

Convention on the Conservation of Migratory Species of Wild
Animals (CMS)

Standing Committee, Fifth Meeting, Bonn, 18 October 1990

Report of the Meeting

Opening of the meeting

1. The meeting was held at the offices of the Secretariat and was opened by the Co-ordinator of the Secretariat at 09.15. A list of participants is at Annex 1. The meeting was informed of apologies received from India (member), Italy and Senegal (observer Parties).*

Agenda item 1: Confirmation of agenda

2. The provisional agenda was adopted (see Annex 2). However it was agreed that, to fit in with other commitments of participants, agenda item 6(ii) should be considered early in the meeting and agenda item 4(iv) should be taken late in the meeting.

* Footnote

An apology was subsequently received from the Netherlands, which had previously advised of its intention to send a representative.

Agenda item 2: Election of Chairman, Vice-Chairman

3. Germany nominated Mr Martin Brasher for the position of Chairman. Mr Brasher was elected with acclamation.

4. The United Kingdom nominated Mr Silva for the position of Vice Chairman. Mr Silva was also elected with acclamation.

5. Mr Brasher assumed the Chair.

Agenda item 3: Report on inter-sessional activities

(i) Contributions from new Parties

6. The United Kingdom advised its agreement with the interim guideline for contributions from new Parties whose contribution would be more than 25 per-cent of the budget.

7. The Depositary advised that France had become a Party on 1 July 1990, although they had not yet advised other Parties or the Secretariat.

(ii) Headquarters Agreement

8. The Committee noted the text of the Agreement which had now been concluded.

(iii) Standard format for Party reports

9. Sweden expressed the view that reference to "addition of relevant data, for example populations of species" (currently under 2(b)) would more appropriately included under 2(a) (species for which Party is Range State). The United Kingdom supported this view.

10. Germany commented that the formats could be used on a trial basis, for further consideration at the Conference.

11. The Secretariat pointed out that the formats had also been referred for advice to the Scientific Council.

12. The Secretariat was requested to revise the formats taking into account the views of the Committee and the Council and to re-circulate them in February 1991.

(iv) Attachments to the Secretariat

13. The Committee discussed the Secretariat's suggestion that it would be useful for a Party to make available to the Secretariat a computer expert through an attachment to the Secretariat for a limited period. However the Committee suggested that funding for a computer expert should be included in the 1991 budget.

(v) Status of the Convention

14. The Depositary explained that internal difficulties relating to the registration of the Convention had now been resolved and that a legal officer was now available to take on the necessary work, which it was hoped would be completed in 2 months.

15. The Depositary advised that the accession by Belgium came into force on 1 October 1990; an error concerning the applicable Convention text had been rectified. Furthermore Zaire became a Party on 1 September 1990 and a notification would be sent out soon. The Depositary also advised that France's ratification would come into force from 1 July 1990, although Parties had not yet been notified because procedures were still underway to clarify the applicable text.

16. The Secretariat advised that it understood that the King of Saudi Arabia had signed an accession instrument, Guinea had advised it intended to lodge its accession instrument by the end of this year, and Australia's accession was also in the pipeline.

17. The Committee supported the Secretariat's suggestion to hold a short legal workshop in association with the Third Conference to discuss inconsistencies between the English, French and Spanish texts of the Convention.

(iv) Status of contributions from current Parties

18. The Secretariat circulated more recent tables dated 31 August and 30 September 1990.

19. The EEC advised that its payment was on the way.

Agenda item 4: Third meeting of the Conference of the Parties

(i) Date and venue

20. The Secretariat explained that in order that Parties could receive invitations to the Conference in time to meet the requirements of the Convention concerning submission of Party reports and proposals for amendments, it was important that invitations to the meeting should be translated and circulated as soon as possible.

21. The Committee agreed to the text of the invitation letter, with substitution in the eighth line of the fifth paragraph of "such as" for "i.e."

(ii) Draft provisional agenda

22. The Secretariat suggested the following amendments:

Item 14(c) measures under Article IV of the Convention

Item 18(a) Scientific Council
(b) Standing Committee

The provisional agenda was approved as amended.

(iii) Timetable and meeting arrangements

23. The Committee agreed that a booking for 5 days was needed.

24. The Secretariat explained that the closing time of the Conference could only be scheduled when it was known how many Party reports and, in particular, proposals for amendments needed to be considered. It was agreed that this matter should be discussed again at the next meeting of the Standing Committee and a draft timetable should be circulated with the agenda papers for the Conference.

25. A preference was expressed for the legal workshop to be a committee established by the Conference (and therefore to be held after the opening of the Conference).

26. The Committee supported the Secretariat's suggestion that there should be no oral presentation of opening statements, which should be submitted in writing for circulation and incorporation in the report. It was agreed that this should be included in the letters of invitation. Of course it would still be open to dignitaries to present welcoming statements.

27. The proposal to engage professional report writers (as for the second Conference) was strongly supported.

(iv) Draft Rules of Procedures

28. In line with discussions on the invitations, the Secretariat would correct Article 3(1), line 3 by replacing "i.e." by "such as"; Rule 3(1), line 4 would also be corrected to read "Minister" rather than "Mission".

28. The EEC advised that it would write to the Secretariat to provide wording with respect to voting by the EEC v.v. its member states which are Parties.

29. The Secretariat offered to look into earlier versions of the Rules with respect to any limit on the number of representatives permitted to attend Committee sessions.

Agenda item 5: Scientific Council

(i) Progress report

30. The Secretariat advised that Mali had now nominated a Scientific Councillor.

31. The Secretariat drew to the Committee's attention that when the Scientific Council completes its review of the conservation status of small cetaceans in January, in accordance with Resolution 2.3, paragraph 2 responsibility for envisaging and facilitating AGREEMENTs for recommended species would be with the Secretariat and the Standing Committee.

(ii) Second meeting

32. The United Kingdom informed the Committee that the Minister for the Environment would be hosting a reception from 19.00 to 21.00 hours on 23 January 1991 in Lancaster House on the occasion of the second meeting of the Scientific Council.

33. The Committee had no comments on the agenda for the meeting.

34. The Committee encouraged funding of participation by Scientific Councillors from developing country Parties.

Agenda item 6: AGREEMENTs

(i) Concluded

35. No AGREEMENTs have yet been concluded. However Germany reported that the Agreement on the conservation of seals in the Wadden Sea had been concluded as an agreement under Article IV(4) of the Convention, even though it was recognized that it was not open to all Range States in accordance with Resolutions 2.6 and 2.7.

(ii) In progress

36. European bats. The United Kingdom advised that following consideration by the Foreign and Commonwealth Office (FCO) concerning whether the AGREEMENT should be legally binding and advice through the Secretariat from Dr Rose of the Scientific Council, the text was currently being revised by the Department of the Environment. It would then be returned to FCO before circulating to Range States, with a view to taking the opportunity provided by the Scientific Council meeting in London from 22-24 January 1991 to move towards conclusion of the AGREEMENT.

37. White Storks. The EEC reported that it hoped to obtain a mandate to negotiate the AGREEMENT from the Council soon. This would be followed by internal negotiations and circulation to other Range States, with a meeting before the CMS Conference hopefully to sign the AGREEMENT.

38. Waterfowl. The Secretariat advised that a meeting of the Scientific Council's Western Palearctic Waterfowl Working Group was to be hosted by the Scientific Council's focal point for waterfowl work, Dr Nowak, in Bonn on 7 November 1990.

39. The EEC advised that it intended to sponsor this AGREEMENT in co-operation with Dutch authorities, and that while it was hoped to receive a mandate to negotiate it from the Council by mid 1991, the AGREEMENT was no longer expected to be ready before the CMS Conference.

40. Small Cetaceans. In introducing the papers from the Swedish Government which the Secretariat had circulated on 28 September 1990, Sweden pointed out that a new text on the conservation and management measures had been received too late for discussion at the Stockholm meeting, but would be included in the revised draft agreement. The ministry was preparing to circulate the revised agreement text to all potential signatories (including Range States which had not attended the meeting) for comment within three months of receipt. The Netherlands had offered as a first step towards a work programme to prepare an inventory of activities underway and then to list steps needed to identify the threats facing the small cetaceans and measures to address them. The UNEP/CMS Secretariat and potential signatories had been approached concerning possible hosting of the secretariat for the agreement (with the signatories to bear the costs).

41. The Secretariat advised that UNEP had no in principle problems with the UNEP/CMS Secretariat hosting the secretariat for the agreement, subject to satisfactory resolution of funding and functions. It could also be appropriate for the UNEP/CMS Secretariat to fulfil the role on interim basis, pending establishment of a separate secretariat for the agreement.

42. The United Kingdom informed the meeting that there was a strong chance that one of its national institutions would be prepared to host the secretariat and that the costs associated with the United Kingdom option were likely to be lower. However they had no objection to the UNEP/CMS Secretariat having that role. Indeed the option of scattered secretariats for agreements could well be an interim solution, pending centralization when the Convention Secretariat became better established.

43. Germany pointed out that there was no need for a uniform arrangement for providing secretariats to agreements, which should be the most cost-effective under the different circumstances. Attention was also drawn to the charge by UNEP for administration of trust funds.

44. The Committee agreed that both proposed alternatives for hosting the agreement were acceptable and that the Chairman should advise Sweden formally that the Standing Committee had no objections to the Secretariat to the Convention undertaking the administration of the agreement.

45. Sweden informed the meeting that initially the idea had been that Germany, as Depositary for the Convention, could also be depositary for the agreement. However the discussions in Stockholm had concluded that given that Germany was not keen to do this, the UN Secretary-General should also be consulted and other potential signatories invited to fill this role.

(iii) Implications of Conference resolutions

46. The Secretariat commented that, in addition to the situation explained in paragraph 35 with regard to the Wadden Sea seals agreement, the extension of the application of Article V(2) to Article IV(4) agreements was also giving rise to difficulties with respect to work towards other instruments. Germany stressed that, strictly speaking, resolutions are not legally binding and expressed the view that there was no need to specifically repeal Resolutions 2.6 and 2.7.

47. Sweden pointed out that Article IV(4) instruments were likely to be deliberately drafted not to be the fore-runners of Article IV(3) AGREEMENTS. The Secretariat agreed to re-draft this paragraph of the draft resolution to reflect this view.

48. The Chairman invited the Committee to submit any other comments to the Secretariat by the end of January to be taken into account in re-drafting the resolution for the next meeting.

Agenda item 7: Date and venue of the next meeting of the Standing Committee

49. Taking into account the prescribed deadlines for submission of Party reports and proposals for amendments and for circulation of the draft budget for 1992-94, the Committee agreed to meet next in Bonn in the first two weeks of May, if possible on a Tuesday or a Wednesday.

Agenda item 8: Any other business

(i) Forthcoming meetings on biological diversity

50. The Secretariat had again received invitations to attend two meetings on biological diversity being convened by UNEP, to be held in Nairobi on 14-16 and on 19-23 November 1990. Although a number of Convention secretariats attended these meetings regularly, the UNEP/CMS Secretariat did not have the resources to do so, but had endeavoured previously to find Party participants who could also cover the interests of the Secretariat, mostly without success. However, Mr Hoffmann of Germany informed the Committee that he would be participating in the UNEP meeting and would report to the next meeting of the Standing Committee.

(ii) Appointment of P-3 to Secretariat

51. On the request of the Chairman, the Secretariat informed the meeting that the appointment was awaiting approval by the Executive-Director and it was hoped that the new staff member

would take up his post within a couple of months.

(iii) Role and functioning of the Standing Committee

52. The Secretariat expressed the view that given the rather disappointing effectiveness of the Standing Committee to date, the need for a Standing Committee, its role, its membership and its functioning needed reviewing. The Secretariat was requested to prepare a paper on this topic for the next meeting of the Committee. In this context the Chairman also invited members of the Committee to express their views on this matter informally to the Secretariat by the end of February.

Close of the meeting

53. The meeting was closed at 13.00 hours.

UNEP/CMS STANDING COMMITTEE MEETING
BONN, 18 OCTOBER 1990

Attendance List

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CMS/STC/V.1

Standing Committee

Bonn, 18 October 1990

Provisional Agenda

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3. Report on intersessional activities:
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 - ii) Headquarters Agreement
 - iii) Standard format for Party reports
 - iv) Attachments to the Secretariat
 - v) Status of the Convention
 - vi) Status of Contributions to the Trust Fund
4. Third meeting of the Conference of the Parties
 - i) Date and venue
 - ii) Draft provisional agenda
 - iii) Timetable and meeting arrangements
 - iv) Draft Rules of Procedure
5. Scientific Council
 - i) Progress report
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6. AGREEMENTS
 - i) Concluded
 - ii) In preparation
 - iii) Implications of Conference Resolutions
7. Date and venue of the next Standing Committee meeting
8. Any other business