



Convention on the Conservation of Migratory Species of Wild Animals

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TWENTIETH MEETING OF THE
STANDING COMMITTEE

Cape Town, 9 November 1999

REPORT OF THE TWENTIETH MEETING OF THE STANDING COMMITTEE

Introduction

1. The twentieth meeting of the Standing Committee was held at the Lord Charles Hotel, Somerset West, Cape Town, South Africa, on Tuesday, 9 November 1999.

I. OPENING REMARKS

2. In the absence of the representative of Saudi Arabia (Asia), who was unable to attend the meeting, the chair was taken by Mr. Gerard Boere. Pointing to the just-concluded first session of the Meeting of the Parties to the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) he noted that another important Agreement under CMS was in place, and decisions had been taken on its secretariat, budget and rules of procedure.

3. The Deputy Executive Secretary introduced the agenda of the meeting (UNEP/CMS/StC.20/Doc.1) and drew attention to the documents prepared by the secretariat pertaining to the respective items.

II. REPORT ON SCIENTIFIC COUNCIL DEVELOPMENTS

4. Mr. Pierre Devillers, Chair of the Scientific Council, reported on the work of the Council at its sixth meeting and summarized its main outcomes, which included: the consideration of proposals for additions to Appendixes I and II; the election of Mr. Colin Galbraith as new Chair of the Council; the decision to follow a written procedure in early 2000 for the election of the Vice-Chair; and the renewal of the mandate of the existing Conference-appointed Councillors.

III. LOGISTICAL ARRANGEMENTS FOR THE SIXTH MEETING OF THE CONFERENCE OF THE PARTIES

A. Meeting structure: committees, working groups, chairs

5. The Deputy Executive Secretary introduced the provisional timetable (UNEP/CMS/Conf.6.3) of the sixth meeting of the Conference of the Parties and observed that it was proposed to establish a Committee of the Whole to conduct most of the business on the agenda and refer its conclusions to the plenary. A standing requirement was the establishment of a Credentials Committee. In that

connection, the Credentials Committee set up at the recently concluded AEWA meeting had facilitated the work of examining credentials of participants. Working groups were also required to cover the major themes of budget and finance; the strategic plan; and the information management plan (UNEP/CMS/Conf.6.7). Preliminary discussions had been held, but no conclusions reached on the chairs of those groups.

6. Following the proposal of the representative of the host country, the Committee agreed that Ms. Tanya Abrahamse, Deputy Director General of the Department of Environmental Affairs and Tourism of South Africa, be nominated as Chair of the plenary.

7. The Executive Secretary explained that the secretariat and the officers of the Standing Committee had made enquiries by fax and e-mail concerning a nominee to chair the Committee of the Whole. Under the rules of procedure adopted at the fifth meeting of the Conference of the Parties, that chair would also be designated as the Vice-Chair of the plenary. Support had been received for the nomination of Mr. Robert Hepworth (United Kingdom), and the question could be considered at the meetings of regional groups scheduled to follow the current meeting.

8. The Standing Committee decided to refer that question and the other nominations for the sessional committees to the meetings of regional groups.

B. Programme and timetable

9. The Deputy Executive Secretary introduced the provisional agenda (UNEP/CMS/Conf.6.1/Rev.1) and the timetable of the sixth meeting of the Conference of the Parties (UNEP/CMS/Conf.6.3). The secretariat proposed, and the Standing Committee agreed, that a new sub-item 10 (e) be added to the agenda, to cover other matters that were germane to the review of the implementation of the Convention. The Committee agreed to the provisional timetable for the meeting.

10. The Chair, noting that a symposium on animal migration was scheduled for Saturday, 13 November, drew attention to the recently issued illustrated colour publication on the proceedings of the symposium that had been held on the occasion of the previous meeting of the Conference of the Parties, in Gland, Switzerland. The Standing Committee expressed its thanks to the Government of the Netherlands for providing the funds to print that publication.

C. Rules of procedure of the Conference of the Parties

11. The Deputy Executive Secretary, noting that the rules of procedure adopted at the fifth meeting of the Conference of the Parties had not been substantively amended, introduced the paper prepared by the secretariat on the issue of voting rights for Parties that were three years or more in arrears in paying their subscriptions (UNEP/CMS/StC20/Doc.2). The secretariat had written to the Parties concerned in July 1999, calling their attention to rule 14 (2), but to date it had received no information from any Party on extenuating circumstances that hindered payment. The secretariat had also received a memorandum from the United Nations Office at Nairobi, noting that the United Nations Controller had determined that delinquent pledges to a convention could be written off, with the approval of the relevant Conference of the Parties. The secretariat had calculated that the total outstanding contributions from 13 Parties that were three or more years in arrears amounted to some \$25,000.

12. The representative for the Americas and the Caribbean (Uruguay) considered that the debt should be written off as a show of goodwill. The representative for Africa (Guinea) said countries had many reasons for non-payment of subscriptions. He proposed that the secretariat again send letters to the authorities concerned, drawing attention to rule 14 (2) of the rules of procedure, and also address them to the Foreign Ministry and the Finance Ministry of each of the countries concerned.

13. The representative of the Depositary (Germany), pointing to the extensive discussions of the issue at previous meetings of the Conference of the Parties, considered that rule 14 (2) represented a clear decision on the issue. To write off the debt would send the wrong signal to those less wealthy countries that did strive to meet their obligations. The observer from the United Kingdom supported that position, noting that a write-off of the debt might create problems for other conventions facing a similar situation.

14. Following a clarification from the secretariat, the Standing Committee agreed that, during the adoption of the agenda, the issue would be raised under the item on discussion of the rules of procedure, and that the relevant section of the rules could be assigned to an appropriate working group. Rule 14 (2) could be placed in square brackets until it had been considered by that forum.

15. The observer from the United Nations Office at Nairobi said that it was up to the Conference of the Parties to approve a decision on write-off.

IV. MATTERS ARISING FROM THE INFORMAL MEETING OF STANDING COMMITTEE MEMBERS ON 6 NOVEMBER 1999

16. The representative of the Depositary reported briefly on the informal meeting of the Standing Committee with the Executive Director of UNEP on 6 November 1999. The Executive Director had spoken of the ongoing restructuring within UNEP and had promised to enhance the synergies between CMS and UNEP and to provide increased scientific assistance. He had also commented on the draft budget of CMS.

V. INSTITUTIONAL MATTERS

A. Headquarters agreement and issue of juridical personality

17. The Executive Secretary drew attention to the report on the status of the Headquarters Agreement among the United Nations, the Government of Germany and the CMS secretariat (UNEP/CMS/Conf.6.14.1). In addition, the legal status of the secretariat had been addressed by the Standing Committee at its meeting in Bonn in January 1999. A refined draft of the proposal prepared at that time concerning the juridical personality of the secretariat was before the Conference of the Parties in draft resolution 6.8 (UNEP/CMS/Res.6.8).

18. The representative of the Depositary said that the headquarters agreements had been discussed intensively between the Depositary and the secretariat. In April 1998, the Depositary had submitted a proposal, which it hoped would be satisfactory to both sides. In October 1999, the Depositary received an answer from UNEP. Analysing that answer, the Depositary was of the view that, in some key issues, the views of UNEP were contrary to those of the Depositary. The German Government would endeavour to come to a satisfactory solution on the Agreement. Nevertheless, the draft resolution 6.8, on juridical personality and privileges and immunities of the Convention secretariat, would be welcome, but required further detailed examination.

19. The Executive Secretary said that the secretariat proposed to entrust the Standing Committee to follow up on the issue after the current meeting of the Conference of the Parties. It was proposed that the Conference of the Parties give the Committee a mandate to adopt the Headquarters Agreement on its behalf, should the situation arise.

B. Co-location of Agreement secretariats and the Agreements Unit

20. Attention was drawn to the fact that the adopted terms of reference of AEWA, which was to be relocated to Bonn, were different from those annexed to the resolution adopted by the last meeting of the Conference of the Parties.

21. The Standing Committee agreed that the new terms of reference adopted for AEWA would be circulated at the Conference of the Parties to allow the meeting to take note of the changes, and endorse them, and that the proceedings of the meeting would reflect the fact that the changes were approved and that no new formal resolution adopting them was required.

C. Standing Committee-proposed changes to regional representation; canvassing for members, alternates

22. The Deputy Executive Secretary introduced a proposal (UNEP/CMS/Conf.6.14.3), drawn from the example of the Convention on Wetlands, whereby an appointed alternate member of the Committee would serve for one term and would then become the member for the region represented. The host country and the Depositary would not be affected by that situation.

23. The Standing Committee agreed that the proposal should go forward to the Conference of the Parties.

VI. ISSUES RELATING TO THE UNITED NATIONS ENVIRONMENT PROGRAMME

24. The Standing Committee took note of the UNEP report to its current meeting (UNEP/CMS/StC.20/Inf.1). The representative of UNEP stressed the need for the Conference of the Parties to be well apprised of the recent structural changes in UNEP, pursuant to Governing Council decisions 20/16 and 20/17, and to understand the respective responsibilities of the new UNEP divisions, in particular, the Division for Environmental Conventions, with a view to exploiting synergies. The Chair noted that the information document on the issue was the first such document to be prepared by UNEP for a meeting of the Conference of the Parties and was sure that it would indeed promote such synergies.

VII. HOSTING OF THE SEVENTH MEETING OF THE CONFERENCE OF THE PARTIES

25. Drawing attention to the generous offer by Germany to host the next meeting of the Conference of the Parties, together with the next session of the Meeting of the Parties to AEWA, the Deputy Executive Secretary said that the text of draft resolution 6.1 would have to be revised, to take account of that offer. As there were no other offers to host those meetings, the Committee concluded that the next meeting of the Conference of the Parties would, in all likelihood, be held in Germany.

VII. ANY OTHER BUSINESS

A. Attendance of meetings of the Standing Committee by non-governmental organizations

26. Recalling the wish stated by BirdLife International at the opening ceremony on 6 November 1999 that the Convention and its Agreements should be more open to observer participation at their meetings, the Deputy Executive Secretary suggested that a staged approach might be followed to admitting the participation of non-governmental organizations in the work of the Standing Committee, with the invitation of selected organizations on the basis of their specific expertise. He also pointed out that such a staged approach would necessitate no changes to the rules of procedure. The Chair noted that such an approach had initially been followed by the Convention on Wetlands

and had been superseded by formal participation by designated organizations.

27. The Chair concluded from the subsequent discussion that non-governmental organizations should henceforth be invited to observe the Committee's deliberations on a staged, issue-by-issue basis. He also proposed that the issue be considered in greater depth by the Standing Committee at its next meeting, with a view to the preparation of a more substantive proposal towards the nomination of formal counterpart organizations.

B. Funding proposals

28. With regard to funding proposals, the representative of Asia suggested that, if CMS accepted a proposal from an institution in a Contracting Party, that proposal should be endorsed by a designated agency in that country, for the purposes of coordination.

IX. CLOSURE OF THE MEETING

29. The Chair declared the meeting closed at 4.30 on Tuesday, 9 November 1999.

LIST OF PARTICIPANTS

Members

Dr. Gerard C. Boere	Netherlands (EUROPE) (Chairman)
Dr. Jorge L. Cravino Castro	Uruguay (AMERICAS/CARIBBEAN)
Mr. Carlo Custodio	Philippines (OCEANIA/PACIFIC)
M. Abdel Kader Bangoura	Guinea (AFRICA)
Mr. Umeed Khalid	Pakistan (Alternate for ASIA)
Mr. Gerhard Adams	Germany (DEPOSITARY)
Dr. Pieter Botha	South Africa (COP Host)

National observers

AUSTRALIA	Ms. Anne-Marie Delahunt
CZECH REPUBLIC	Dr. Petr Švec
MONACO	M. Patrick van Klaveren
POLAND	Dr. Zygmunt Krzeminski
SLOVAKIA	Mr. Peter Pilinský
UNITED KINGDOM	Dr. Colin A. Galbraith
	Mr. Richard Hepburn
	Mr. Mark O'Sullivan
UNEP	Mr. Edmundo Ortega
	Mr. Paul Chabeda
UNEP/CMS Secretariat	Mr. Arnulf Müller-Helmbrecht
	Mr. Douglas J. Hykle
	Ms. Bothena Bendahmane
	Mr. Robert Vagg
