



CONVENTION ON MIGRATORY SPECIES

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REPORT OF THE TWENTY-NINTH MEETING OF THE STANDING COMMITTEE

I. OPENING REMARKS

1. The twenty-ninth meeting of the Standing Committee of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) took place on Sunday, 20 November 2005 in Nairobi, Kenya.
2. The meeting was opened at 10.20 a.m. by the Chair, Mr. Martin Brasher, head of the Global Wildlife Division of the United Kingdom Department for Environment, Food and Rural Affairs. In his opening remarks, the Chair expressed pleasure that, at the time of the meeting, there were 93 Parties to the Convention, indicative of the global commitment to the conservation of migratory species. He commented that, when he had held the same post 15 years earlier, there had been only about 25–30 Parties. The purpose of the meeting of the Standing Committee was to prepare for the eighth meeting of the Conference of the Parties to the Convention during the coming week.

II. ATTENDANCE

3. A full list of participants is contained in annex 1 to this report.

III. ADOPTION OF THE AGENDA, SCHEDULE AND RULES OF PROCEDURE

4. The Committee adopted its agenda on the basis of the provisional agenda prepared by the Secretariat, which had been circulated in document CMS/StC29/1/Rev.1. The adopted agenda is contained in Annex 2 to this report.
5. The Chair said that the agenda constituted the schedule for the meeting and suggested timings to ensure that the Committee completed its business on time. The rules of procedure, as circulated in document CMS/StC/Inf.1, were also adopted.

IV. CMS BUDGET AND EXPENDITURE 2003–2005: REPORT BY THE SECRETARIAT

6. Mr. Robert Hepworth, Executive Secretary of CMS, introducing the item on behalf of the Secretariat, observed that the purpose of the agenda item and the closely related item 4 was to deal transparently with outstanding management and financial business for the current triennium

(2003–2005). He introduced document CMS/StC29/4, containing financial data on the budget and expenditure of CMS in the triennium.

7. Ms. Jasmin Kanza, Financial Officer for the Secretariat, said that the document, which updated information presented at the twenty-eighth meeting of the Standing Committee in Bonn, 21-22 April 2005, gave details of actual and projected expenditure for the current triennium, and compared expenditure against the budget approved at the seventh meeting of the Conference of the Parties.

8. She expressed satisfaction that the Convention was on a sounder financial footing following some difficulties in recent years. Costs had been maintained to within the approved budget for the triennium, though a draw-down from the operating reserve was foreseen. Annex I of the document, showing actual expenditure in 2003 and 2004 and projected expenditure until the end of 2005, was unchanged from the information paper initially presented at Bonn. Annex II focused on 2005 and showed the current status of the trust fund; the forecast for 2005 indicated a balance of \$82,388. Annex III, listing receivables, revealed that unpaid pledges totalled \$498,586. The balance sheet (annex IV) showed reserves at the end of the period of \$821, in addition to the \$700,000 mandatory operating reserve.

9. In summary, the Secretariat had spent what it had been commissioned to spend over the accounting period. There was no substantial surplus to carry forward to the forthcoming triennium, but the operating reserve remained intact at \$700,000.

10. Mr. Hepworth noted that a proposal would be considered at the Conference of the Parties to reduce the statutory reserve, releasing \$200,000 if so decided by the Parties. It was difficult to assess the precise financial situation at the end of 2005, but there would be little to carry over for active expenditure during the coming triennium – a normal situation for United Nations bodies, but unusual for CMS.

11. He observed that the financial position outlined in the budget document was based on the assumption that the unpaid pledges listed in annex III had been paid. The Committee urged the payment of those pledges, the largest of which was nearly \$200,000.

12. Mr. Anderson Koyo, the representative for Africa, enquired what action had been taken on unpaid pledges, and asked for more information on the incorporation of additional voluntary contributions into the budget.

13. Mr. Hepworth said that at the political level, the Secretariat had been assiduous in following up the matter of unpaid pledges, and the situation, though remaining unsatisfactory, had improved since the Bonn meeting in April. Regarding additional voluntary contributions, one general contribution of \$40,000 from the United Nations Environment Project (UNEP), towards the cost of delegates to the Convention, was shown in the budget. Other contributions were expected to be completely expended – almost all were earmarked for specific projects. There was little chance of that source generating significant additional resources.

14. Ms. Kanza added that the Secretariat did not invoice on earmarked contributions, which were given on goodwill for specific purposes. Invoices for assessed contributions were submitted to focal points thrice yearly.

15. Ms. Rosario Acero Villanes, the representative for the Americas region, speaking on behalf of Argentina, requested an update on Argentina's request for reconsideration of its scale of contributions. Mr. Hepworth replied that the scale applied was the United Nations scale, as

agreed to in the General Assembly, and could not be changed, unless the Parties decided to develop a different method of assessment. He added that following recent discussion with Argentina, he was optimistic that a considerable payment would soon be made.

16. The Chair, in summary, thanked the Secretariat for its work in preparing the budget, and expressed satisfaction at the achievement of a positive balance, while noting the still fragile situation regarding unpaid pledges.

V. CMS STRATEGIC PLAN 2000–2005: REPORT BY THE SECRETARIAT

17. Mr. Lyle Glowka, Agreements Officer of the Secretariat, provided an overview of the implementation of the CMS strategic plans covering two trienniums over the period 2000–2005. A tabular report summarizing the achievements in this area was presented in document CMS/StC29/3. Mr. Glowka first noted that since the Strategic Plan for 2000–2002 had been approved at the sixth meeting of the Conference of the Parties in 1999 a number of measures had been undertaken to help assess implementation. The indicators fell into two categories: indirect measures, which were essentially process oriented, and direct measures, which focused on conservation impacts. Together, these had served as the basis for performance reviews that had been presented both to the Standing Committee and to the Conference of the Parties at its last meeting.

18. He explained that the monitoring and evaluation exercise had been conducted internally, without the support of external consultants. Collaboration with the UNEP World Conservation Monitoring Centre (WCMC) had been considered but was precluded by budgetary limitations. As a result, the review had focused primarily on process-related outcomes, relating to the 133 activities that had been undertaken under the auspices of the Strategic Plan.

19. The activities fell into four categories associated with the core objectives of the Strategic Plan. These objectives were: (a) to promote the conservation of migratory species included in the major animal groups listed in the CMS appendices; (b) to focus and prioritize conservation actions for migratory species; (c) to enhance global membership of CMS through targeted promotion of the Convention's aim; and (d) to facilitate and improve implementation of the Convention.

20. The most progress had been made against the last of these criteria. A 97 per cent engagement rate had been achieved in the 34 activities listed under this objective, meaning that some action had been taken in 97 per cent of those activities and that some had already progressed to completion. The second most successful area related to objective 1 (promoting conservation), where a 72 per cent engagement level had been achieved. This was taken to indicate the usefulness of the CMS small grant programme.

21. When objective 2 (focusing conservation action) was concerned, implementation had been less impressive, with a 50 per cent engagement during the two trienniums under consideration. Results within the group of objective 3 (enhancing global membership) activities were weaker still, although it was noted that this comprised only three activities. Moreover, while attempts to attract priority countries to join CMS had enjoyed very limited success, 28 other States had become members over the review period and a number of memoranda of understanding had extended the non-Party membership in the wider CMS family.

22. Subsequent discussion focused on the desirability of extending the review process to evaluation of conservation outcomes. Mr. Colin Galbraith, Chair of the Scientific Council, noted

that the Council had found conservation outcomes to be poor, particularly in relation to species listed in Appendix I. There was a need to link process evaluation to conservation outcomes, and in that regard CMS could serve as an example to other conventions working with conservation issues.

23. Mr. Koyo supported this observation, noting that it was vital for CMS to demonstrate the impact of its actions on the conservation of migratory species to people at national and local levels. A more abstract evaluation of processes could prove very useful at the international and regional levels but needed to translate into a change in the status of migratory species on the ground. Mr. Koyo asked whether the Secretariat had any plans to extend the evaluation process to include more conservation measures.

24. While the Chair reminded the Committee that such matters were a matter for discussion by the Conference of the Parties, the Secretariat was able to provide some information on that issue. The standard of monitoring depended heavily on the information resources at the Secretariat's disposal. The proposed Strategic Plan for the triennium 2006–2008, however, had been structured in a more measurable way than its predecessors, with a closer link between processes and conservation issues. It was also hoped that the CMS Information Management System would increasingly provide access to the data needed for evaluation of conservation work.

25. With respect to the evaluation of the activities of the Scientific Council, Dr. Galbraith explained that the Council had adopted an implementation plan for its work, which was aligned with the Strategic Plan. It could be modified if the Strategic Plan were adjusted by the Conference of the Parties. The implementation plan included a number of indicators that should help ensure that the Council's conservation work was more thoroughly evaluated in the future.

26. Summarizing the position of the Committee on the issue, the Chair thanked the Secretariat for its work and noted that the Committee did not want conservation outcomes to be subordinated to consideration of processes.

27. Ms. Robyn Bromley, the representative for Oceania, enquired whether the Secretariat would welcome comments on the document summarizing progress in implementation (CMS/StC29/3). Mr. Hepworth expressed gratitude for the offer, but said that time constraints meant that such points would be best raised at the Conference of the Parties.

28. Finally, Mr. Andreas Streit, the representative of EUROBATS, highlighted his organization's appearance in the tabular report on implementation (CMS/StC29/3) and expressed optimism that the Conference of the Parties would approve a similar agreement aimed at bat conservation in Africa.

VI. LOGISTICAL ARRANGEMENTS AND PROCEDURAL MATTERS

A. Meeting structure: committees, working groups and chairs and vice-chairs

29. Mr. Hepworth provided an outline of the basic structure of the Conference of the Parties, noting that it would follow a format similar to that of previous such events. He explained that the structure would include a plenary meeting, a Committee of the Whole, a credentials committee, and a budget working group, which had been renamed the Resources Working Group in order to differentiate it from the intersessional budget working group and would report directly to the plenary meeting. Further working groups would be formed on an ad hoc basis to discuss specific issues.

30. Mr. Hepworth noted that several Parties to the Convention had expressed willingness to chair the various conference meetings. Specifically, Monaco had offered to chair plenary sessions, the Seychelles the Committee of the Whole, and Kenya the Resources Working Group. It was noted that the selection of chairs and vice-chairs would be taken following formal nomination at the conference, and the Chair invited representatives to consider assuming responsibility for such nominations.

31. During the subsequent discussion, the representative of the Americas nominated Roberto Schlatter, President of the Institute of Zoology, Universidad Austral, Chile, to serve as Vice-Chair of the Committee of the Whole. The Standing Committee also supported a proposal made by Mr. Koyo that efforts be made to encourage one of the Convention's major financial contributors to seek the vice-chairmanship of the resources working group.

32. On the composition of working groups, it was agreed that they should be as inclusive as possible. There was some discussion of membership of the resources working group, focused primarily on the suitability of inviting non-governmental organizations to participate. In that context, it was noted that rule 23 of the rules of procedure for the Conference of the Parties provided that an invitation to observers to attend a working group rested with the chair of that meeting. Representatives of Oceania and Germany, who had expressed a preference that the decision be conferred to the Conference of the Parties, felt that an attempt to alter the rules would be inappropriate.

B. Deployment of Secretariat resources during the Conference of the Parties

33. Mr. Hepworth noted the existence of a document entitled "How can we assist you?", which outlined the responsibilities of Secretariat members and gave brief details of their location during the conference.

C. Conference timetable including side events

34. In considering the item, the Committee had before it document UNEP/CMS/Conf.8.2/Rev.2. Mr. Hepworth noted that the timetable for the conference was very tight; any failure to adhere to the proposed schedule might necessitate the use of evening sessions, which would have budgetary implications.

D. Opening ceremony

35. Mr. Hepworth briefly summarized the proposed schedule and arrangements for the opening ceremony of the conference. It was noted that the existing documentation omitted the participation of the Kenyan Minister for Tourism and Wildlife.

E. Rules of procedure (amendments)

36. Mr. Moulay Lachen El Kabiri, Deputy Executive Secretary of CMS, provided a review of the proposed rules of procedure for the eighth Conference of the Parties, as outlined in document UNEP/CMS/Conf.8.4/Rev.2 and Corr. He noted that the rules remained virtually unchanged from those adopted at the seventh Conference of the Parties, although two matters required discussion. The first concerned the list of countries whose contributions stood in arrears and is discussed in more detail below.

37. The second related to the proposed creation of a new rule 12 on the submission of resolutions and recommendations to the Conference of the Parties. In response to a query regarding the need for the change, he explained that the proposed requirement for parties to submit resolutions 60 days prior to a meeting was designed to facilitate the Secretariat's work, particularly in view of the increase in the Convention's membership. The change would also bring practice into line with that of other conventions, for example the Convention on International Trade in Endangered Species.

F. Voting eligibility (document: UNEP/CMS/Conf.8.4/Rev.2 and Corr.)

38. Mr. El Kabiri noted that a number of countries stood in arrears of over three years with their assessed contributions and were therefore liable to lose their right to vote at the conference under rule 15.2 of the draft rules of procedure. He explained that five countries, namely Argentina, Congo, Morocco, Nigeria and Uruguay, had been removed from the list of countries at risk of losing voting rights because the Secretariat had received satisfactory assurances from those States that they would make a payment. Sixteen Parties remained on the list. Most of those were African countries and were at risk of losing their right to vote.

39. Mr. Koyo voiced concern about the consequences of applying punitive measures to the countries concerned. While stressing that he did not condone the failure of those Parties to meet their obligations, he noted that some decisions that might be voted on could directly affect the disenfranchised countries. The effect could be to reduce the commitment of important range States to the implementation of the decisions.

40. In response, Mr. Hepworth noted that, while the Committee was free to advise the Conference of the Parties on the application of rule 15.2, the decision rested with the Conference of the Parties. He also reminded the Committee that in a resolution adopted at its seventh meeting, the Conference of the Parties had voiced its desire that rule 15.2 be strictly applied.

41. Following some discussion, the Committee approved a compromise proposal put forward by Mr. El Kabiri. It agreed to recommend to the Conference of the Parties that countries in arrears be given the opportunity to provide the Secretariat with compelling evidence that they intended to make a payment to explain the extraordinary circumstances which justified non-payment. Any such submissions should be provided in writing to the Bureau for the Conference. The proposal was in line with the approach taken regarding the five States already removed from the list of those facing denial of voting rights.

42. The proposal was welcomed by the Chair and by several other Committee members. The representative of Ukraine informed the Committee that his country had already submitted an explanation of its accumulation of arrears and a commitment to pay them.

VII. ROLE FOR STANDING COMMITTEE MEMBERS DURING THE EIGHTH MEETING OF THE CONFERENCE OF THE PARTIES

A. Regional consultations during the eighth meeting of the Conference of the Parties

43. Mr. Hepworth said that rooms would be available for the CMS regions to allow the delegations to hold consultations.

B. Facilitation of the preparation and sponsorship of resolutions and recommendations

44. Mr. Hepworth said that this agenda item had been put on the agenda because many papers on future agreements had been submitted by delegations to the Conference of the Parties. The Secretariat would do everything possible to support contact groups, and rooms would be made available to them. The Secretariat had taken a more proactive position by preparing an informal paper on the implementation of existing agreements and development of future agreements. A contact group could be set up to prepare an umbrella resolution on future agreements. The Chair commended the preparation of the non-paper. It was agreed that the Secretariat should circulate it to the Conference of the Parties as a draft.

45. Mr. Koyo asked if the papers had been read and approved by the Scientific Council. He said that the papers should include the necessary scientific content. Responding to that concern, Dr. Galbraith pointed out that the report of the Council to the Conference of the Parties would cover recommendations and that a resolution had been drafted on future agreements. The scientific content of the resolution had been approved. Mr. Glowka pointed out that at the seventh meeting of the Conference of the Parties a consolidated resolution on future agreements had been adopted. He recommended that the draft resolution be circulated in all languages.

C. Canvassing possible host countries for the ninth meeting of the Conference of the Parties

46. Mr. Hepworth pointed out that some countries had made late offers to host the eighth meeting of the Conference of the Parties. He said that holding a meeting of the Scientific Council immediately before the Conference of the Parties was not necessarily the best arrangement. He said that doing so increased costs for the host country considerably. He felt that the host country should be asked to merely host the Conference of the Parties. Dr. Galbraith agreed that separation of the meeting of the Scientific Council and the Conference of the Parties would be advisable in order to allow the Scientific Council's report to be circulated, and its content properly absorbed, in advance of the meeting of the Conference of the Parties.

VIII. INSTITUTIONAL MATTERS (BRIEF INTRODUCTION, ONLY TO ISSUES)

A. Standing Committee: New members, alternates

47. The Chair pointed out that no country needed to step down from the Standing Committee because each member could serve two terms. He said that, within their regional groups, countries should be ready to appoint new representatives or re-elect the existing ones. He reminded the meeting that the regional members of the Standing Committee were not elected by the Conference of the Parties but by the regions. Nevertheless he agreed with the point that it would be better if all the Committee members did not step down at the same time and he asked the regional representatives to bear that point in mind.

B. Future structure and chairmanship of intersessional committees

48. Mr. Hepworth observed that this issue had been mentioned in connection with the Scientific Council. He explained that the annex to conference document 8.19 listed a number of economic measures that could be taken, particularly as regards the Scientific Council, which if adopted could affect the way the Council conducts its business. The issue of the chairmanship of

intersessional committees was for those committees to decide. The new Standing Committee would elect its chair for the next intersessional period when it convened.

IX. MATTERS RELATING TO THE SCIENTIFIC COUNCIL

A. Report on the outcome of the election of the Chair and Vice-Chair

49. Reporting on the meeting of the Scientific Council held from 16 to 18 November, Dr. Colin Galbraith said that the meeting had been well attended and had looked at, among other things, the CMS strategic plan, proposals for listing of species and resolutions and recommendations related to climate change.

50. Mr. John Mshelbwala of Nigeria had been elected as the new Chair; Dr. Colin Galbraith and Dr. Pierre Devillers had been elected joint Vice-Chairs.

51. The Chair commended Dr. Galbraith on his report and said that there would be a fuller report and discussion at the Conference of the Parties. Mr. Koyo asked whether the Scientific Council had made proposals and recommendations and circulated them to the Parties and if so, whether any Parties had responded. Dr. Galbraith noted that all taxonomic issues had been discussed substantively and recommendations would be made to the Conference of the Parties.

B. Councillors appointed by the Conference of the Parties (new appointments and re-appointments)

52. The Council took note that Dr. Pierre Pfeiffer, conference appointed Councillor for large mammals, and Dr. Noritaka Ichida, conference appointed Councillor for Asiatic fauna had indicated their desire to retire. The Chair had been mandated to write letters of appreciation to them. The Council had recommended the appointment of Dr. Taej Mundkur as new appointed Councillor for Asiatic fauna while the appointment of a new Councillor for large mammals had not been considered necessary as council membership included already the desired expertise.

53. The Council had recommended the appointment of a Councillor for African fauna and a Councillor for large fishes. It had been recommended that Mr. Barry Baker of Australia should continue overseeing work on by-catch until the possible appointment of a conference appointed Councillor for by-catch, as recommended by draft Res.8.14.

X. ANY OTHER BUSINESS

54. Mr. Hepworth requested that the report of the last meeting of the Standing Committee should be noted.

XI. CLOSURE OF THE MEETING

55. After the customary exchange of courtesies, the Chair declared the meeting closed at 1.05 p.m. on Saturday, 20 November 2005.

TWENTY-NINTH MEETING OF THE STANDING COMMITTEE
Nairobi, 20 November 2005

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS / LISTA DE PARTICIPANTES*

Chairman/Président/President:

United Kingdom (Europe) Mr. Martin Brasher

Vice-Chairman/Vice-Président/Vice-presidente:

Morocco (Africa) (Apology)

Members/Membres/Miembros:

Germany (Depositary)

Mr. Dirk Schwenzfeier

Mr. Joachim Schmitz

Kenya (Africa)

Mr. Anderson Koyo

Peru (Americas)

Ms. Rosario Acero Villanes

Sri Lanka (Asia) (Apology)

Ukraine (Europe)

Mr. Volodymyr Domashlinets

United Kingdom (Europe)

Prof. Dr. Colin Galbraith

Australia (Oceania)

Ms. Robyn Bromley

Observers/Observateurs/Observadores:

Bangladesh

Mr. Tapan Kumar Dey

Ecuador

Ms. Gabriela Montoya

Eritrea

Mr. Tekleab Mesghena

France

Mr. Yacob Y. Ifter

Monaco

Mr. Olivier Dehorter

New Zealand

Mr. Patrick van Klaveren

Nigeria

Dr. Michael F. Donoghue

Pakistan

Mr. John H. Mshelbwala

Philippines

Mr. S.Z. Hussain

Seychelles

Mr. Antonio C. Manila

Tajikistan

Mr. Rolph Payet

Yemen

Dr. Alikhon Latifi

CMS Scientific Council, Chair

Mr. M.A. Abdulraheem

Mr. G. H. Al-Harogi

Prof. Dr. Colin Galbraith

Mr. John Mshelbwala

CMS Agreements / Accords CMS / CMS Acuerdos:

ACCOBAMS

Dr. Marie-Christine van Klaveren

AEWA

Mr. Bert Lenten

EUROBATS

Mr. Andreas Streit

CMS Secretariat / Secretariat CMS / Secretaría CMS:

Executive Secretary

Mr. Robert Hepworth

Deputy Executive Secretary

Mr. Moulay Lachen El Kabiri

Agreements Officer

Mr. Lyle Glowka

Scientific and Technical Support Officer

Dr. Marco Barbieri

Information and Capacity-Building Officer

Dr. Francisco Rilla Manta

Inter-Agency Liaison Officer

Ms. Paola Deda

Administrative/Fund Management Officer

Ms. Jasmin Kanza

* The alphabetic order follows the order of English country short names. / L'ordre alphabétique suit l'ordre des noms abréviés des pays en anglais. / El orden alfabético sigue el orden de las abreviaturas de los nombres de países en Inglés.

TWENTY-NINTH MEETING OF THE STANDING COMMITTEE
Nairobi, 20 November 2005

AGENDA

1. Opening remarks
2. Adoption of the agenda, schedule and rules of procedure (CMS/StC29/2)
3. CMS Budget and Expenditure 2003-2005 – Report by the Secretariat
(Financial data in CMS/StC29/4)
4. CMS Strategic Plan 2000-2005: Report by Secretariat (Tabular report in CMS/StC29/3)
5. COP8 logistical arrangements and procedural matters
 - a. Meeting structure: Committees, working groups and Chairs/Vice Chairs
 - b. Deployment of Secretariat resources during COP
 - c. Conference timetable including side events
(Documents: UNEP/CMS/Conf.8.1/Rev.3; UNEP/CMS/Conf.8.2/Rev.2)
 - d. Opening ceremony
 - e. Rules of procedure (Amendments)
(Document: UNEP/CMS/Conf.8.4/Rev.2 + Corr.)
 - f. Voting eligibility
(Document: UNEP/CMS/Conf.8.4/Rev.2 + Corr.))
6. Role for Standing Committee members during COP8
 - a. Regional consultations during COP8
 - b. Facilitation of the preparation and sponsorship of Resolutions and Recommendations
 - c. Canvassing possible host countries for COP9
7. Institutional matters (brief introduction, only to issues)
 - a. Standing Committee: New members, alternates
 - b. Future structure and chairmanship of inter-sessional committees
8. Matters relating to the Scientific Council
 - a. Report on outcome of the election of Chair and Vice-Chair
 - b. COP-appointed councillors (new appointments/re-appointments)
9. Any other business