



**Convention on the  
Conservation of Migratory  
Species of Wild Animals**

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**FIFTH MEETING OF THE  
CONFERENCE OF THE PARTIES**

Geneva, 10-16 April 1997

**DRAFT REPORT OF THE FIFTH MEETING OF THE  
CONFERENCE OF THE PARTIES**

Introduction

1. The fifth meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) was held at the United Nations Office in Geneva, Switzerland, from 10 to 16 April 1997.

2. All the Parties to CMS were invited to participate in the meeting and the following [insert number] Parties were represented:

[list Parties alphabetically, in two columns, as in paragraph 3 of the report of the fourth meeting]

3. The following [insert number] States were represented by observers:

[list observer States alphabetically as for Parties above]

4. The intergovernmental and non-governmental organizations which attended are listed in paragraph [40] below.

**AGENDA ITEM 1: OPENING OF THE MEETING**

5. The meeting was called to order at 10.30 a.m on Thursday, 10 April 1997 by Dr. David Kay (Australia) who, in his capacity as Chairman of the Standing Committee, was acting as temporary Chairman until the Conference of the Parties elected the Officers of the meeting. He welcomed the delegates and conveyed the apologies of Dr. Peter Bridgewater, who had served as Chairman of the Standing Committee since the fourth meeting of the Conference of the Parties, but had been unable to attend the current meetings owing to a pressing government commitment. The acting Chairman expressed his gratitude to the Government of Switzerland, to the United Nations Environment Programme (UNEP) and to the CMS Secretariat for the work done to prepare and facilitate the present meeting of the Conference of the Parties. He said it was particularly encouraging to note that participation at the present



10. The sixth Meeting on Coordination of Convention Secretariats, held in January 1997, had addressed, *inter alia*, the CBD's proposal to hold an intergovernmental workshop to discuss synergy among the biodiversity-related conventions. Although the meeting had to advise that there was a lack of funds for such a workshop, it had recognized the increasing number of biodiversity-related issues and interlinkages. The meeting had strongly suggested that UNEP, in consultation with all parties involved, explore reviving the Ecosystem Conservation Group and the possibility of preparing a comparative analysis of the implementation of biodiversity-related conventions. The Parties to such conventions should also undertake the same exercise and seek an integrated approach to implementation at the national level. UNEP supported the Executive Secretary of the CBD and the Coordinator of CMS in their efforts to encourage the Parties to the conventions to integrate the special requirements of migratory species into their overall strategies, plans or programmes on biological diversity.

11. Mr. Schlingemann commended the Coordinator for actively promoting the cooperation between CMS and the Ramsar Convention, as well as with a number of other bodies, particularly the Environmental Law Centre of the World Conservation Union (IUCN) and Wetlands International. He was confident that all Parties would benefit greatly from such cooperation.

12. UNEP welcomed the developments with regard to several European Agreements under CMS and, even more so, with regard to recently concluded Agreements covering geographic areas outside Europe. He drew attention to the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) and expressed deep appreciation and thanks, on behalf of the Executive Director, to the Government of the Netherlands for its offer to act as Depositary for the Agreement, to provide an Interim Secretariat for the first three years, and to host the first session of the meeting of the Parties, following the entry into force of AEWA.

13. He also welcomed the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), concluded in November 1996, and thanked the Governments of Monaco and of France for their invaluable support and assistance in the preparation and follow-up of that event.

14. In connection with the co-location of the increasing number of European secretariats of environmental agreements, he reminded the meeting that UNEP had been given a mandate by the United Nations Conference on Environment and Development (UNCED) to promote such co-location. That policy was almost by definition a way to improve collaboration in the implementation of agreements and to promote cost-effectiveness in their administrative services and support. UNEP welcomed the decisions of the States concerned to co-locate the secretariats of AEWA, of the Agreement on the Conservation of Bats in Europe and of ACCOBAMS with the CMS Secretariat. UNEP supported the appeal to Parties to other Agreements to follow that example, and was willing to discuss and assist in making the common secretariat arrangements as effective as possible. The financing by UNEP of an Administrative/Fund Management Officer for the CMS Secretariat could be part of such an arrangement between UNEP, CMS and the respective Agreement secretariats.

15. Mr. Schlingemann concluded his address on behalf of the Executive Director by declaring formally open the fifth meeting of the Conference of the Parties to the Convention on Migratory Species.

## AGENDA ITEM 2: WELCOMING ADDRESSES

16. The Conference heard welcoming addresses from Mr. Raymond Pierre Lebeau of the Swiss Federal Office of the Environment, Forests and the Countryside, representing the host Government, and Mr. Claude-Georges Ducret, principal administrator of the Secretariat of the Convention on Biological Diversity.

17. Mr. Lebeau expressed his great pleasure at participating for the first time in the meeting of the Conference of the Parties as the representative of a Contracting Party. He apologized for the absence of the head of the Swiss delegation, Mr. Philippe Roch, who was participating in the meeting of the Commission on Sustainable Development (CSD) and would arrive next week. Mr. Lebeau noted that the CMS had responded to the Rio message and was making an important contribution to the Convention on Biological Diversity and the implementation of Agenda 21. Because of the problems faced by migratory species, all action for them should be carefully coordinated, a network of expertise should be established and continuous monitoring programmes should be conducted, in line with the Convention's priorities. He was proud to report that Switzerland had ratified the African-Eurasian Waterbird Agreement (AEWA) immediately after it was open for signature and hoped that the Agreement would come into effect in the near future.

18. Unfortunately, finding further financial resources for the Convention and its Secretariat was no easy task and was exacerbated by the drop in UNEP's general budget. The Contracting Parties must therefore strengthen their determination to act, not only by stepping up compulsory payments but also by providing voluntary contributions. In parallel, the CMS Secretariat and UNEP must make strenuous efforts to reduce costs, without cutting down on activities for migratory species, and still closer coordination among the relevant world and regional convention secretariats was needed. In that context, the question of co-location of the various secretariats must be viewed critically to decide whether it was justified in terms of synergy as well as financial aspects.

19. In conclusion, he said that Switzerland, located in the centre of Europe, was active in the conservation of migratory species, especially birds. It had an inventory of protected areas and had legislation to protect national and international waterbird and migration sites, in cooperation with the Bern and Ramsar Conventions, as well as collaborating in the establishment of a European ecological network, including migration corridors. Furthermore, for some years it had been contributing financially to CMS through voluntary contributions and also hosted, in Geneva and the surrounding area, a large number of international organizations concerned with the environmental field.

20. Mr. Ducret apologized for the absence of the Executive Secretary of the Convention on Biological Diversity, who was also participating in the meeting of the CSD and who wished the Conference every success. Implementation of CMS was very important, not only for migratory species, but also for the CBD since the objectives of the two conventions converged. This had been shown clearly by the third meeting of the Conference of the Parties to the CBD, held at Buenos Aires in November 1996, which had highlighted the importance of links with other conventions relating to biological diversity, including the CMS. The meeting had also endorsed the agreement between the two secretariats relating *inter alia* to the harmonization of the reporting procedures and coordination of the implementation of conventions, particularly through the development of scientific and technical cooperation.

21. The third meeting of the Conference of the Parties to the CBD had also invited the scientific bodies of the various conventions to liaise and to cooperate and requested the Heads of the two conventions to consult each other to assess to what extent the CMS could support implementation of the CBD through its concerted transboundary action at regional, continental and global levels. In addition, it had requested the secretariats of other related conventions to study the contribution they could make to the aims of the CBD, especially by placing their expertise at its disposal. In regard to coordination at national level, the Buenos Aires meeting called on the CBD focal points and the competent bodies of other associated conventions - specifically CMS - to cooperate on implementation at national level. It also invited the Contracting Parties of other biodiversity-related conventions to study opportunities or project financing offered by the Global Environment Facility and to follow the guidelines on the matter formulated by the Conference of Parties of the CBD. Finally, he assured the meeting of the CBD Secretariat's support and best wishes for a successful outcome.

### AGENDA ITEM 3: ADOPTION OF RULES OF PROCEDURE

22. In its deliberations on this item of its agenda, the plenary meeting had before it document UNEP/CMS/Conf.5.4, entitled "Amendment of the rules of procedure for the fifth meeting of the Conference of the Parties". Introducing the item, the acting Chairman noted that, during the meeting of the Standing Committee immediately prior to the conference, the representative of America and the Caribbean (Panama) had raised a point of clarification concerning the phrasing of Rule 14, para. 4.

23. The representative of Panama introduced an oral amendment to the Spanish-language text of Rule 14, paragraph 4, to the effect that voting by secret ballot would take place only if there were more than one candidate for a post. The amendment was accepted by the meeting.

24. The representative of the United Kingdom suggested the following minor drafting amendments for the purpose of clarity:

Rule 13, at the end of paragraph 6: add the words "subject to the second paragraph";

Rule 16, in the last sentence of paragraph 2: delete the word "from".

25. Both amendments were accepted by the meeting.

26. The representative of Uruguay, supported by the representatives of Burkina Faso, Chile and Guinea-Bissau, said that in Rule 1, paragraph 2 and Rule 14, paragraph 2, the references to the ineligibility of representatives to vote when the Party they represented was three or more years in arrears in paying its contributions to the Trust Fund represented punitive provisions which were absent from other environmental conventions, such as Ramsar and CITES. Many developing countries, while desiring to meet their financial obligations, faced internal problems in mobilizing their somewhat symbolic contributions in a timely way. Moreover, the adoption of the proposed measure in the rules of procedure would also send the wrong message to the large number of observer States present -- observers who represented potential members. The proposed amendments to Rules 1 and 14 should thus be deleted.

27. The representative of Saudi Arabia considered that the language of Rule 1, paragraph 2, and Rule 14, paragraph 2, should be retained, since they involved a matter of principle. The issue had already been the subject of extensive debate at the fourth meeting of the Conference of the Parties. In that connection, the acting Chairman reminded the representatives that Resolution 4.4, adopted by that meeting, had required the amendments to be made.

28. The representative of Germany suggested that, in view of the lack of consensus on the matter, a working group be set up to attempt to resolve the issue.

29. The representative of Morocco, supported by the representatives of France and Monaco and the observer from Mauritania, expressed a strong reservation concerning the reference to the use of only English, French and Spanish as the working languages of the Conference of the Parties, as set out in the proposed Rule 18. The accepted legal international practice within bodies of the United Nations system called for the use of the six official working languages of the United Nations. In the past, and in meetings which had not enjoyed the legal significance of the present meeting, the practice of using only three official languages had been tolerated. However, the time had come to accept a more global view, particularly in light of the need to make CMS membership workable and attractive for possible new Parties from other linguistic regions.

30. The Coordinator of the Secretariat pointed to the fact that all previous meetings of the Conference of the Parties and meetings of subsidiary bodies had used only three official working languages. He was in the uncomfortable position of having to accept that, given the current status of the CMS Trust Fund,

the provision of interpretation and translation in six languages for the current meeting was beyond the means of CMS. The Secretariat would provide cost estimates for servicing meetings in six languages later in the meeting, and the issue could be debated under the agenda item on financial and administrative arrangements. Also, he stressed that the Conference of the Parties was free to make its own decisions on the working languages of the Convention and, especially, was not committed by the deliberations within the United Nations system.

31. The representative of India, while agreeing that the issue of languages was pertinent and important, explained that with only 49 Parties, not all of which paid their contributions on time, the Convention was simply not in a financial position to service all meetings in six languages.

32. Stressing that he understood the difficult financial situation facing CMS, the representative of Morocco pointed out that he did not necessarily request that six languages be used for meetings of the Scientific Council and the Standing Committee. However, the rules of procedure constituted the legal basis for the conduct of meetings of the Conference of the Parties. An inappropriate precedent should not be set by accepting that the Conference use only three languages. He thus maintained his reservation vis-à-vis Rule 18.

33. The Deputy Coordinator noted that the rules of procedure to be adopted applied only to the present meeting and, at the present juncture, there seemed to be no possibility of changing the conference-servicing arrangements, although the issue could be raised with regard to future meetings. For information, he indicated that two-thirds of the cost of the present meeting, using only three languages, were earmarked for interpretation and translation alone. Moreover, any increase in the number of working languages of CMS would also have implications in terms of additional Secretariat staff resources.

34. Summing up, the acting Chairman said that, in order to move the meeting forward, Rule 1, paragraph 2; Rule 14, paragraph 2; and Rule 18 would be placed in square brackets. The meeting agreed that, as the remaining rules and the amendments proposed to them were acceptable, they should be included in a revised text to be prepared by the Secretariat. The meeting agreed to set up an open-ended working group, with the following terms of reference: (a) to consider the issue of voting rights, as contained in Rule 1, paragraph 2, and Rule 14, paragraph 2; and (b) to consider the issue of the number of working languages to be used at the meeting of the Conference of the Parties. At the suggestion of the representative of the Netherlands, it was agreed that the group would also consider the implications for the Agreements of using additional languages. It was also decided that the Secretariat would provide the Conference of the Parties with figures showing the incremental costs involved for each additional language used.

At the plenary meeting on 15 April 1997, the chairman of the working group reported on the results of the group's work. Concerning of Rule 14, para. 2 and Rule 1, para. 2, the group had reached agreement on language proposing that there be sanctions on Parties that were in arrears in the payment of their contributions. The group's proposal for Rule 14 specified that such Parties would forfeit the right to Committees and they would be unable to benefit from support in the form of project activities under CMS.

On the other main issue concerning the languages to be used at the meeting of the Conference of the Parties (Rule 18), it had been agreed, also in consultation with the working group on the budget, that the Secretariat be asked to provide cost estimates for the provision of Arabic as a working language of the sixth meeting of the Conference of the Parties and that the subject be on the agenda of the Standing Committee, which would examine its inclusion in the rules of procedure for the next meeting of the Conference.

On the issue of languages, the representative of Morocco, speaking on behalf of the Arab Group, said that a number of Arab-speaking countries had already become or wished to become members of the Convention. In order to encourage the participation of that group of countries, the Arab Group asked the

Secretariat, through the Chairman, to ensure that the rules of procedure for the sixth meeting of the Conference of the Parties take into account the use of Arabic as a working language for that meeting. He requested that the report of the meeting reflect his statement.

Concerning Rule 14, para. 2, one representative, supported by a number of others, reiterated his disagreement with any form of sanctions on Parties for non-payment of their contributions. The view was restated that such punitive measures were counter-productive. The purpose of the Convention lay in protecting endangered species. That particular priority activity would only suffer through the imposition of the sanctions proposed, since the poorer countries, which were often Range States of many of the species covered by the CMS, would be discouraged from joining its activities. It was therefore proposed by a number of representatives that the working group's proposal for Rule 14, para. 2 be deleted.

One other representative considered that some form of incentive to induce defaulters to pay had been tried and had still not been fully successful. The Convention could not continue by simply adding members, without some form of system to get Parties to pay their contributions and arrears. Another believed that the working group's proposed sanctions should be made pending for the coming triennium, in order to give defaulters another chance to settle their contributions. In that connection, he pointed out that the unpaid contributions of the developed countries far outweighed those owed by the poorer countries. Yet another representative suggested that it might be possible to have a rule imposing sanctions for non-payment of contributions, but that the Conference of the Parties could decide on a case by case basis whether to apply the rule to a particular Party or not.

Several representatives pointed to the need to examine other avenues to solve the problem of what to do about non-payment of contributions. One of them suggested that it was necessary to organize regional seminars to sensitize decision makers to the importance of joining CMS and meeting its financial obligations. That representative also believed that Article VII of the Convention should be revised to allow for the adoption of standing rules of procedure for the meetings of the Conference of the Parties, since the adoption of rules at every meeting led to questions of reinterpretation of their content and hindered the work of the meeting itself.

The Chairman decided to establish another group to examine the question of Rule 14, para. 2 of the rules of procedure, with a core membership of Argentina, Cameroon, India, Morocco, Norway, Saudi Arabia and Uruguay.

Reporting back to the plenary, the representative of Saudi Arabia, who had chaired the second group, said that the group had decided to retain the language used in Rule 14, paragraph 2, of document UNEP/CMS/Conf. 5.4, with the following supplementary text:

“However, the Conference of the Parties may allow such Parties to continue to exercise their right to vote if it is satisfied that the delay in payment arises from exceptional and unavoidable circumstances, and shall receive advice in this regard from the Standing Committee.”

The text of Rule 14, as amended by the group, was adopted. The full text of the rules of procedure adopted by the fifth meeting of the Conference of the Parties is contained in annex.... to the present report.

#### AGENDA ITEM 4: ELECTION OF OFFICERS

35. At the opening session, the Conference elected the following officers by acclamation:

Chairman: Mr. Robert Hepworth (United Kingdom)

## Committee of the Whole

Chairman: Professor Abdulaziz H. Abuzinada (Saudi Arabia)

Vice-Chairman: Mr. Abdellah El Mastour (Morocco)

### AGENDA ITEM 5: ADOPTION OF THE AGENDA AND WORK PROGRAMME

36. At the opening session, the Chairman introduced the provisional agenda as contained in document UNEP/CMS/Conf.5.1(Rev.1), together with the provisional timetable for the meeting (UNEP/CMS/Conf.5.3(Rev.1)).

37. The provisional agenda was adopted without amendment and is reproduced in Annex (x) to this report.

38. The timetable for the meeting was also approved, with some changes regarding which items would be considered in plenary and which in the Committee of the Whole.

### AGENDA ITEM 6: ESTABLISHMENT OF CREDENTIALS COMMITTEE AND SESSIONAL COMMITTEES

39. At its opening session, the Conference established a Credentials Committee and elected the following members by acclamation: Chile, Guinea, Netherlands, Philippines and Saudi Arabia.

40. 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 paragraph [35] above.

### AGENDA ITEM 7: ADMISSION OF OBSERVERS

41. The following intergovernmental organizations and international 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:

#### Intergovernmental Organizations

United Nations Environment Programme (UNEP)

Convention on Biological Diversity

Convention on International Trade in Endangered Species (CITES)

Ramsar Convention

International Whaling Commission

Agreement on the Conservation of Bats in Europe (EUROBATS)

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

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

Gulf Cooperation Council

#### National Non-Governmental Organizations

Bat Conservation Trust

EURONATUR (European Natural Heritage Foundation)



Naturschutzbund Deutschland (NABU) (Nature Conservation Association Germany)  
Fondation Tour du Valat  
Swiss Association for the Protection of Birds

International Non-Governmental Organizations

BirdLife International  
Conseil International de la Chasse et de la Conservation du Gibier (CIC) - Migratory Bird Commission  
Fédération des Associations des Chasseurs de l'Union Européenne (F.A.C.E.)  
IUCN - World Conservation Union  
Wetlands International  
Wetlands International Asia Pacific  
World Conservation Monitoring Centre (WCMC)

AGENDA ITEM 8: OPENING STATEMENTS

42. At its second session, on 10 April 1997, the plenary took up its consideration of this item of its agenda. Introducing the item, the Chairman said that, while statements from Parties were to be submitted in writing for inclusion in the report (see Annex.... to the present report), he would invite representatives wishing to do so to make brief preliminary statements over and above the written submissions.

43. All the representatives who spoke expressed their thanks to the Swiss Federal Government for hosting the fifth meeting of the Conference of the Parties.

44. The representative of Chile welcomed the opportunity to meet other Parties to CMS and looked forward to further cooperation among countries in the Latin American region. The representative of Guinea-Bissau expressed great interest in the subject of Marine turtle migration since the species existed on the coast of his country. The representative of India paid tribute to the excellent preparation of the meeting by the CMS Secretariat but disapproved of the noticeable gender imbalance - the podium was occupied entirely by men. The representative of Pakistan said that his country was a signatory to a large number of conventions on conservation and biological diversity. The representative of Philippines offered special thanks to CMS for its assistance in funding the first survey on marine animals in Asia. The representative of Togo expressed his expectation that CMS would be extremely useful for the conservation of migratory species. The representative of Zaire said that there was enormous biological diversity in his country and requested that funds be mobilized to further work on the Mountain gorilla and African waterbirds.

45. The representative of Peru, whose ratification of CMS would come into force in the very near future, expressed her pleasure at participating in the meeting. The representative of Jamaica, a signatory to CMS, said that various very interesting programmes on conservation were being implemented. The representative of Paraguay, a signatory to CMS, said that his Government was following the administrative procedures required for ratification of the Convention which it hoped would take place in the near future. As a priority, it was establishing a Ministry of the Environment.

46. The observer for the Convention on the Conservation on European Wildlife and Natural Habitats (Bern Convention) said that that Convention, prepared under the auspices of the Council of Europe, was adopted in 1979 and entered into force in 1982. She expressed her hope that there would be close cooperation between the CMS Secretariat and the Bern Convention.

47. The Chairman, speaking on behalf of the Conference of the Parties, congratulated Peru which would become the fiftieth Party to CMS when its ratification entered into force, as well as Guinea-Bissau, Poland, Slovakia, Switzerland and Togo which had all acceded to the Convention since the fourth meeting of the Conference of the Parties.

## AGENDA ITEM 9: REPORTS

### (a) Secretariat

48. The Coordinator introduced to the plenary the report of the Secretariat contained in document UNEP/CMS/Conf.5.5.1, pointing out that activities not mentioned in that document were reported in other relevant documents submitted to the Conference, in particular Document UNEP/CMS/Conf.5.9 (Review of Article IV Agreements concluded under the Convention). A document showing expenditures from the Trust Fund between the fourth and fifth meetings of the Conference of the Parties would be issued as an addendum to document (UNEP/CMS/Conf.5.13.1 Financial and administrative matters). The Secretariat's main activities, apart from routine work, since the previous meeting of the Conference had focused on promoting implementation of the Convention and furthering contacts with potential Parties to CMS, particularly the Range States; improving cooperation with other environmental conventions, programmes and bodies and with the Agreement secretariats under the Convention; preparing, organizing and servicing meetings of the Convention bodies, including the present one; facilitating the conclusion and implementation of Memoranda of Understanding; and dealing with the move of the Secretariat to new premises in Bonn. Although the staff appeared numerous, several of them were seconded to CMS for a limited period or were part-time and the appointments of several staff members would expire soon. Although the staff had worked extremely hard, the Secretariat was understaffed, with all the problems which that entailed.
49. He was pleased to report that a very experienced, Spanish-speaking technical officer had been added to the team; he also served as Regional Officer for Latin America, establishing strong and effective links to the region, and it was hoped that it would be possible for officers to be seconded from other regions in the future, particularly Africa and Asia, in order to provide a better geographic balance.
50. The Chairman noted that the report gave a full and frank picture of activities, including shortcomings and lack of resources. In connection with the first part of the report, on membership, he called on observer States to express their intentions in regard to accession to the Convention.
51. All the observers who took the floor expressed their gratitude to the Government of Switzerland for hosting the Conference and to the CMS Secretariat for their invitation to attend the meeting.
52. The representative of Algeria said that accession to the Convention was currently under discussion in his country. He supported the proposal made that all six United Nations official languages should be used in the work of the Convention. The observer for Bangladesh said that there was no conservation management at the species level in his country, which hoped to accede to CMS very soon. The observer for Bolivia said that serious consideration was being given to accession and the purpose of attending the present meeting was to seek further information on the Convention. The observer for Brazil said that his intention in attending the meeting was also to seek further information with a view to accession. The observer for Burundi said that great efforts were being made to accede to various conventions on environmental matters and he hoped that it would be possible to accede to CMS soon. The observer for China said that his country was considering positively membership of CMS; he hoped to make further contacts with the Secretariat in order to develop a full understanding of the Convention. In that connection, he supported the proposal made by Morocco to conduct the work of the Convention in all six official United Nations languages.
53. The observer for Congo fully subscribed to the work on the protection of migratory species in the Congo basin. His Government was a signatory to other conventions on the environment. The observer for Costa Rica had nothing specific to say on the matter: his country was carrying out conservation measures in various fields. The observer for Ecuador said his country was a signatory to a number of conventions on the environment and certain provisions had been included in national legislation. There was enormous biological diversity in his country and he was aware that membership of the Convention would assist conservation efforts.

54. The observer for Equatorial Guinea said his country would accede in the near future. The observer for Fiji said that his aim in attending the present meeting was to obtain information. The observer for Georgia said that his country would accede to the Convention soon, meanwhile it was preparing to accede to the Eurobats and AWEA Agreements and had recently signed ASCOBANS. In relation to financial implications, he considered that abolition of the penalty for failure to pay contributions would facilitate accession.

55. The observer for Jordan said that his country was considering signing and ratifying the Convention and would continue with its conservation activities. The observer for Latvia said that her country hoped to accede to the Convention in the near future. The observer for Lithuania said that his Government had ratified a number of conventions on the environment and was currently preparing accession to the Bonn Convention. The observer for Malaysia said that his country recognized the importance of cooperating, especially in work on migratory birds and marine turtles, and would explore actively the possibility of acceding to the Convention in the near future. The observer for Mongolia said that she was attending to increase her awareness of the Convention and that her country would subsequently consider the possibility of acceding. The observer for Mozambique said his country was committed to conservation and sustainable use and would accede to all conventions related to that topic: in the near future it would become a party to AWEA and would then consider CMS.

56. The observer for the Republic of Korea attached great importance to world efforts to protect flora and fauna and was strengthening regional cooperation instruments in that regard. His first objective in attending the meeting was to seek information which would certainly facilitate his Government's consideration of the question. The observer for the Republic of Moldova said that accession to CMS would be considered in the future. The observer for the Russian Federation said her country was very interested in CMS and Agreements under the Convention but, owing to the problems faced by countries with economies in transition, the matter of accession was still under consideration. It was already a signatory to the Memorandum of Understanding on the Siberian crane.

57. The observer for Slovenia said that legislative procedures were under way and that approval should take place in the next few months for accession to CMS. The observer for Turkey could give no official statement but hoped that his country would accede in the near future. The observer for Ukraine said that his country was a signatory to various conventions and agreements on the environment and expected to accede to CMS during 1997. The observer for United Arab Emirates said that he was attending a meeting of the Conference of the Parties for the first time. His country was one of the leaders in conservation of the Houbara bustard and participated in marine turtle and dugong conservation.

58. The observer for Zambia said that his country realized the importance of the Convention for the conservation and management of affected species and that consultations were being conducted regarding possible accession. The observer for Zimbabwe said that his country was involved in a number of conservation activities and was seriously considering signing CMS and AWEA. Membership involved obligations and his country would need help in monitoring and research activities.

59. The Chairman concluded the discussion saying that the information which had been provided would be very useful for the Secretariat's recruitment efforts.

60. The Secretariat was requested to clarify a number of statements in its report. The Deputy Coordinator explained that the reference to relocation in paragraph 28 of document UNEP/CMS/Conf.5.5.1 referred solely to the CMS Secretariat's move to new premises in Bonn and had nothing to do with co-location of Agreement secretariats. Regarding paragraph 51 of the document, the Coordinator confirmed that he was indeed concerned by the lack of interest shown in CMS by WWF International; the reference to IUCN, however, related only to lack of support for CMS in the resolutions of the first World Conservation Congress which - he hoped - would be remedied at the Second Congress through the initiative of CMS Parties. In fact, there was close and growing cooperation with IUCN on a number of topics as attested in paragraph 50 of the report. The observer for IUCN endorsed those words, adding that it would be more accurate to refer to "lack of capacity" rather than "lack of interest"

in paragraph 51 of the report. The meeting agreed that the reference to IUCN in paragraph 51 did not reflect the actual situation.

### (b) Standing Committee

61. At the second session of the plenary, on 10 April 1997, the meeting took up its consideration of the above item of its agenda. In its deliberations, the meeting had before it document UNEP/CMS/Conf.5.5.2, entitled "Report of the Standing Committee", prepared by Dr. Peter Bridgewater (Australia), the retiring Chairman of the Committee. The Chairman of the Conference of the Parties invited the meeting to take note of the report with thanks and to express its gratitude to Dr. Bridgewater for his work. It was so decided.

### (c) Scientific Council

62. The plenary then took up its consideration of the above item of its agenda. The Chairman of the Scientific Council, Dr. Pierre Devillers (European Community), drew the attention of representatives to the report of the seventh meeting of the Council, held on 7 and 8 April 1997, which was already available to the meeting in English as document UNEP/CMS/1997/L.1. The text of the report is included in annex.....to the present report.

63. Dr. Devillers outlined the main areas of the Council's report that required the attention of the Parties. Highlighting points of particular significance, he pointed to the progress made in concerted actions under Resolutions 3.2 and 4.2, and the proposed species for addition under its update, (draft Resolution 5.1), *inter alia* the Mountain gorilla, *Gorilla gorilla beringei*. He further noted that the Council had recommended been able to accept the inclusion into Appendix I of all species contained in the proposals that had been submitted to it, except for the Chilean and Uruguayan populations of the Black-necked swan, *Cygnus melanocorypha*, which were, nonetheless, listed at the species level in Appendix II. It had also agreed that certain species in an unfavourable part of their range could be the object of a special recommendation by the Parties, to protect such species using an instrument similar to that for Appendix I species, with explicit listing, an action plan and a focal point to provide reporting on their status. It had been agreed that *Crex crex* and *Coturnix coturnix coturnix* would be recommended for inclusion on such a list. He concluded by stressing the importance of the appointment of a Technical Officer for the CMS, as this had enabled, and would enable, the full potential of the Scientific Council to be used in support of the implementation of CMS.

64. The representative of Belgium, underlining the importance of concerted action for Appendix I species, which he considered to be the most important aspect of CMS, announced that Belgium was examining the possibility of providing extra financial support for activities in connection with Sahelo-Saharan ungulates. He urged other representatives to also provide support. He hoped it would be possible to convene, without further delay, the proposed workshop on the six species to bring together the 17 Range States concerned. The representative of Mali supported that view and pointed to the possibility of reallocating unused funding in order to progress with that workshop.

65. The representative of Morocco, pointing to the section of the Scientific Council's report which suggested considering reallocating funds from the Mediterranean monk seal, *Monachus monachus*, underlined the importance of work for the seal and asked the Council to reexamine that matter at its next meeting. The Chairman of the Council replied that an ad hoc working group had been established and would examine the question during the current meeting of the Conference of the Parties.

(d) Depositary

66. The Chairman of the plenary called upon the representative of the Depositary (Germany) to present an oral report.

67. The representative of Germany, referring to Secretariat matters, said that the Secretariat of the CMS and of the Eurobats Agreement had been moved to the United Nations Premises in Bonn which also housed the United Nations Volunteers (UNV) and the secretariat of the United Nations Framework Convention on Climate Change (UNFCCC) as well as the German office of the United Nations Information Centre (UNIC). The host Government had provided new furniture, new computers and network, modern telecommunications equipment resulting in very good working conditions, far beyond the obligations of the host country and better than those of many German Ministries. He welcomed the CMS Secretariat's expression of thanks for the new facilities in paragraph 11 of the report of the Secretariat (UNEP/CMS/Conf.5.1.1).

68. His Government had also decided to provide an annual voluntary contribution of DM100,000 which was still to be included in the budgetary draft and he undertook to conclude a new headquarters agreement to the satisfaction of both sides. Until the new agreement was concluded, the headquarters agreement of 1984 and 1989 - which had apparently always given satisfaction - would continue in force.

69. The new headquarters agreement under consideration contained the usual United Nations privileges and immunities for Secretariat members, meeting participants and invited experts, as well as tax exemptions for staff. The Secretariat wished to have certain privileges beyond those granted, but the German Government had not yet completed its consideration of the matter. He pointed out that the third meeting of the Conference of the Parties of the CBD had agreed to establish its headquarters in another host country on the basis of the usual United Nations conditions, not including the extra ones requested by the CMS. In any case, the CMS Coordinator was fully informed of the situation.

70. The representative of Germany was pleased to indicate that he had learned the previous day that the new CMS headquarters agreement would contain provision for staff family members to be able to work, a privilege not accorded to some other UN bodies established in Germany. He added that considerations were being made internally with a view to facilitating access of official delegates to CMS meetings, which would address the Secretariat's concerns in this regard. The Secretariat would receive a reply during the current month from the Federal Government regarding new proposals. He therefore hoped that the agreement would be concluded speedily.

71. Finally, he stressed that the host government was very interested in CMS: it had seconded an expert to the Secretariat, discussed accession to the Convention with a number of countries and requested support for CMS at the third meeting of the Conference of Parties of CBD. It also supported biological diversity projects of the Global Environment Facility (GEF) and was willing to provide several thousand German marks to ensure finance for a global database on migratory species.

72. The Chairman welcomed the news regarding early conclusion of the headquarters agreement and suggested that the incoming Standing Committee should follow up the question.

73. The Coordinator thanked the speaker for his very comprehensive report and stressed the excellent relations between the Secretariat and the host country, acknowledging that officials of the Ministry of the Environment had worked extremely hard to support the work of the Secretariat, to provide it with new equipment and to persuade other Ministries to accord the most favourable possible conditions to the CMS Secretariat. He also welcomed the additional voluntary contribution of DM100,000.

74. Turning to the question of the new headquarters agreement, he concurred that the current agreement was a satisfactory basis for work and expressed his pleasure at the further privilege of family members being allowed to work in Germany. He was awaiting replies from the Federal Government on a few points and the results would lead either to further negotiations or signature of the agreement. He had asked the German Government to treat CMS more favourably than other United Nations institutions located in Germany, in particular regarding promotion of and sponsorship for CMS. However, he understood that the Government had to treat all such organizations equally. With the agreement of the United Nations and the UN Environment Programme, he continued to seek equal treatment for CMS as compared with the only other UN body located in Germany with which the UNEP/CMS Secretariat could be compared: the United Nations Framework Convention on Climate Change, both secretariats servicing global conventions. The issue, which was still under discussion, would not affect the status of the Secretariat itself, but the treatment of delegates and those invited to Germany requiring the speedy issue of short-term visas on their arrival.

75. The representative of Germany was very happy with the warm words of the Chairman and the Coordinator and would continue his commitment. On the subject of travel of delegates into Germany, he was unaware of any problems in the past and, if any were notified, would attempt to solve them. He was surprised that the Coordinator always compared the CMS conditions with those of the UNFCCC secretariat since there were several other UN bodies located in Bonn. He would continue to report to the CMS Secretariat, and to negotiate if necessary.

## AGENDA ITEM 10: REVIEW OF IMPLEMENTATION OF THE CONVENTION

### (a) Overview of Party Reports

76. At its first session, the Committee of the Whole took up its consideration of the above agenda item. In its deliberations, the Committee had before it the report of the Secretariat on the receipt of reports from Parties, document UNEP/CMS/Conf.5.7 (Rev.1) and its annex (Rev.2), and a report on harmonization of the reporting system under CMS and related Agreements, in document UNEP/CMS/Conf.5.7.1. Introducing document 5.7 and its annex, the Deputy Coordinator said that, since its finalization, a further 11 country reports had been received from the following Parties: Argentina, Cameroon, Denmark, European Community, France, India, Mali, Netherlands, Norway, Panama and Saudi Arabia. In all, 27 reports had been received, but owing to the late submission of reports it had been impossible for the Secretariat to produce any meaningful synthesis of their findings.

77. Several representatives called attention to the fact that copies of their country reports and other reports from national bodies were available to participants at the meeting.

78. On the subject of harmonization of reporting, the Coordinator explained that decisions were required on two levels of activity. The first level related to the decision of the second meeting of the Conference of the Parties to CBD to harmonize the reporting requirements of Parties to all biodiversity-related conventions. This item is referred to in the Memorandum of Understanding concluded between the CMS and CBD secretariats. In addition, UNEP had a mandate from UNCED to coordinate the activities of the secretariats of environmental conventions, and the report of the Sixth Meeting on Coordination of Convention Secretariats was available to the present meeting. As outlined in paragraph 13 of document UNEP/CMS/Conf. 5.7.1, WCMC had proposed a feasibility study for six global biodiversity convention, with the costs to be shared by participants.

79. The second level of the issue concerned the arrangements for harmonizing the reporting under CMS itself. The Parties' reports were mainly concerned with legal and administrative measures in the countries, and often gave no clear picture of the status of the species under CMS or of activities to implement the Convention. Reports to the Agreements were usually of a more detailed technical nature.

Thus, it would be valuable for the Conference of the Parties to examine how to harmonize the two in the future. Perhaps a specialized international scientific organization could be the focal point to receive the reports, condense, synthesize and even supplement them, and submit the results to CBD, CMS and the other global conventions. Document UNEP/CMS/Conf. 5.7.1 also set out proposals on how to proceed in such harmonization. The Parties would have to consider the financial implications of such a system of reporting.

80. A number of representatives welcomed the proposal to harmonize reporting, particularly as it offered the possibility of reducing the number of reports currently required from Parties to the various conventions and Agreements. One representative believed that the work under CMS and CBD needed an even greater degree of harmonization than the Secretariat proposed. The representative of WCMC confirmed, in answer to a query from the floor, that the WCMC budgeting for its feasibility study already factored in the proposed \$5,000 contribution of CMS. In response to another representative, who considered that a unified system of reporting required strengthened and harmonized national-level institutions for data provision, the representative of WCMC pointed to an ongoing UNEP project in which WCMC participated, with the aim of developing national capacities for biodiversity data management.

81. The Coordinator, calling for guidance on how the Secretariat should proceed, asked if it was appropriate for CMS to contribute \$5,000 to the WCMC feasibility study. And, if not, what body or organization should bear that cost? Should the Secretariat be mandated, under the Standing Committee, to consult further with WCMC to negotiate the terms of reference of the exercise and its time-frame, and to discuss how the Agreement's governing bodies would contribute to the exercise? Funding needed to be found, either from the next budget or from an external sponsor.

82. Responding to the representative of Belgium, who offered to make a \$5,000 contract with WCMC for the study, the Coordinator expressed his appreciation for the offer, and requested that bilateral consultations should be pursued in the matter. He pointed out that this sum would be only part of the overall contribution. The approval of the Conference of the Parties was required and, as a matter of principle concerning who should be the organization responsible for implementing the harmonization, the role of UNEP was important.

83. One representative, supported by several others, considered that reliance on external funding to support the participation of developing countries in the work of the Scientific Council was unreliable. He believed that any work on harmonization that entailed a financial burden should not be at the expense of Secretariat funding of such developing country participation.

84. The Coordinator proposed that the Conference of the Parties be asked to give a mandate to the Secretariat, under the Standing Committee, to enter into the proposed contract with WCMC. The existing plenary working group on budget and finance could be asked to examine the question of whether funding was available, or whether the proposal be put on the list of projects for which sponsors were sought. The Committee accepted the proposal of the Coordinator.

In the plenary session of the meeting, on Tuesday 15 April 1997, the Chairman again drew attention to the document UNEP/CMS/Conf. 5.7.1 on harmonization of reporting and to the Secretariat's request for guidance in its paragraph 15.

The Coordinator, noting that agreement had already been reached on carrying out the exercise in cooperation with WCMC, pointed to the importance of financing the activity and prioritizing it. He pointed out that no resolution would be forthcoming on the decision, but that the guidance for the Secretariat would be included in the present report of the meeting.

The representative of Belgium reiterated his Government's willingness to contribute \$5,000 to the Secretariat to enable it to take part in the initial feasibility study to be carried out with WCMC. He

wished to make it clear that the funds were to be directly paid to WCMC for that purpose alone, and were not intended to be channeled through the Trust Fund of CMS.

The chairman of the working group on the Strategy of the Convention said that the group had considered the harmonization of reporting to be an important task and had thus accorded Objective 3.3 of the Strategy, on reporting, a high level of prioritization.

It was agreed that further discussion on the subject be passed to the working group on the budget, in order that it could conclude the outstanding financial questions of the matter.

#### (b) Measures to improve the conservation status of Appendix I species

85. The Committee of the Whole took up its consideration of the above sub-item. The Deputy Coordinator called attention to document UNEP/CMS/Conf.5.8, pertaining to one of the most important topics before the meeting. The document summarized the concerted actions for endangered species of the past triennium and outlined the activities taken since the meeting of the Scientific Council, held in November 1995. In particular, he mentioned work undertaken in relation to marine turtles, Siberian cranes, the Slender-billed Curlew and a number of other species. The fourth meeting of the Conference of the Parties had set aside \$500,000 for priority actions where coverage by the Convention was inadequate. The Secretariat had endeavoured to initiate the necessary activities over the past three years, with considerable success in a number of cases. For various reasons, not all of the funding allocated had been spent and a decision would have to be taken on how it should be used.

86. Dr Pierre Devillers, Chairman of the Scientific Council, introduced draft Resolution 5.1 contained in document UNEP/CMS/1997/L.6 which was very similar to Resolution 4.2 adopted at the fourth meeting of the Conference of the Parties. At each meeting of the Conference, the list of species must be reviewed and any additions to or deletions from it decided. The proposed action was that a few species should be added at this meeting and none deleted.

87. The representatives of Chile proposed that *Hippocamelus bisulcus*, a species shared with Argentina, be included in the list of Appendix I species to be the subject of concerted actions (draft Resolution 5.1 - document UNEP/CMS/1997/L.6).

88. The representative of Uruguay proposed that *Pontoporia blainvillei* also be included in the same resolution.

89. The Committee of the Whole approved the proposals for recommendation to plenary.

90. The representative of United Arab Emirates pointed out that the National Avian Research Centre (NARC) referred to in paragraph 7 of document UNEP/CMS/Conf.5.8 was located in his country, not in Saudi Arabia.

91. The meeting took note.

92. The representative of Uruguay, referring to document UNEP/CMS/Conf.5.8, objected that projects proposed by non-member institutions, which did not contribute financially to the Convention, were accepted whereas projects put forward by Contracting Parties were refused on the grounds that the Party concerned was in arrears. He felt that there was a problem of approach: the Parties should have first consideration.

93. The Deputy Coordinator explained that the Conference of the Parties at the fourth meeting had observed that the Secretariat was overburdened with activities and decided that much of the



implementation work should be conducted through consultancies. Accordingly, the Secretariat had called on outside expertise from specialized organizations to carry out the mandate it had been given. Regretably, lack of internal capacity had meant that the Secretariat had been unable to organize all the consultancies required.

(c) Review of Article IV Agreements concluded or under development

94. Introducing the above item for the Committee of the Whole, the Coordinator drew the attention of the Committee to the report on the subject prepared by the Secretariat, document UNEP/CMS/Conf.5.9, which covered one of the main areas of Secretariat and Party activities over the last triennium. Of the Agreements in force at the time of the last meeting of the Conference of the Parties, two (Eurobats and ASCOBANS) had held meetings of their governing bodies and had decided to set up permanent secretariats. Their representatives would address the present meeting. In the past two years, two new Agreements had been concluded and were not yet in force (AEWA and ACCOBAMS), and two Memoranda of Understanding for species on the brink of extinction (Siberian crane and the Slender-billed curlew), which had originated from proposals of the Scientific Council.

*Memorandum of Understanding Concerning Conservation Measures for the Siberian Crane*

95. The Coordinator said that two meetings had already been held under the Memorandum and work was ongoing, also in cooperation with a number of international and national NGO's. Very important work was also being undertaken by the Range States. He outlined the success of the work undertaken under the Memorandum in terms of communication and cooperation of the Range States' governmental and scientific bodies, specialized international non-governmental organizations and internationally reputable experts. In reply to a request of one representative, calling for efforts to be devoted to increasing the awareness of those along the flyway of the species, the Coordinator said that there would be an examination of the work to be undertaken in that connection.

*Memorandum of Understanding Concerning Conservation Measures for the Slender-billed Curlew*

96. The Coordinator referred to the written report and noted that preparations were under way for the first meeting of experts on the species, scheduled for the latter half of 1997.

97. The representative of Tunisia announced that his Government had engaged in the administrative arrangements for joining the Memorandum and had upgraded its national laws on the species. Indeed, all curlews in the country would now be legally protected.

98. In reply to an enquiry from the observer for Algeria as to whether a non-Party to CMS could join the Memorandum, the Coordinator gladly offered to provide further details on the procedure.

*Houbara bustard*

99. The Coordinator said that progress had been made in the development and official distribution to the Range States of an Agreement proposal for this species, under the lead of Saudi Arabia, for which he expressed his gratitude. A draft Action Plan (to be attached to the Agreement, similar to other existing Agreements under CMS) was being developed by Saudi Arabia with the assistance of the Houbara Bustard Working Group of the IUCN Species Survival Commission, and coordinated by the Environmental Research and Wildlife Development Agency of the United Arab Emirates. He hoped that soon, if not in 1997, it would be possible to convene a meeting of the Range States.

100. The representative of Saudi Arabia said that his country had circulated a text on a proposed Agreement for the species to the Range States and had received comments on it from Armenia, China, Jordan, Kyrgyzstan and Tajikistan. Replies were also in the pipeline from Georgia, India, Pakistan and

United Arab Emirates.

101. The representative of Pakistan expressed his gratitude to the Government of Saudi Arabia for the work done on the Houbara bustard. The draft circulated to the Range States had been drawn to the attention of official channels in Pakistan.

*Great bustard*

102. The Coordinator said that, as concerned the middle-European populations of this species, work was ongoing to draft a proposed text for an Action Plan which, in addition to the draft Memorandum of Understanding recently submitted by the Scientific Councillor for Hungary, could then be subject to legal review and circulated among Range States.

*Asia-Pacific Waterbird Agreement (APWA)*

103. The Coordinator, pointing to the report on APWA contained in paragraph 34 of the document prepared by the Secretariat, noted that this draft agreement paralleled AEW. A consultant had prepared a proposal, but it had been noted that there was no great demand for an Agreement in the Asia-Pacific region, where there was limited participation in the work of CMS. Wetlands International (Asia-Pacific) had come up with the Brisbane Initiative and the Secretariats of CMS and of Ramsar had been invited to support and assist in supervising the progress of that Initiative. The Coordinator considered such activity by CMS to be fully justified, since there was a definite possibility that, in future, an Agreement for the region could arise under the Convention.

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

104. To supplement the report on ASCOBANS contained in annex 2 of the report of the Secretariat (UNEP/CMS/Conf.5.9), the head of the secretariat of ASCOBANS, Ms. Jette Jensen, gave a presentation on the Agreement. She described in detail the scientific activities under way to monitor the movements and status of the populations of harbour porpoises and other small cetaceans, particularly in light of threats posed by fisheries. The representative of Chile, as a member of the Scientific Council, congratulated Ms. Jensen on the work done under ASCOBANS and on the detailed presentation given.

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

105. Mr. Eric Blencowe, Executive Secretary of the Agreement on the Conservation of Bats in Europe (Eurobats), drew attention to Annex 3 of document UNEP/CMS/Conf.5.9 containing the report of the Agreement secretariat. He acknowledged with thanks the assistance given by the German Government in hosting the Eurobats Secretariat and the extra assistance provided for the CMS Secretariat, mainly in connection with the new building and equipment supplied, which had significantly enhanced capacity. The Eurobats secretariat comprised two half-time staff, making it impossible *inter alia* to provide full facilities for meetings. As well as his work for Eurobats, he had been seconded by the United Kingdom Government to serve half-time with the CMS Secretariat, but this was not an ideal arrangement since conflicts of work priorities could occur.

106. In conclusion, he emphasized the importance of bats as an indicator species. Often in the past, that factor had not been accorded its full importance but it was now realized and, for a variety of reasons, bats had received considerable publicity in Germany and across the European region.

107. The representative of Switzerland was pleased that a great deal of work was being done for bats in Europe. The Bern Convention also covered that species and he wondered what cooperation existed between it and Eurobats. Mr Blencowe said that regular contacts were maintained between the two bodies, and the Bern Convention had been represented at the second meeting of the Eurobats Advisory Committee in Kraków. The Coordinator confirmed that excellent relations existed between the CMS Secretariat and the Bern Convention Secretariat and that joint action was envisaged on several issues.

*African-Eurasian Migratory Waterbird Agreement (AEWA)*

108. Mr Bert Lenten, Executive Secretary of the African-Eurasian Waterbird Agreement (AEWA), drew attention to Annex 4 of document UNEP/CMS/Conf.5.9 which contained the report of the interim Agreement secretariat. After describing the events leading up to the adoption of the Agreement, he noted that the interim secretariat had been established in the Netherlands on 1 January 1996. The Agreement had been opened for signature on 15 August 1996, after some delay caused by translation of the text into Russian and Arabic. The interim secretariat had contacted all Range States and it was hoped that the Agreement would enter into force in mid-1998.

109. The representative of the Netherlands was pleased to announce that it would continue to finance the interim secretariat beyond the initially agreed date until the Meeting of the Parties in 1999 and, to ensure a smooth transition, for a period thereafter.

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

110. Ms. Van Klaveren, the representative of Monaco, which was depositary for the Agreement on the Conservation of Small Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), presented an oral report, referring to paragraph 18 of document UNEP/CMS/Conf.5.9. She said that thanks to translation assistance provided by Spain, Tunisia and Ukraine, it had been possible to open the Agreement for signature only 24 hours after its adoption. ACCOBAMS was innovative on several counts; for example, it binds the countries of the two subregions to work together on a subject of common concern and, significantly, is also open to membership of non-coastal States ("third countries") whose vessels are engaged in activities which may affect cetaceans. It was clearly closely related to the recently adopted Barcelona Convention Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean. She emphasized the importance of all concerned countries becoming signatories to the Agreement.

**(d) Guidelines on the harmonization of future Agreements**

At its third plenary session, the meeting took up its consideration of the above item of its agenda. In its deliberations on the item, the meeting had before it document UNEP/CMS/Conf.5.10, prepared by the Secretariat. Introducing that report, the Coordinator said that the fourth meeting of the Conference of the Parties had examined a document on elements for the establishment of guidelines to the Standing Committee, and had given instructions to prepare guidelines for the present meeting. A consultant, with input from the Secretariat, had drawn up the report, which had been presented to the 15th meeting of the Standing Committee in English only. The Committee had not debated the report in detail, but had requested that it be translated into French and Spanish for submission to the Focal Points of CMS for comment. Owing to their late receipt of the document, the Secretariat had so far received comments from only 5 countries. He suggested that the Chairman establish a working group to discuss the comments submitted to the Secretariat regarding the guidelines and to prepare a synthesis of all suggested amendments, if possible, so that the guidelines could be presented for adoption at the present meeting. In concluding, he stressed that the guidelines were not intended as final. They would evolve, especially in light of the requirements of newly arising Agreements, and would be subject to continuous renewal and updating.

Several representatives, expressing their general support for efforts towards the harmonization of Agreements, raised specific points for amendment that would be for discussion in the working group. It was generally considered that there was a definite need for flexibility in such guidelines. Indicating that the guidelines had been subjected to review by their national legal experts, several representatives noted their particular reservations with regard to the legal status of Memoranda of Understanding. One representative was of the opinion that the text of the guidelines as it stood presented problems in terms of emphasis and interpretation. Another representative believed that the present meeting should not

adopt, but should merely take note of, the amended guidelines.

It was agreed that a working group would be established to study and amend the draft guidelines, with the following core membership: Australia, Cameroon, Finland, France, Monaco, Netherlands, Pakistan, Philippines, Saudi Arabia and the United Kingdom. The group would elect its own chair, who would report back to the plenary on the results of its deliberations.

In plenary session on 15 April, the chairman of the working group set up under this agenda item reported to the plenary on the work of the group. Having studied document UNEP/CMS/Conf.5.10 and the comments made by several countries regarding their treaty practice, the group considered that the guidelines set out in the document should be further examined by the Parties. He therefore drew attention to draft Resolution 5.2 set out in document UNEP/CMS/1997/L.14 instructing the Secretariat to carry out the necessary work in that regard.

The Coordinator thought it might be useful if the wording of draft Resolution 5.2 were aligned on Resolution 4.3 adopted at the fourth meeting of the Conference of the Parties which mandated the Standing Committee to carry out the work needed. He suggested that an open-ended working group be set up on the topic and consult with either the Standing Committee or the Secretariat. He also stressed the value of the proposed guidelines as a working tool in the preparation of further Agreements.

The Chairman agreed on the importance of the work already done being used constructively, even though the guidelines were not accepted as being in any way final.

The plenary agreed to accept the proposals of the working group, which would be implemented through a contact group to be established and the Standing Committee.

#### (e) Interpretation of certain terms used in the Convention

Introducing the item to the plenary on Tuesday, 15 April 1997, the representative of Australia, speaking in his capacity as former Chairman of the Standing Committee, drew attention to document UNEP/CMS/Conf.5.16 and to the draft resolution on interpretation of the term “endangered” in document UNEP/CMS/1997/L.3/Rev.1. That interpretation, it was pointed out, would active maximum compatibility with the IUCN “Categories of Threat”.

After an exchange of views, the resolution was adopted without amendment. The text of the resolution can be found in [annex ...] to the present report.

### **AGENDA ITEM 11: REPORT OF THE CREDENTIALS COMMITTEE**

In plenary session on 15 April, the chairman of the working group set up under this agenda item reported to the plenary on the work of the group. The working group had studied and approved the credentials of 40 Contracting Parties present at the meeting. Two other Contracting Parties present had not submitted credentials and those of a third were still under consideration. The working group also requested that a decision should be taken for the future in regard to rule 3 of the provisional rules of procedure as to what constituted a “proper authority” and whether credentials submitted by fax were acceptable. The Chairman suggested that the CMS Secretariat be requested to report briefly on the questions of “proper authority” and submission of credentials by fax to the Standing Committee at its next meeting. It was so agreed.

## AGENDA ITEM 12: CONSIDERATION OF PROPOSALS FOR AMENDMENTS TO APPENDICES I AND II OF THE CONVENTION

111. The Committee of the Whole took up its consideration of the above agenda item. The Chairman of the Scientific Council, Dr. P. Devillers, said that the Council had considered the proposals for amendment contained in document UNEP/CMS/Conf.5.11. It had endorsed them all except those relating to the two populations of the Black-necked swan, *Cygnus melanocorypha*.

112. The representatives of Chile and Uruguay withdrew the relevant proposals, numbers I/9a) and b).

113. The Deputy Coordinator pointed out that he had been advised that the spectacled porpoise *Australophocaena dioptrica*, proposed for inclusion in Appendix II, was now considered by taxonomists to be in the genus *Phocoena*, thus the reference in proposal number II/2 should be amended accordingly.

114. The Coordinator said that an addendum to the proposals to add certain albatross species to Appendix II was available (UNEP/CMS/Conf.5.11(Rev.1 and 2)).

115. The representative of France fully supported the proposal to include a number of albatrosses in Appendix II and the Amsterdam albatross, *Diomedea amsterdamensis*, in Appendix I. She pointed out that the nesting sites of the latter were in the French Antarctic Territories and that a great deal of research had been carried out on the species there over the past 40 years. She suggested that France should submit a supplementary updated document on the species for inclusion in the final documents of the Conference. The representative of Australia had no objection to that course of action. The meeting agreed to the suggestion.

116. The observer of Ecuador expressed his satisfaction that the Waved albatross, *Diomedea irrorata*, was proposed for inclusion in Appendix II. The Galapagos Islands were a province of Ecuador and the species was therefore subject to the recently adopted conservation laws of that country. The meeting took note.

117. The representative of Uruguay made an editorial correction to the English text of the addendum. The first reference to *Diomedea melanophris* (proposal II/7) should actually have mentioned *Diomedea epomophora*.

118. The representative of New Zealand strongly supported the proposals to include albatross species in the Appendices. There was considerable incidental mortality and he was ready to cooperate on regional work. The representative of Norway also endorsed the Australian proposal and considered that the issue of bycatch should be studied in depth at some future stage. The representatives of Argentina, supported by Chile, said that, in accordance with standard United Nations practice, references throughout the Spanish text should be to "Islas Malvinas/Falklands".

119. The Committee of the Whole approved the proposals for transmission to the plenary.

## AGENDA ITEM 13: STRATEGY FOR THE FUTURE DEVELOPMENT OF THE CONVENTION

120. Introducing the item, the Coordinator drew the attention of the plenary to document UNEP/CMS/Conf.5.12, produced in response to Resolution 4.4, adopted by the Conference of the Parties at Nairobi in 1994. Part I of the document contained 25 action points relating to the work agreed by the fourth meeting of the Conference of the Parties and Part II contained proposals, prepared by the Secretariat, for future work which could be revised and amended by the Conference in order to serve as a guide for CMS bodies in the subsequent triennium.

121. The Chairman commented that many of the activities listed under the action points had been carried out, but that elsewhere progress was mixed, which largely reflected the limited resources available. He invited comments on the document.

122. The representative of the United Kingdom agreed with the overall picture presented that the Secretariat was spread very thinly and that resources were inadequate to complete all the work requested. It was important that in the new strategy care was taken to make requests in accordance with resources available and to avoid being over-ambitious. Prioritization of objectives would aid in that respect. The Chairman agreed that the objectives must be viewed in the light of discussions on the budget to ensure a realistic approach.

123. Referring to action point 20, the representative of Uruguay considered it unfortunate that an allusion was made to non-payment of contributions at a time when attempts were being made to increase membership of the Convention. The developing countries were the poorest and needed most help in carrying out conservation-related activities. He also expressed his concern at the lack of mention of America and the Caribbean. The proposals made at the CMS South American workshop held at Valdivia, Chile, in December 1996 had apparently not been followed up. On the question of resources, he agreed that the strategy must be in line with what was available. In connection with Objective 3, he did not believe it was necessary to resort to a consultancy to give guidance to new Parties since the Secretariat could do that work.

124. In regard to paragraph 2.2 under Objective 2, the representative of Cameroon considered that training should be included and the representative of Zaire wished the Mountain gorilla to be added to the species targeted for preliminary work.

125. The representative of Monaco noted that regional agreements such as the Mediterranean Action Plan were not mentioned and hoped that they would be taken into consideration.

126. The representative of Switzerland opined that the document was on the right lines and that it was clear that activities could not be carried out without appropriate financing. Greater priority should be given to biological diversity and synergy with other conventions or regional agreements, which would assist CMS work.

127. The meeting established an open-ended working group, with a core membership of Cameroon, Monaco, Netherlands, Norway, Pakistan, Slovakia, Switzerland, United Kingdom and Uruguay, to study the matter and report back to the plenary. Pakistan was asked to convene the first meeting at which the group would select its chairman and decide on its *modus operandi*.

On 15 April, the chairman of the working group established under the agenda item, Mr. I Muchmore, United Kingdom, reported to the plenary on the work of the group. Noting that the Secretariat lacked the capacity to carry out all the work assigned to it, the group considered that the Strategy should be refocused and that the Contracting Parties should give the Secretariat guidance in regard to priorities if it proved impossible to do all the work.

He introduced draft Resolution 5.4, which was before the meeting and made a minor textual correction to operative paragraph 1. The working group considered that joint priorities were acceptable and had suggested the five key priorities listed in operative paragraph 1. The working group also felt that a written report of its deliberations should be communicated to the Standing Committee.

The Chairman said that it was important that the Strategy progress on a programme-based approach and urged the meeting to adopt the draft resolution. He suggested that Objectives 7.1, 7.2 and 7.3 be placed in the high-priority category.

It was so agreed.

In response to a point raised by the representative of Uruguay, the chairman of the working group read out an oral amendment for a new Objective 2.4 which would be inserted in the high-priority list.

The representative of Uruguay also requested clarification concerning the wording "should promote the development of cost-effective projects" in Objective 5.1 in Part II of document UNEP/CMS/Conf.5.12.

The Coordinator explained that the Secretariat did not carry out projects itself but assigned them to cost-effective consultancies. It followed the normal procedures for allocation of resources by referring to the Scientific Council and the Standing Committee.

The representative of Uruguay said that he would raise the matter at the next meeting of the Standing Committee.

The plenary agreed that the chairman of the working group should submit a written report of the group's deliberations to the Standing Committee and adopted Resolution 5.3, as amended. The text of the resolution as agreed can be found in annex [...].

#### ITEM 14: FINANCIAL AND ADMINISTRATIVE ARRANGEMENTS

(a) Extension of the CMS Trust Fund

(b) Adoption of the budget for 1998-2000

128. In its deliberations on the above items of its agenda, the plenary had before it the following documentation: UNEP/CMS/Conf.5.13.1, "Financial and Administrative Matters", and its addendum "Administration of the Trust Fund Beyond 31 December 1997". Introducing the main report, the Deputy Coordinator referred to the concern expressed by the Standing Committee at the draft budget proposals it reviewed at its meeting on 23 and 24 January 1997 and to its request that options be prepared by the Secretariat: one setting out a budgetary increase that represented the rate of inflation (Option 2 of the report) and another presenting a budget similar to that tabled for the Standing Committee meeting (Option 1). Annexes 2a and 2b of that report also set out two different scales of contributions for Parties to the Trust Fund, corresponding to the two different options. In that connection, he wished to underline two points that Parties should consider when comparing their contributions from one triennium to the next: (a) the 1994 budget had incorporated a \$400,000 withdrawal from the Trust Fund, effectively subsidising Parties' contributions; (b) for many Parties, the United Nations scale of assessment had been changed, sometimes significantly affecting the level of a Party's contributions. He drew the representatives' attention to Annex 1 of the document, which gave a detailed explanation of each budget line, noting that the level of detail could best be considered in a working group on budget and finance. He also pointed to the draft Resolution 5.8 on financial and administrative matters, annexed to the report, indicating that discussion in the Standing Committee had already proposed the deletion of its operative paragraph 8.

129. Turning to document UNEP/CMS/Conf.5.13.1/Addendum, he pointed to the new information it contained, received from UNEP headquarters, regarding the administration of the CMS Trust Fund. Concerning contributions, as far as the end-of-year 1996 was concerned, 32 of the 49 Parties to CMS had paid their contributions in full, representing approximately 92 percent of the total funds pledged for that year. A few Parties had already made full or partial payments of their 1997 dues. Concerning expenditures, the document lacked information on the current status of the Trust Fund and it was hoped that the representative of UNEP could provide any required information on that point.

130. The representative of UNEP, referring back to the opening statement of Mr. Frits Schlingemann

on behalf of the Executive Director of UNEP, pointed to Annex 2 of the addendum. He reiterated that UNEP had offered to finance the Administrative Officer listed in line 1105, while the Finance Assistant listed in line 1302 would be financed from the Trust Fund of CMS.

131. Several representatives sought further specific details on aspects of the budget and it was agreed that these would be provided to the working group to be established. The Deputy Coordinator said that the Secretariat would also recommend two further documents on financial matters to that group. The first document, UNEP/CMS/Conf 5.13.2, "Guidelines for acceptance of financial contributions", had been considered by the Standing Committee, which sought endorsement from the Conference of the Parties for a Committee decision on the subject. The second paper, UNEP/CMS/Conf. 5.13.3 "Summary of project proposals for which voluntary contributions are sought", should be viewed in tandem with the main report on the budget. It represented a "shopping list" of projects for which voluntary funding could be sought. In that connection, the outcome of the recent meeting of the Scientific Council was important, as it had identified projects that were worthy of funding and also areas where previously earmarked resources had not been fully utilized. Recalling the earlier intervention from the representative of Uruguay, the Deputy Coordinator drew particular attention to several projects proposed for South America.

132. It was agreed that an open-ended working group on budget and finance would be established, with the following core membership: Australia, Cameroon, France, Germany, India, Netherlands, Nigeria and the United Kingdom. The group would elect its own chair and would report back to the plenary on the results of its deliberations.

On 15 April 1997, the chairman of the working group set up under this item of the agenda, Mr S.C. Dey, India, reported to the plenary on the deliberations of the group. The group had noted that, as against an opening balance of \$1.8 million on 1 January 1996, the Trust Fund showed a balance of approximately \$1.88 million on 1 January 1997 according to information received from UNEP. In that context, the group stressed that, in future, a clear picture of the situation should be provided. The group had examined Options 1 and 2 set out in annexes 1a and 1b to document UNEP/CMS/Conf.5.13.1 respectively, noting that the increase in payments by major contributors would, according to the chairman's figures, amount to approximately 40 percent for Option 1 and 20 percent for Option 2. The group hoped that the secondment of two officials to the Secretariat by Germany and the United Kingdom would be continued after expiry of the present term and that other wealthy countries would also second officials to the Secretariat. It noted UNEP's commitment to finance an administrative officer rather than a finance assistant as at present. The group expressed its great appreciation of the additional voluntary contribution of DEM100,000 per annum over the triennium, announced by the German Government, to assist in meeting the increased cost of programmes and work. The amount was flagged with three asterisks in Annex 1 to draft Resolution 5.8 (Rev.1), which was before the meeting.

In the core budget, the cost of participation in the sixth meeting of the Conference of the Parties by developing country Parties to the Convention had been provided for. If holding the meeting of the Conference of the Parties away from a United Nations venue would entail greater expenditure in general, the question should be reconsidered. For meetings of the Scientific Council and the Standing Committee, support had been allocated as required for all members of those bodies. On the question of increasing working languages to more than three, the additional cost for the meeting of the Conference of the Parties indicated by UNEP was roughly \$250,000. The group considered that the administration of the Trust Fund by UNEP should be extended to 31 December 2000 and that the level of reserve to be kept in the Fund should be decided by the plenary.

Referring to draft Resolution 5.8 (Rev.1), he believed that operative paragraph 8 relating to the participation fee for all NGOs could be deleted if so decided by plenary.

On the basis of the above information, the working group recommended adoption of draft Resolution 5.8 and the attached Annex 1, containing a new option which gave slightly lower figures than the total liability set out in Option 2 of document UNEP/CMS/Conf.5.13.1.



The Chairman suggested that the matter of participation fees for NGOs should be decided by the Bureau and the chairman of the working group on the budget. The representative of Germany asked that all participants in that working group join with the Bureau to take the decision. It was so agreed.

In reply to a question from the Chairman regarding the status of the Trust Fund, the representative of UNEP said that he was awaiting information from Nairobi.

The Chairman invited suggestions on the use of additional resources from the Trust Fund. The representative of Belgium stressed that projects in the field were an essential part of CMS to which maximum resources should be devoted. The representative of the Netherlands shared that view and considered that it was reasonable to retain one year's operational expenses in the Trust Fund.

The representative of Germany expressed surprise that no precise figures had been provided by UNEP - that made it difficult to give an opinion. He suggested that the 1994 figures should be taken as a guide and that the Secretariat should continue to carry out projects to further the objectives of the Convention through consultancies. The chairman of the working group on the Strategy for the future development of the Convention said that the scientific work of CMS was extremely important and that the working group would support the use of any surplus monies from the Trust Fund for such activities. The chairman of the working group established to consider the celebration of the twentieth anniversary of CMS said that some funds would probably be required in that connection.

The representative of the European Community pointed out that any increase in its contribution could not exceed 2.5 percent and requested that the Secretariat check the figures in the new option proposed. It was so agreed.

In reply to a question from the representative of Australia, the Deputy Coordinator confirmed that the total in the Trust Fund included interest earned. On the question of drawing from the Fund, he pointed out that, as shown in document UNEP/CMS/Conf.5.13.1 Addendum, Annex 3b, commitments for 1997 totalled \$1.63 million of the \$1.88 million in the Trust Fund. It should also be borne in mind that payments from major contributors would probably not be received for several months.

The representative of the United Kingdom reported that his country's contribution had been paid on 13 March. In reply to a question from the representative of Panama, the chairman of the budget working group said that the translation costs shown in the new budget option did not include those which would be incurred for Arabic.

The observer for WCMC asked whether the budget estimates attached to draft Resolution 5.8 (Rev.1) contained provision for the proposal submitted by his organization regarding the development of a CMS information strategy. The Coordinator said that two distinct sums were involved: the first was an amount of \$5,000 needed to carry out the feasibility study to be conducted by WCMC regarding harmonization of reporting in connection with the five biodiversity-related conventions. That amount was covered by an earmarked contribution from Belgium. The Chairman said that the other project, costing around \$40,000 had not yet been approved and suggested it be considered by the joint Bureau and budget working group meeting. It was so agreed.

In the light of the foregoing discussions, the plenary adopted Resolution 5.8 (Rev.1), as amended, and the attached Annexes 1 to 4, subject to the decisions of the joint Bureau and budget working group meeting.

## AGENDA ITEM 15: INSTITUTIONAL ARRANGEMENTS

### (a) Agreement secretariats

133. The representative of Germany, introducing the sub-item to the plenary, drew attention to document UNEP/CMS/Conf.5.14.1. The bases of the proposal, made by the CMS Standing Committee, were action points 18 and 19 contained in Resolution 4.4, adopted by the fourth meeting of the Conference of the Parties (Nairobi, June 1994). The decision to co-locate with the Convention Secretariat some secretariats of regional agreements concluded under CMS was taken unanimously and was a rational one as the co-location of small secretariats would be of considerable mutual benefit. A great deal of work was being carried out on administrative and organizational aspects. The secretariat of the Agreement on the Conservation of Bats in Europe (Eurobats) had already moved to Bonn and, although in December 1994, the first Meeting of the Parties to the Agreement on the Conservation of Small Cetaceans of the Baltic and North Seas (ASCOBANS) had decided to keep its secretariat in the United Kingdom, it decided to review the location at its second meeting. In 1995 and 1996 respectively, it had been decided by the negotiating States that the secretariat of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) and of the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS) would also be located in Bonn but discussions among some of the Range States of the latter Agreement were apparently not moving in that direction.

134. The Working Group set up by the Standing Committee in March 1995 to study the subject had concluded that full integration within the parent UNEP/CMS Secretariat would be the most efficient arrangement; its full conclusions are given in Annex 1 to document UNEP/CMS/Conf.5.14.1.

135. At the Standing Committee meeting held in Geneva immediately prior to the present meeting of the Conference of the Parties, the UNEP representative had been asked to state what contribution it could make and had replied that it would bear the cost of an administrative officer for the joint secretariats. Study of the various legal, financial and other aspects of the subject should be pursued and the Netherlands and Germany would submit a pertinent draft Resolution for consideration by the Conference.

136. The meeting agreed to set up an open-ended working group on the topic, with core membership comprising Australia, Cameroon, European Community, France, Germany, Monaco, Switzerland, Tunisia, United Kingdom, UNEP, ASCOBANS and the Bern Convention. At the Chairman's suggestion, the group would be chaired by Australia.

**(b):Standing Committee**

At the elections of members of the Standing Committee at the plenary session on 15 April 1997, the following countries were elected members and alternate members for the coming triennium, based on the recommendations of the regional Parties to the Convention:

**African region**

Member: Guinea

Alternate member: South Africa

**America and the Caribbean region**

Member: Uruguay

Alternate member: Argentina

**Europe region**

Alternate member: Poland

**Oceania region**

Member: Philippines  
Alternate member: Australia.

The Chairman thanked all the outgoing members and alternates of the Standing Committee for the work they had done in serving on it.

### **c. Scientific Council**

141. Introducing the above agenda item to the Committee of the Whole, the Deputy Coordinator pointed to the report on institutional arrangements for the Scientific Council, contained in document UNEP/CMS/Conf.5.14.3. That report contained proposed rules of procedure for the Council, subsequently amended for clarity and reissued as UNEP/CMS/Conf.5.14.3 (Rev.1) and set out the procedure for the selection of Conference-appointed Councillors.

142. The Chairman of the Scientific Council expressed his gratitude on its behalf to the Conference-appointed Councillors for their outstanding work. He said that the Council had a continued need for their expertise and had identified no other area where additional expertise would be required in the coming triennium. He proposed, and the Committee accepted that the following Councillors be appointed to serve another term:

Dr. Colin Limpus (Australia) - marine turtles.  
Dr. Michael Moser (United Kingdom) - waterbirds  
Dr. William Perrin (United States) - cetaceans  
Dr. Pierre Pfeffer (France) - large mammals  
Dr. Roberto Schlatter (Chile) - neotropical fauna.

143. Concerning the rules of procedure of the Scientific Council as contained in document UNEP/CMS/Conf.5.14.3 (Rev.1), the representative of Panama made oral linguistic corrections to the Spanish version of the text.

144. The Committee took note of the rules of procedure for the Scientific Council and decided to forward them to the plenary for consideration in accordance with Article VIII, paragraph 4 of the Convention.

### **AGENDA ITEM 16: CORRECTION OF THE TEXTS OF THE CONVENTION**

The representative of Germany drew attention to document UNEP/CMS/Conf.5.6, including the three annexes, and said that great progress had been made since the fourth meeting of the Conference of the Parties. The correction procedure was now complete in accordance with the provisions of the Vienna Convention on the Law of Treaties and the English French and Spanish versions were ready for distribution. Work on the Arabic, Chinese and Russian texts was also proceeding.

The Coordinator thanked the Depositary for its work and apologized for any misunderstanding caused by footnote 2 on page 2 of the document, which he said related only to the presentation of the texts from the point of view of formatting, and not the procedures that had been followed. In answer to a query from one representative, he said that the English text of the Convention was contained in document UNEP/CMS/Inf.5.7.

The meeting noted that the appropriate procedures regarding the correction of the texts of the Convention had been followed and approved the final versions of the English, French German and Spanish texts, and thanked the Depositary for undertaking to prepare each of the certified texts in a presentable format as soon as possible.

## AGENDA ITEM 17: REPORTS OF SESSIONAL COMMITTEES

At the plenary session on Tuesday, 15 April 1997, Professor H. Abuzinada (Saudi Arabia), Chairman of the Committee of the Whole, gave an oral report on the work of the Committee and the items of the agenda it had discussed. Considering item 12, (Consideration of proposals for amendments to Appendices I and II of the Convention) the Committee had discussed document UNEP/CMS/Conf.5.11 (for the discussion, see paragraphs ... to ... above). On the basis of the proposals the Committee had approved, the plenary now had before it draft Recommendation 5.2 on Appendix II species, contained in document UNEP/CMS/1997/L.11. The plenary adopted the recommendation. The text of the recommendation can be found in annex ... to the present report.

Concerning agenda item 15 (c) (Institutional arrangements: Scientific Council) (for the discussion, see paragraphs ... to ... above), the Committee had recommended the re-appointment of all five of the Conference-appointed Councillors. The Scientific Council had also agreed on its rules of procedure, as contained in document UNEP/CMS/Conf.5.14.3(Rev.1), with oral corrections to the Spanish text by the representative of Panama, of which the Committee had taken note. The Chairman of the Committee of the Whole recommended that the Conference approve those rules. It was so decided.

With regard to agenda item 9 (b) (Measures to improve the conservation status of Appendix I species) (for the discussion, see paragraphs ... to... above), the Committee had approved for transmission to the plenary the draft Resolution 5.1, contained in document UNEP/CMS/1997/L.6, as amended by Chile to include *Hippocamelus bisculus*, and by Uruguay to include *Pontoporia blainvillei*. The Chairman pointed out that, due to a typing error, the Lesser white-fronted goose, *Anser erythropus*, did not appear as it should in this draft. The plenary adopted the resolution. The text of the resolution can be found in annex ... to the present report.

Concerning the discussion on global warming that had taken place under agenda item 19 (Other business) (see paragraph ), the Committee transmitted to the plenary a resolution on climate change and its implications for CMS, contained in document UNEP/CMS/1997/L.2. It was agreed that the document was more appropriately termed a recommendation, and it was so adopted. The text of the recommendation can be found in annex .... to the present report.

The Committee of the Whole had agreed to the proposal of the Chairman of the Scientific Council, whereby the Council be given a mandate to pursue the issues raised at the Symposium on Animal Migration, hosted by IUCN (see paragraph ... below). The plenary so agreed.

## AGENDA ITEM 18: DATE AND VENUE OF THE SIXTH MEETING OF THE CONFERENCE OF THE PARTIES

The plenary took up its consideration of this item of its agenda on Tuesday, 15 April 1997. The Chairman drew attention to document UNEP/CMS/Conf.5.15 and to draft resolution 5.10, contained in document UNEP/CMS/1997/L.12.

The representative of South Africa said that, pending the successful negotiation of partnerships with the Netherlands and others, and subject to the approval of the Cabinet of his Government and the acquisition and allocation of sufficient funds, the Republic of South Africa was proposing to host the sixth meeting of the Conference of the Parties at a suitable location in the country in 1999.

The representative of the Netherlands, recalling its decision to host the Interim Secretariat of AEWA and to organize the first meeting of the Parties to AEWA, said that he expected the required number of ratifications to be received in time to allow the first meeting of the Parties to take place in late 1999. After consultation with the CMS Secretariat and with South Africa, his Government had decided

to pursue the question of holding the meeting back-to-back with the sixth meeting of the Conference of the Parties to CMS and to join forces and resources with South Africa to that end.

The Coordinator, thanking both South Africa and the Netherlands for the fruitful talks on the subject that both Governments were holding with the Secretariat, drew attention to the fact that, despite the generous provisional offers made, it was not at all sure that this most favourable arrangement could be made. The budget decisions had to be made under the assumption that the sixth meeting of the Conference of the Parties had to be organized separately in South Africa, in any other host country or, if no host be found, in any UN premises. Hence, the question was still open to offers from any other Party. He personally hoped for a successful outcome, despite all the problems still to be solved.

The Chairman referred the issue to the group that was meeting to finalize budgetary arrangements and noted the need to finalize the language of the draft decision.

## AGENDA ITEM 19: OTHER BUSINESS

### *Symposium on Animal Migration*

137. The Chairman of the Scientific Council, Dr. P. Devillers, gave a brief oral presentation on the work of the Symposium on Animal Migration, sponsored by the CMS Secretariat, with the support of the Government of Switzerland, and hosted by IUCN at its headquarters in Gland, Switzerland. The symposium had raised several important issues of direct relevance to CMS, including the complexities of the migration process; the seriousness of barriers to migration, particularly for non-winged species; the effect of catastrophic events, particularly those induced by humans, on migrating species; the need for further studies on threatened species; and the need for more research on the management and conservation of species. He believed it was important for the Scientific Council to pursue the points raised by the symposium and he sought a mandate for that from the present Conference of the Parties. The meeting agreed to his proposal.

### *Global warming*

138. Having been identified by the Scientific Council as an issue for the attention of the Parties, this topic was introduced to the Committee of the Whole by the Chairman of the Scientific Council, Dr. P. Devillers. He said that an informal group within the Council had prepared a draft resolution on climate change and its implications for CMS (before the meeting in document UNEP/CMS/1997/L.2) and a draft recommendation on global warming and migratory species (before the meeting in document UNEP/CMS/1997/L.7). The two drafts were approved by the Committee of the Whole for transmission to the plenary.

### *Recommendation concerning species in Appendix II*

139. The Chairman of the Scientific Council reported that the Council had discussed the need for action to be taken with regard to certain species, which were not the subject of Agreements, but which required urgent measures. He drew the attention of the Committee of the Whole to the draft recommendation contained in document UNEP/CMS/1997/L.11, which referred to the following species: *Crex crex*, *Coturnix coturnix coturnix*, and the Black-necked swan, *Cygnus melanocorypha*.

### *Twentieth anniversary of CMS 1999*

140. The Chairman of the plenary, highlighting the need for an early appraisal of special activities that could be undertaken to draw attention to the Convention on the occasion of its twentieth anniversary in 1999, established a small working group, chaired by South Africa and with a core membership of Germany, Norway, Netherlands and the United Kingdom. He also invited the observers from NGOs to attend the meetings of the group and provide creative input.

The representative of South Africa, in his capacity as chairman of the working group on the twentieth anniversary of the Convention, reported back to the plenary on a number of proposals that had arisen in the group for activities that needed to be taken into account in promoting CMS on the occasion of the anniversary in 1999. These included: establishment of a committee, under the Standing Committee, to deal with matters in that connection; nomination of a focal point to help coordinate activities; funding of delegates from developing countries for attendance at the sixth meeting of the Conference of the Parties; information exchange meetings prior to the Conference; development and conclusion of action plans for migratory invertebrates and turtles; additional and updated publicity materials, posters, brochures, video material, badges and products bearing a CMS logo; the seeking of sponsorships and funding to support the promotion activity.

The Chairman of the plenary stressed the importance of a focal point for activities on the twentieth anniversary of the Convention. The representative of South Africa agreed to act in that capacity. The Chairman then proposed the setting up of a correspondents group to meet intersessionally to finalize details of the event. In addition, he would draw to the attention of the working group on the budget the question of whether resources could be made available. It was agreed that the representatives of Germany, Netherlands, India, United Kingdom, Euronatur and WCMC would participate in the group.

Evening session on the African-Eurasian Migratory Waterbirds Agreement (AEWA) organized by the  
Government of the Netherlands

The Chairman of the plenary expressed the thanks of the fifth meeting of the Conference of the Parties to the Government of the Netherlands for organizing the special session on the AEWA which was well attended and for its announcement that it would provide finances of \$1 million each year for the coming four years to support projects for the implementation of the AEWA. These funds, representing the largest single donation provided to an Agreement under CMS to date, would be focused in particular on institution-building and strengthening in countries in West Africa and Eastern Europe.