventions showed adequate justification for the recruitment of the professional and support staff proposed in the budget. Moreover, new staff were needed to assume the workload of staff-members who were expected to be lost to the Secretariat in 2000 as a result of the new conditions governing secondments set out in United Nations General Assembly Resolution 51/243, as well as termination of sponsored placements. In effect, the proposed budget requested two additional professional officers, the first increase since the fourth meeting of the Conference of the Parties in 1994, which would not even compensate for the anticipated loss of the three officers from whose services the Secretariat had benefited through secondment.

177. An innovative feature of the proposed budget was the division of the Secretariat into discrete units, dealing with: executive direction and management; development and servicing of agreements; information; scientific and technical support; and administration, finance and technical support. He drew attention to the proposed organizational diagram for the Secretariat annexed to document UNEP/CMS/Conf.6.13.1, clarifying how staffing uncertainties would impact on the Secretariat's work programme.

178. The Deputy Executive Secretary explained that draft Resolution 6.7 pertained to a biennial and not a triennial budget period because the current meeting of the Conference of the

Parties was being held slightly out of the usual cycle of meetings. The proposed budget represented a significant increase in Parties' contributions. An independent analysis had been carried out to gauge the effect of a \$500,000 withdrawal from the Trust Fund to keep contribution increases below the amount proposed. Using the new figures made available to the Secretariat, it had been concluded that, although feasible, such a course of action would not represent sound financial practice, since it would reduce the Trust Fund balance to an absolute minimum. Moreover, it was based on the assumption that most outstanding contributions would be paid - an assumption which, while not unreasonable, should not be taken for granted.

179. The Executive Secretary stressed that the CMS Secretariat had always behaved very judiciously with the Parties' money. A United Nations audit conducted some two years previously had established that, while some United Nations rules and regulations had not been respected -- and only in the last two years had the Secretariat been provided with a Fund and Administration Officer -- in no case had money been spent without full justification. The CMS Secretariat was not authorized to submit its budget to the Conference of the Parties without the prior approval of UNEP. The Executive Director of UNEP had expressed the view that the proposed 30 per cent increase in the budget appeared high, but that additional staff members were definitely needed to enable the Secretariat to discharge the mandate conferred upon it by the Conference of the Parties.

180. The representative of UNEP urged caution in drawing upon trust fund resources, in the light of the ongoing need to fund CMS activities until contributions flowed in. Acknowledging that the Secretariat was accomplishing a great deal within a limited budget, he explained that the Executive Director of UNEP had approached the Secretary-General of the United Nations, pointing to the problem of the loss of secondments and urging a waiver in the application of the new regulations governing that matter. That approach had not been successful. On the subject of internships, UNEP had a robust programme that could be replicated by CMS and the Executive Director had promised to assist the Secretariat with regard to the Junior Professional Officer (JPO) programme.

181. The Committee agreed to refer the examination of the budget to the subgroup on budget and finance, on the understanding that the subgroup would also consider the issues pertaining to United Nations General Assembly Resolution 51/243, as well as the matter of rule 14 (2) of the rules of procedure of the Conference of the Parties pertaining to voting rights and delinquent contributions.

182. At the 8th session of the Committee of the Whole, on 16 November 1999, the representative of France, chair of the subgroup on budget and finance, reported on the work of the four meetings of the subgroup. She introduced draft Resolution 6.7 on financial and administrative matters (UNEP/CMS/Res.6.7/Rev.1), which contained in its annex I revised budget estimates for 2001-2002 allocated to functional work units. The subgroup had recommended that the main part of the reserve available in the Trust Fund and the supplementary voluntary contribution by Germany should be used only for targeted activities, and not to reduce the contributions by members.

183. On the subject of staffing, the creation of two new posts was recommended to support an Agreement Development and Servicing Unit (a P-4 Agreement officer, and a G-4 assistant). With respect to the Secretariat's information capability, it was recommended that an existing P-3 Information Officer post be upgraded to the P-4 level, instead of creating a new (additional) P-4 post. This expanded post, with the title of "Information and Capacity Building Officer" would be expected to assume additional responsibilities, and the JPO programme would be used to fill any outstanding requirements. Finally, two existing posts at the G-5 level would be upgraded to G-6,

and UNEP had agreed to study all options and work towards financing one of them (the G-6 Finance Assistant).

184. All budget lines dealing with projects were budgeted at zero, in accordance with the agreement to withdraw funds from the Trust Fund for project implementation. The German voluntary contribution for the biennium would cover projects totalling \$93,800. In addition to the first tranche of \$400,000 for project implementation for the biennium, a second tranche of \$300,000 would be forthcoming, subject to availability of funds. Thus, \$793,800 could be available for practical conservation and implementation measures. The chair of the subgroup on budget and finance drew attention to the request that project proposals be prioritized to focus on the information management plan, then conservation measures and, finally, other subcontracts.

185. The subgroup had agreed to the withdrawal of \$50,000 per annum from the Trust Fund to reduce members' contributions. In all, taking into account total withdrawals from the Trust Fund, the proposed budget represented an average increase of 26 per cent, and not 30 per cent, as contained in the original draft budget proposal.

186. The subgroup had also examined the question of the 13 per cent overhead levied by UNEP for staff seconded to the Secretariat. It had proposed to invite Parties to consider seconding technical experts, in accordance with the United Nations rules and regulations, and agreed to provide modest funding within the approved CMS budget to cover the difference in cost and applicable UNEP overhead charge for such staff.

187. Following its examination of the issues surrounding the application of rule 14 (2) of the rules of procedure, the subgroup had proposed the writing off of unpaid pledges of four and more years, and had recommended to allow non-paying Parties to exercise their voting rights at the current session. At the same time, the subgroup had considered that the Conference should serve notice to those Parties with contributions in arrears that rule 14 (2) would be strictly adhered to at the seventh meeting of the Conference of the Parties.

188. In conclusion, she reported that the subgroup had decided to waive participation fees for non-governmental organizations in meetings of CMS.

189. All representatives who took the floor congratulated the chair of the subgroup and expressed appreciation for the excellent work it had carried out.

190. In the ensuing discussion, several representatives said that they would prefer to see funds being devoted to field activities, rather than to administration and bureaucracy, but acknowledged that the additional professional posts sought by the Secretariat would help to address areas currently not covered. It was also agreed that the increase applied for would be on an exceptional basis, for the next biennium only, and that any increases at future meetings of the Conference of the Parties would be strictly limited. It was noted that, at its future meetings, the Conference of the Parties would not be able to rely on the trust fund reserve.

191. In response to a question, the representative of UNEP explained that an amount of \$80,000 had been reflected as interest for 1998 in the CMS Trust Fund. In response to a request for clarification regarding the services to be provided by UNEP over the coming biennium, in return for nearly \$400,000 in overhead fees, he said that it was very difficult to quantify and tabulate the across-the-board services rendered by UNEP. Since UNEP administered 92 trust funds and eight convention secretariats, it was not considered cost-effective to have a unit providing dedicated services to each convention. It was, therefore, not possible to provide detailed costing. He noted that, from the overheads levy of \$173,000 in 2001, UNEP would be

paying \$130,000 for the provision of a Finance and Administration Officer to CMS.

192. There was extensive debate on the problems experienced at the current meeting with the translation of documents, in particular, into Spanish. Noting that the problem was related not to finance, but to a shortage of human capacity, the Committee urged UNON Conference Services to give careful consideration to avoiding such problems in the future and to providing a more efficient service in that area. It was also agreed that, for future meetings, the Secretariat should consistently indicate the original language of the documents, in accordance with standard United Nations practice. In response to concerns expressed by the representative of Paraguay that insufficient funds were budgeted for language training for Secretariat staff, the Chair suggested that the amount under that budget line could be increased by decreasing the amount budgeted for miscellaneous expenses, without affecting the bottom line.

193. To meet the concerns of another representative, the Executive Secretary gave assurances that the responsibility for enhancing synergy and ensuring liaison with other conventions would be shared between the Executive Secretary and other members of the Secretariat.

194. In response to a request that voluntary contributions be documented more explicitly, the Deputy Executive Secretary said that they would be reflected in the annex to the pre-session document on the budget prepared for the next meeting of the Conference of the Parties, in addition to the mention already given in the report of the Secretariat. The Chair expressed the hope that providing such a table would help stimulate further voluntary contributions from other Parties.

195. Concerns were also expressed about the need for interpretation in the working groups. Following an extensive debate and an explanation by the representative of UNON of the associated costs, the Committee agreed to give consideration, in preparing the agenda for the meeting, to scheduling meetings of important working groups at times when the plenary and the Committee of the Whole did not need to meet, thus utilizing already available interpretation resources. In addition, consideration could be given to using the language capacity of Secretariat staff to assist, informally, in working groups; ensuring that the language skills of the Secretariat staff included all the working languages; and making provision for a small amount of additional interpretation for working group meetings.

196. The representative of Germany said that, if the Conference accepted his country's offer to host the next meeting of the Conference of the Parties, Germany would endeavour to meet the interpretation needs of working groups from its own resources and free of charge.

197. In response to concerns that an insufficient amount had been budgeted for regional meetings, the Deputy Executive Secretary pointed out that those meetings were organized on the basis of the provision of matching funds by the host country; accordingly, the budget estimate provided for two regional meetings per year.

198. With those and further amendments, reflecting the need to provide for the special needs of countries with economies in transition and to strengthening the mandate conferred on Standing Committee, the Committee agreed to forward the revised draft resolution to the plenary for adoption.

199. Following that decision, the representative of United Kingdom said that his delegation agreed to the proposed budget subject to the reservation of its position regarding the 13 per cent administrative charge on all contributions, including voluntary contributions, which, by and large, passed through CMS without any attendant administrative burden on UNEP. The representative of the European Community said that the Community also had a reservation in that respect.

200. At its final plenary session, on 16 November 1999, the Conference adopted Resolution 6.7 on financial and administrative matters, contained in Annex I to the present proceedings.

XIII. INSTITUTIONAL ARRANGEMENTS

A. Headquarters agreement and juridical personality

201. The Committee of the Whole took up the sub-item at its 4th session, on 12 November 1999. The Executive Secretary introduced the report on the Headquarters Agreement (UNEP/CMS/Conf.6.14.1) and the draft Resolution 6.8 on the Juridical Personality of, and Headquarters Agreement for, the Convention Secretariat (UNEP/CMS/Res.6.8), and drew attention to the report of the Depositary (UNEP/CMS/Conf.6.5.4). He observed that the tripartite headquarters agreement, once finalized, would need to be formally endorsed and adopted by the authorized bodies. Considering that the draft agreement was not yet ready for adoption by the current meeting of the Conference of the Parties, he believed that, if additional input were needed before its conclusion and approval, the Standing Committee should be authorized to act on behalf of the Conference of the Parties.

202. The representative of Germany expressed concern that the headquarters agreement had not yet been concluded. It had been the subject of intensive discussion at the last meeting of the Conference of the Parties and in 1998 his Government had presented a formal proposal. After a period of some 18 months, the United Nations had given the response that it was necessary to consider the issue again at the current meeting. While agreeing in principle with draft Resolution 6.8, and on the need to involve the Standing Committee in the process, he considered that the very complicated legal questions that arose needed further discussion. In that connection, it was particularly important to clarify the juridical status of the UNEP/CMS Secretariat.

203. The Committee agreed to establish an informal working group, under the Chair of the Committee of the Whole, comprising representatives of Germany, the Netherlands, the CMS Secretariat and UNEP, to consider the issue further and prepare a draft recommendation for the Conference of the Parties.

204. At the 8th session of the Committee of the Whole, on 16 November 1999, the Executive Secretary introduced draft Resolution 6.8 on the juridical personality of and headquarters agreement for the Convention Secretariat. He explained that the draft resolution to be put before the Conference of the Parties represented the result of long negotiation with legal experts.

205. Following a brief oral amendment by the representative of Germany, the Committee agreed to forward the draft resolution, as amended, for adoption by the plenary.

206. At its final plenary session, on 16 November 1999, the Conference adopted Resolution 6.8 on Institutional arrangements: juridical personality, privileges and immunities of the Convention Secretariat, contained in Annex I to the present proceedings.

B. Agreement secretariats

207. The Committee took up the sub-item at its 6th session, on 15 November 1999. Introducing the item, the Deputy Executive Secretary drew attention to the report on co-location of Agreement secretariats (UNEP/CMS/Conf.6.14.2) and, in particular, to its Annex I, containing terms of reference for secretariat arrangements. He explained that Resolution 5.5 of the fifth meeting of the Conference of the Parties approved, *inter alia*, "the establishment of an

Agreements Unit within the Convention Secretariat on the basis of the attached Terms of Reference". Since then, the secretariats of ASCOBANS and of EUROBATS had discussed those terms of reference and had reached consensus on amendments, which had also been agreed with UNEP. The Secretariat invited the Conference to review and endorse, as appropriate, the amended terms of reference contained in Annex I to document UNEP/CMS/Conf.6.14.2, whereby it would repeal the Annex I to Resolution 5.5 and substitute it by the amended terms of reference, and record that decision in the report of the present proceedings.

208. The Executive Secretary of the EUROBATS Agreement said that, as a result of the consultations on the subject, which had involved close cooperation with the secretariats of EUROBATS, ASCOBANS, AEWa and CMS, the Parties to the Agreements expected that the secretariats would be considerably strengthened by the formation of an Agreements Unit. To ensure that the identities of the Agreements were maintained, however, and to avoid giving the mistaken impression that they were subsumed under the CMS Secretariat, some amendments had been made to the terms of reference. He concluded by expressing his appreciation for the cooperation with CMS and UNEP.

209. The Conference agreed to adopt the amended terms of reference, as contained in Annex I to document UNEP/CMS/Conf.6.14.2, to repeal Annex I to Resolution 5.5 and to substitute it with the amended terms of reference.

C. Standing Committee

210. The Committee of the Whole took up the sub-item at its 5th session, on Friday, 12 November 1999. Introducing documents UNEP/CMS/Conf.6.14.3 and addendum and UNEP/CMS/Res.6.5, on institutional arrangements for the Standing Committee, the Deputy Executive Secretary said that the membership of that Committee had presented some problems of continuity. The term of office for the full members and their alternates had been fixed to expire at the close of the second ordinary meeting following the meeting at which they were nominated, and many were stepping down simultaneously. The Conference of the Parties was invited to examine the current rotation system to determine whether or not some fine-tuning was required. Consideration could be given to a more radical amendment to the procedures so that, having served as an alternate member for the first half of the term, the Party concerned would automatically become the full member for its region for the second half. Unlike the current set-up, where alternates might never attend a Standing Committee meeting, the new arrangement would ensure an equitable rotation of members. That had been the basis on which draft Resolution 6.5 had been prepared. The draft resolution also consolidated the two resolutions still in effect concerning the Standing Committee, namely, Resolutions 2.5 and 3.7.

211. The acting Chair of the Standing Committee said that the arrangement proposed in draft Resolution 6.5 had the support of that Committee. He added that, in addition to the question of continuity, the issue of representation within the Standing Committee needed to be addressed. The Convention was experiencing uneven growth and two regions had a large number of Parties: Africa had 21 and Europe 29. Consideration should perhaps be given to having increased representation on the Committee from those regions that had a large number of Parties. Several representatives supported that proposal, with one noting the arrangement in the Ramsar Convention on Wetlands, whereby the composition of its standing committee was determined by the number of Contracting Parties in each region. Those representatives believed that the membership of the Standing Committee should, likewise, be a reflection of the number of Parties in each region.

212. One representative said that the Standing Committee had a fragile legal basis, since the articles of the Convention did not anywhere mention a "Standing Committee". Agreeing with that point, the Chair said that the authority for the Committee lay in resolutions of the Conference of the Parties, which he described as "soft" rather than "hard" law. An attempt to change that arrangement would give rise to other difficulties, including that of ratification of any changes to the Convention text.

213. One representative said that the Americas constituted a large geographical region, with very many migratory species, which should also be taken into account when considering a new composition for the Standing Committee, although if the cost implications were looked into, it might be considered that a full member and an alternate from the Americas would have to be sufficient for the time being.

214. The Chair suggested that delegations should consult further among themselves, adding that, if a change was to be made, a resolution to that effect would be required. He would therefore defer the matter, pending informal discussion, to the following session of the Committee of the Whole, on Monday, 15 November 1999.

215. At its 6th meeting, on 15 November 1999, the Chair of the Committee of the Whole introduced the revised draft Resolution 6.5 on institutional arrangements for the Standing Committee, pertaining to procedures for the election of regional representatives and the consolidation of resolutions (UNEP/CMS/Res.6.5 (Rev.1)). He explained that discussions had been held among Parties and in the Bureau, and the results of the comments made had been incorporated into the draft.

216. Following proposals by the Vice-Chair of the Committee of the Whole, speaking on behalf of the Americas and Caribbean region, and by the representative of Togo, speaking on behalf of the African region and supported by other members of that group, and by the representative of the Philippines, the Committee approved the draft resolution, as amended, for transmission to the plenary.

217. In response to an invitation from the Chair for nominations for the Standing Committee, the following nominations were made for the five major geographical regions:

- (a) Africa: South Africa (full member) and Kenya (alternate), and Democratic Republic of Congo (full member) and Morocco (alternate);
- (b) Americas and the Caribbean: Uruguay (full member) and Argentina (alternate) to continue;
- (c) Asia: Pakistan (full member) and Sri Lanka (alternate);
- (d) Europe: Poland (full member) and Ukraine (alternate); Belgium (full member) and Monaco (alternate); and
- (e) Oceania: Philippines (full member) and Australia (alternate).

218. An open inter-sessional working group on performance indicators was established under the Standing Committee, with the following membership: Australia, Belgium, Benin, Ghana, Israel, Netherlands, Nigeria, Philippines, Switzerland and the United Kingdom. Israel was elected Chair of the group, and the United Kingdom Vice-Chair.

219. At its final plenary session, on 16 November 1999, the Conference adopted Resolution 6.5 on institutional arrangements for the Standing Committee, contained in Annex I to the present proceedings.

D. Scientific Council

220. The Committee took up the item at its 5th session, on Friday, 12 November 1999. Introducing documents UNEP/CMS/Conf.6.14.4 and UNEP/CMS/Res.6.6/Rev.1, on institutional arrangements for the Scientific Council, the Deputy Executive Secretary highlighted two aspects of the revised draft Resolution 6.6, namely, the desirability of formalizing the relationship between the Scientific Council and comparable bodies, and the need for the Conference of the Parties to consider the recommendation by the Scientific Council on the re-appointment of the existing five Conference-appointed experts, communicated to the Parties in the report of the ninth meeting of the Scientific Council.

221. He drew attention in the revised draft resolution to the list of 10 organisations with whom the Secretariat had cooperative working arrangements, which were proposed to be invited to participate as standing observers in the meetings of the Scientific Council. He also said that, with regard to the recommendation on the re-appointment of Conference-appointed experts, the meeting might wish to consider the appointment of an expert on the fauna of the Asian region. Several representatives spoke in favour of such an appointment.

222. At its 6th session, on 15 November 1999, the Committee considered the second revision of draft Resolution 6.6, on institutional arrangements for the Scientific Council. Following a brief exchange of views among several representatives, a further revision was prepared by the Secretariat, in accordance with which the selection of the Conference-appointed Councillor for Asiatic fauna would be confirmed by the Standing Committee at its next meeting, following the Secretariat's invitation to Parties to nominate appropriate candidates. The Committee agreed to forward draft Resolution 6.6 to the plenary for adoption.

223. At its final plenary session, on 16 November 1999, the Conference adopted Resolution 6.6 on institutional arrangements: Scientific Council, contained in Annex I to the present proceedings.

XIV. DATE AND VENUE OF THE SEVENTH MEETING OF THE CONFERENCE OF THE PARTIES

224. At its 8th session, on 16 November 1999, the Committee considered the above item of the agenda. Introducing the item, the Chair drew attention to the revised draft Resolution 6.9 (UNEP/CMS/Res.6.9/Rev.1) on the date, venue and funding of the seventh meeting of the Conference of the Parties. The Vice-Chair, speaking on behalf of the Americas and Caribbean region, applauded the offer of Germany to host the meeting, the first of two options laid out in the draft resolution in square brackets.

225. The Committee accepted by acclamation the resolution, as amended to delete the second option in square brackets, and agreed to forward it for adoption by the plenary.

226. At its final plenary session, on 16 November 1999, the Conference adopted Resolution 6.9 on date, venue and funding of the seventh meeting of the Conference of the Parties, contained in Annex I to the present proceedings.

XV. OTHER MATTERS

A. Status of the Hong Kong Special Administrative Region: relevance for CMS

227. At the 4th session of the Committee of the Whole, on 12 November 1999, the Executive Secretary introduced the report on the subject (UNEP/CMS/Conf.6.4.1), and said that the Secretariat sought clarification on how to proceed with regard to including China, limited to the Special Administrative Region of Hong Kong, in its list of Parties.

228. The representative of China expressed congratulations on the occasion of the twentieth anniversary of the signing of the Convention on Migratory Species, and appreciation to the host Government of South Africa for its hospitality.

229. She reiterated the undertaking made by the Government of China on this issue that CMS continued to apply to the Hong Kong Special Administrative Region with effect from 1 July 1997. The responsibility for the international rights and obligations of a Party to the Convention was assumed by the Government of China.

230. She hoped that this undertaking could be fully understood according to the "one country two systems" policy, which could be elaborated as "After 1 July 1997, Hong Kong becomes a Special Administrative Region of China and enjoys a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central Government of the People's Republic of China."

231. With regard to the questions raised by the Secretariat and the section of document headed "Action requested by the Secretariat", she pointed out that the Chinese Government was giving due consideration. But, taking into account the special characteristics of the issue, the formal reply to the questions raised by the Secretariat was awaiting the outcome of the consultation between the Central Government and the authority of Hong Kong Special Administrative Region. When the internal discussions were concluded, there would be a formal response to the Secretariat on this issue. She was convinced that a solution would be found to address it appropriately. Therefore, she suggested that no action on the part of the Secretariat was necessary at this time.

232. China recognized the importance of the work of CMS and had participated in the international cooperation on the conservation of migratory species. China attended the third meeting of the Siberian Crane Range States, held in Ramsar, Islamic Republic of Iran, in 1998. In April 1999, China had signed the memorandum of understanding concerning the measures for the Siberian crane, which extended to East Asia conservation measures for this endangered species. China had also signed the Sino-Japan Migratory Birds Agreement and the Sino-Australia Migratory Birds Agreement. The working group meeting of the two agreements was undertaken periodically. China was also a participating country in the East Asia-Australia Shorebirds Site Network, East Asia Crane Site Network and the East Asia Anatidae Site Network.

233. She wished to stress again that China fully understood its responsibilities in the conservation of migratory species and would continue actively to participate in the international cooperation in that field, especially for the migratory species, one of the valuable components of our natural resources.

234. The Committee recommended that the Conference of the Parties take note of the report of the Secretariat, contained in document UNEP/CMS/Conf.6.4.1 and the statement made by the representative of China on the issue.

B. Global Register of Migratory Species

235. At the 6th session of the Committee, on 12 November 1999, the representative of Germany recalled that at the fifth meeting of the Conference of the Parties, in 1997, his country had announced its intention to set up an important database, known as the Global Register of Migratory Species (GROMS), to incorporate information on the maximum number of migratory species. Germany would continue to develop the Register, for the benefit of species conservation and as a working tool for CMS. He said that Germany would like to have a discussion on the Register at the next meeting of the Conference of the Parties.

236. The Executive Secretary paid tribute to the generosity of the German Government in developing the register and extending the project for further years. He considered it to be a valuable aid to the work of CMS in setting priorities and a contribution to the clearing-house mechanism of the Convention on Biological Diversity. He encouraged other countries to involve themselves in such an activity.

C. Scientific symposium on animal migration

237. During the sixth meeting of the Conference of the Parties, a scientific symposium on animal migration was held on Saturday, 13 November 1999, chaired by Prof. Les G. Underhill, Avian Demography Unit, University of Cape Town, South Africa, and officially opened by Dr. Mamphela Ramphele, Vice-Chancellor of the University of Cape Town.

238. At the symposium, the following presentations were made:

(a) Dr. Robert J. M. Crawford (Marine and Coastal Management, Department of Environmental Affairs and Tourism, South Africa): "Moving home in the Benguela ecosystem - the shorter and longer-term preferences of some predators, with implications for their conservation";

(b) Mr. John Cooper (BirdLife International Seabird Programme, Avian Demography Unit, University of Cape Town) and Mr. Deon Nel (Percy FitzPatrick Institute of African Ornithology, University of Cape Town): "Towards a Bonn Convention Agreement: migratory patterns of southern albatrosses at risk from longline fisheries";

(c) Dr. Peter Best (Mammal Research Institute, University of Pretoria): "Distribution and migration of southern right whales: nineteenth and twentieth-century comparisons";

(d) Mr. Mark Anderson (Northern Cape Nature Conservation Service): "Sandgrouse movements in southern Africa";

(e) Prof. Les G. Underhill (Avian Demography Unit, University of Cape Town): "Bird ringing in Africa: coordinated activities towards the development of AFRING";

(f) Mr. Henry Huntingdon (Private Consultant to Working Group Conservation Arctic Flora and Fauna (CAFF)): "The use of indigenous knowledge to understand

migration patterns of marine mammals";

(g) Dr. Pavel S. Tomkovich (Ornithology Department, Zoological Museum, Moscow State University, Moscow): "Connecting the south and the north: long-distance migratory patterns of Arctic breeding waders";

(h) Dr. Klaus Riede (University of Bonn, Germany): Global Register of Migratory Species (GROMS): current state and perspectives";

239. Following the presentation of those papers, Dr. Devillers, the outgoing Chair of the CMS Scientific Council made closing remarks on the work of the symposium.

D. Cooperative actions for Appendix II species

240. At the 7th session of the Committee of the Whole, the Chair introduced the revised version of draft Recommendation 6.2 (UNEP/CMS/Rec.6.2 (Rev.2)), on cooperative actions for Appendix II species. On the advice of the Chair of the Scientific Council, it was agreed to delete the bracketed phrase in paragraph 5 and to forward the draft resolution as amended to the plenary for adoption.

241. At its final plenary session, the Deputy Executive Secretary, at the request of the Chair, presented a summary of the proposed changes to the lists of species in Appendix I and II, as contained in document UNEP/CMS/Doc.6.11; in all, there were seven proposals for additions to Appendix I and 31 proposals for Appendix II, which the Committee of the Whole had recommended be forwarded to the plenary for adoption. At the invitation of the Chair, the plenary then adopted the proposals in their entirety.

XVI. ADOPTION OF THE REPORT OF THE MEETING (Item 19)

242. The present report was adopted by the meeting at its final plenary session, on Tuesday, 16 November 1999, on the basis of a draft report which had been circulated in document UNEP/CMS/Conf.6/L.1, and on the understanding that the finalisation of the report would be entrusted to the Secretariat.

XVII. CLOSURE OF THE MEETING (Item 20)

243. Following the customary exchange of courtesies, the Chair declared the meeting closed at 4 p.m. on Tuesday 16 November 1999.