

ANNEX IV

REPORT OF THE ELEVENTH MEETING OF THE STANDING COMMITTEE

Nairobi, Kenya, 6 June 1994

Opening remarks by the Chairman

1. The Chairman opened the meeting, pointing out that this brief pre-conference session was being held to prepare the ground for the meeting of the Conference of the Parties. All regional members were present, in addition to the observer from the European Community. The list of participants appears as the annex. The Chairman outlined for the participants the brief agenda he had prepared concerning arrangements for the meeting of the Conference. He pointed out that as the United Kingdom was at the end of its term of office on the Committee and would not be standing for re-election, it would be necessary for the Standing Committee to hold a meeting at the end of the conference to elect a new Chairman.

1. Arrangements for the meeting of the Conference

2. Turning to item 1 on his agenda, the Chairman referred the participants to documents UNEP/CMS/Conf.4.1 and UNEP/CMS/Conf.4.3. He reminded the meeting that the Bureau of the Conference would be meeting throughout. The two sessional committees would consider issues which would not be expected to be re-opened in the plenary, since the committees themselves more or less constituted a plenary. Concerning the plenary session scheduled for the afternoon of Friday 10 June, the Chairman said he was not sure it was necessary to touch again on issues dealing with the budget and institutional arrangements, since he assumed this would have been dealt with by the committees. In reply, the Secretariat said the budget would have to be submitted for final adoption by the plenary and, in addition, there might be other aspects of the institutional arrangements that needed to be tidied up.

3. Concerning the time-table of the meeting of the Conference of the Parties, the Chairman noted that the meeting would open at 9.30 and would be addressed by the Executive Director of UNEP and the Minister of Tourism and Wildlife of Kenya. The Secretariat pointed out that it would be necessary to ensure the timely opening of the meeting, because of the busy schedule of the Executive Director. The Vice-Chairman suggested that there be a short break after item 2 of the conference agenda, to enable the Executive Director and the Minister to leave.

Rules of Procedure

4. Turning to the Rules of Procedure adopted in Buenos Aires in January 1994 and contained in document UNEP/CMS/Conf.4.4, the Chairman noted that the rules contained no provision for Vice-Chairman of the two sessional committees of the Conference. He said that changes would have to be made to allow for that. Concerning rule 14.1, the Chairman believed that a portion of the text was missing and he asked that this be rectified. Rule 2.4, he continued, used the wording "State or Party", which seemed to contain a redundancy. It was agreed that the words "or Party" in that sentence would be deleted. Rule 11 also posed problems and had caused difficulties in the meeting of the Scientific Council. The problems concerned interpretation of section (1) of the rule governing when the Presiding Officer could permit discussion of a proposal for an amendment of the Convention and its appendices. The Chairman believed that an ambiguity

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in the phrasing could be interpreted to mean that the Presiding Officer could permit discussion of almost anything, including late amendments. He wondered whether it was best to leave the wording as it was and interpret the rules in a common-sense way.

5. The Secretariat said the problem was difficult and could entail a long discussion in the conference. One could try to make proposals to change the rule it or leave it, or try to revise the rule before the next meeting of the Conference of the Parties. The Vice-Chairman saw no complication in the rule and asked for clarification of the problem. In reply, the Secretariat explained that the Scientific Council, on the basis of new scientific findings, had recommended at a late stage the inclusion of a species into an appendix. The rules of the Convention did not allow for such an inclusion without prior notification. He wondered whether it would be necessary to change the Rules of Procedure to enable the inclusion of the species in question. The Chairman observed that the Convention stated that a proposal for amendment had to be circulated 150 days before the meeting. The rules had to be in line with the Convention and one had to be careful not to set a precedent.

6. The Representative of Asia (India), while agreeing with the Chairman concerning the need for a time period, said that if some new scientific development made inclusion of a species advisable it might be necessary to consider such a proposal, even though due to circumstances it could not be actually decided at that time. The Chairman believed that the rules did not need to be changed tomorrow: the Standing Committee considered that Rule 11 needed clarification and the plenary should ask the Committee to examine it. The inclusion of the species in question raised by the Scientific Council should not be addressed at this point in order to avoid an awkward debate. The Vice-Chairman said he was happy to give the subject further consideration, as the Rules of Procedure had to be clarified. He was uneasy about the proposed addition of one species which could be construed as a change. He felt it unwise to deal with an issue on which there were no instructions and an early opportunity should be found to raise the issue in plenary so that such instructions may be obtained. The Chairman agreed, saying it was necessary to flag the issue very early in the conference.

7. The Representative of the Depositary (Germany) said that he agreed with the proposal, and that the issue might be dealt with on Thursday. His delegation took a narrow interpretation of the rule and believed it was necessary to stick to the period of 150 days. The Chairman said he felt that the majority would support that view; one should be careful of setting dangerous precedents.

8. The Representative of America and the Caribbean (Panama) said that the 1994 meeting of the Conference of the Parties would have implications into the next century. It had to find its niche. The strong point of the conference should be the Strategy and it was necessary for it to send a very clear message and not get bogged down in procedural matters.

9. Taking up consideration of "other logistics", the Chairman and those present at the Committee exchanged ideas on the representation of the geographical regions as Chairmen and Vice-Chairman of the various committees of the forthcoming meeting of the Conference of the Parties.

2. Updates since Buenos Aires

10. Introducing item 2 of his agenda, the Chairman requested any news on prospective future members of the Convention and emphasized the need to talk to potential Parties. The representative of Asia said that during his discussions on the Siberian crane with the former USSR he had received the

impression that his partners in the dialogue were unaware of the Convention. He also believed that China was favorable to joining CMS. The Co-ordinator of the Secretariat replied that very great efforts had been made to foster the Russian Federation's awareness of CMS. He believed the Russian Federation as many other countries in economic transition faced a problem in joining a convention which might have hard currency implications. He had received a similar official response from China.

11. Concerning the approach of the United States of America to CMS, the Chairman said that the news was not good and quoted from a letter received from the Assistant Secretary of the State Department to the effect that the United States' position on CMS had not changed. The United States had concerns about the Convention, was not prepared to join at this stage and would not be sending an observer to the 1994 meeting.

12. The Secretariat noted that observers from 40 countries would be attending the conference. At the meeting of the Scientific Council, Chad had described its initiation of ratification procedures. Perhaps the members of the Standing Committee could request the countries in their regions to provide written information about how things stood in connection with their countries' possible joining. The Chairman agreed that that suggestion should be announced in plenary. The Secretariat went on to point out that one evening of the conference had been set aside for regional consultations and that could provide an opportunity to gather more information. The Chairman added that he was optimistic concerning the attitude of the host country towards joining CMS.

3. Key conference papers

(a) Report of Standing Committee

13. The Report of the Standing Committee is reproduced as document UNEP/CMS/Conf.4.5.3. The Chairman stated that this report would need to be updated to reflect a recent communication from Ms. Eleanor Constable, a United States Assistant Secretary of State, in regard to the Convention. It was pointed out that paragraph 12 of the report stated that a copy of the Washington press release was attached as an annex, whereas this was attached in error as an annex to another document.

(b) Article IV Guidelines

14. The Article IV Guidelines was a document prepared by a consultant, the Chairman stated, and should prove extremely useful. He expected a working group of the Conference to go through the document. It was important that the final version of the guidelines be available quickly for the preparation of future Agreements. The Chairman expressed the thanks of the Committee to the consultant concerned for the detailed work he had completed.

(c) Budget

15. The budget proposals were mainly contained in document UNEP/CMS/Conf.4.13 and Resolution 4.6. The Secretariat made a brief presentation and reported that discussions had been held with UNEP officers with regard to the possible provision of administrative support by UNEP in the form of an Administrative Officer and a Financial Assistant, subject to negotiation. The discussion had resulted in the suggestion from UNEP that:

- (i) The posts of Administrative Officer and Financial Assistant should appear in the actual budget so that the full cost of the Secretariat arrangements was reflected in the budget;

- (ii) At the bottom of the budget, the sources of funding should be identified; the source of the Trust Fund should be on one line and, on another, sources not yet identified or unknown.

16. The Chairman explained that since proposals had been made subsequent to the last Standing Committee meeting and since these had come from UNEP and were significant, they would need to be carefully considered. A revised document should therefore be prepared in time for the budget discussion in the plenary session. The Secretariat responded that this would be done.

17. With regard to annex 1 of document UNEP/CMS/Conf.4.13, dealing with contributions by the Parties, the Chairman asked if requests to the Parties for the 1994 contributions had been sent. The Secretariat confirmed that they had been sent and added that, by the end of May 1994, the total contributions made was in the range of US \$ 15,000. That represented much less than last year's total at the same date, and the situation was therefore somewhat worrying.

18. The Representative of the Depositary stated that Germany had paid 90 per cent of its contribution for 1994, and so the data given in annex 1 should be updated. The Vice-Chairman, speaking on behalf of Australia also expressed concern that his country's contribution had not been listed. The Secretariat stated that the present list had been prepared at the end of February, and the table would be updated for presentation to the Conference of the Parties.

19. The observer from the European Community stated that the conditions the Community attached to its 1993 contribution had not yet been met by UNEP, and similar conditions would be attached to its 1994 contribution.

20. The Representative of Europe (United Kingdom) stated that his Government had not yet received any request for payment of the 1994 contribution. He said he would check with the Secretariat on the date the letter requesting contributions had been sent and would ensure that the contribution was paid as soon as possible.

21. The Representative of Asia expressed the opinion that Parties that had not made contributions for a period of years should not really be proposed as office-bearers for Committees.

22. Finally, the Chairman noted that the role of the Standing Committee needed to be addressed by the committee dealing with the budget. The Standing Committee was meant to review expenditures against budget figures year by year, but it only received information covering a three-year period, and again expenditures were not shown compared to budget provisions. In order to review past budget performance, the Committee would need to receive information more quickly.

(d) Strategy

23. The Chairman stated that any changes made to this document should be immediately incorporated into the document by the Secretariat, and he felt that the Strategy Working Group should take this into account, so that at the end of the meeting of the Conference of the Parties, the Standing Committee would have a complete and final version of the Strategy document.

24. The Representative of America and the Caribbean asked the Chairman to clarify: (i) why the United States was slow to ratify Conventions such as the present one; and (ii) the mention of migratory species and corridors in the document. The Chairman replied that, although he was not able to speak for the United States, he supposed that they had problems with Federal and State jurisdictions, and also had other priorities. Details such as corridors for migratory species could be added to the document, but there was a limitation on the amount of detail the document could include.

The Representative of Asia noted that certain United States agencies had shown a positive interest in supporting the Siberian crane initiative, so that perhaps the United States did not have a totally negative approach to the Convention.

(e) Triennial reports

25. The Chairman stated that these reports were dealt with by document UNEP/CMS/Conf.4.7 Annex.1 (Rev.1) and would be discussed under item 12 (a) of the main agenda. The Secretariat reported that less than 20 per cent of the Parties had sent these reports; since 1988, only 22 or 23 reports had been received. The Secretariat felt that its concern over this poor reporting record by Parties should be raised at the meeting of the Conference of the Parties.

4. Lunch invitation to the Standing Committee from the Executive Director of UNEP

26. The Chairman reported that Ms. Dowdeswell had invited the members of the Standing Committee to a lunch at Gigiri on Wednesday. He expressed his opinion that this would be a good opportunity for the members of the Committee to "market" the Convention and explain its achievements and hopes for the future, as well as its coordination with other conventions, and cooperation with UNEP to obtain the accession of new Parties.

5. Next meeting of the Standing Committee

27. The Chairman noted that, after the final plenary session of the meeting of the Conference of the Parties, the Standing Committee should meet to elect new officers. He stated that the United Kingdom and India had completed their term of membership and would not be members of the Committee after the meeting of the Parties. The Co-ordinator of the Secretariat expressed its thanks to the Chairman for the guidance and input he had provided during his term of office; his cooperation with the Secretariat could not have been better.

6. Closure of the Meeting

28. There being no other business, the Chairman thanked the participants and the Secretariat for their contributions and closed the meeting.

Annex

List of Participants

Chair:	United Kingdom (Europe)	Mr. Robert Hepworth Mr. Richard Hepburn
Vice-Chair:	Australia (Oceania)	Mr. Peter Bridgewater
Members:	Niger (Africa)	Mr. Francis Codjo Sessou
	India (Asia)	Mr. S.C. Dey
	Panama (America and the Carribean)	Mr. Roberto Arango
	Germany (Depositary)	Mr. Gerhard Adams Mr. Rainer Muenzel Ms. Astrid Thyssen
Observers:	European Community	Mr. Claus Stuffman
Secretariat:	Co-ordinator	Mr. Arnulf Müller-Helmbrecht
	Programme Officer	Mr. Douglas Hykle