



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

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SEVENTH MEETING OF THE
CONFERENCE OF THE PARTIES
TO THE CONVENTION ON THE
CONSERVATION OF MIGRATORY
SPECIES OF WILD ANIMALS
Bonn, Germany, 18-24 September 2002

DRAFT REPORT OF THE SEVENTH MEETING OF THE PARTIES

ADDENDUM

VII. ADMISSION OF OBSERVERS (continued)

1. (a) Intergovernmental organizations: Council of Europe; Berne Convention on the Conservation of European Wildlife and Natural Habitats.

VIII. OPENING STATEMENTS (Item 8) (continued)

2. The representative of New Zealand urged the signatories to the Agreement on the Conservation of Albatrosses and Petrels to ratify the agreement and ensure that it entered into force as soon as possible.
3. At the 6th meeting of the Committee of the Whole, the representative of Uruguay informed the meeting that, owing to the economic situation currently facing his country, Uruguay was not in a position to enter into any agreements that would require payment of contributions. The process of ratification of the Agreement on the Conservation of Albatrosses and Petrels had therefore unfortunately been put on hold.

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XI. REVIEW OF IMPLEMENTATION OF THE CONVENTION (continued)

A. CMS Information Management Plan (continued)

4. At the 8th session of the Committee, on 23 September 2002, the representative of Germany reported that the Working Group had revised the draft Resolution on the implementation of the CMS Information Management Plan, to which would also be appended a report of the Working Group.

(to be continued)

B. Measures to improve the conservation status of Appendix I and II species (continued)

5. At the 8th session of the Committee, on 23 September 2002, the Committee considered document UNEP/CMS/Rec.7.1, containing a draft recommendation on cooperative actions for Appendix II species. The observer from BirdLife International recalled that the Working Group on Birds of the Scientific Council had proposed cooperative actions for the following three species, which should be added to the recommendation: *Polystictus pectoralis pectoralis*, *Sporophila ruficollis*, *Pseudocolopteryx diuellianus*.

6. The Chair of the Scientific Council proposed an amendment to the preamble of the draft. One representative, recalling Recommendation 6.2 of the sixth meeting of the Conference of the Parties, noted that all albatrosses should also be listed in the draft.

7. The Committee approved the draft recommendation, as orally amended, for transmission to plenary.

8. At the same session, the Committee considered document UNEP/CMS/Res.7.1, containing a draft Resolution on concerted actions for Appendix I species. The Deputy Executive Secretary clarified that several species were listed in brackets in the draft, because they were subject to a decision by the current meeting of the Conference of the Parties on whether to include them in Appendix I.

9. The Committee approved the draft Resolution for transmission to plenary.

(to be continued)

D. Review of implementation of the Strategic Plan for 2000-2005 (continued)

10. At the 8th session of the Committee, on 23 September 2002, the representative of Switzerland, speaking as Chair of the Working Group on the Strategic Plan, reported on the discussions of the group, which had completed its work. He said that, for its deliberations, in addition to the documentation already noted, the Working Group had also taken into consideration the report of the 11th meeting of the Scientific Council (UNEP/CMS/Conf.7/17), the first part of the draft report of the proceedings of the current Conference of the Parties, as well as the questions posed by delegates to the Working Group on Financial Matters. The Working Group on the Strategic Plan had also considered, and commented on, draft recommendations on the Millennium Ecosystem Assessment and on WSSD.

11. The Group had sought to identify problem issues within the Strategic Plan and to analyse it in depth, with a view to preparation of the next Strategic Plan, to be submitted to the eighth meeting of the Conference of the Parties. The Group had not considered itself competent to set priorities for the Secretariat, nor to propose where any potential budgetary restrictions could be made.

12. Concerning prioritization, the Group had examined the issue of who sets the priority, with regard to three areas: scientific and biological; technical and feasibility; financial, administrative and staffing. Under the first of those areas, the Group had considered that there was a need for balance between the taxonomic approach; the regional approach; and the ecosystem/threat approach.

13. The Group had considered that the Strategic Plan needed to be better defined as a planning and monitoring tool, and needed to be flexible in order to take into account emergency actions, as well as forward planning. Concerning staffing, there was a need to clarify the allocation of tasks and to identify gaps. The Group had considered that the Strategic Plan was not aligned with the budget document, and there was a need for consistency in that respect. The Working Group was proposing to the Conference of the Parties that an open-ended Working Group should continue to work intersessionally, corresponding by e-mail, to draft the Strategic Plan for the eighth meeting of the Conference of the Parties. Pending endorsement by the Conference of the Parties, the Working Group would be able to prepare a preliminary report on the issue to the next meeting of the Standing Committee.

14. The Working Group also recommended that, at future meetings of the Conference of the Parties, the issues requiring the establishment of working groups should be identified early, to allow better planning, particularly for small delegations.

15. The Deputy Executive Secretary introduced draft Resolution UNEP/CMS/Res.7.14, “Implications of the World Summit on Sustainable Development for CMS”, which had been drafted by the Secretariat in recognition of the need to incorporate the outcome of the Johannesburg Summit into the Strategic Plan.

16. The Committee approved the draft Resolution, as orally amended by the Chair of the Working Group on the Strategic Plan, for transmission to plenary.

(to be continued)

E. Cooperation with other bodies (continued)

17. At the 8th session of the Committee, on 23 September 2002, the Committee considered document UNEP/CMS/Res.7.5, containing a draft Resolution on cooperation with other bodies. The Committee approved the draft resolution for transmission to plenary.

(to be continued)

XII. CONSIDERATION OF PROPOSALS FOR AMENDMENTS TO APPENDICES I AND II OF THE CONVENTION

18. The Committee of the Whole returned to the subject of the Gangetic dolphin at its 7th meeting, on 23 September 2002. The representative of India reminded the Committee of the urgent need for conservation of the species and the benefits of listing it in Appendix I of the Convention.

19. The Executive Secretary referred to Rule 11 of the draft Rules of Procedure for the seventh meeting of the Conference of the Parties (UNEP/CMS/Conf.7.4 (Rev.1)) and said that if the Conference of the Parties were over-strict in the application of the rule CMS could be criticized for standing aside for merely formal reasons while a species became extinct. He said that the somewhat ambiguous wording of the rule appeared to allow sufficient flexibility for the proposal (UNEP/Conf.7.INF.29) to be considered by the current meeting of the Conference of the Parties.

20. The Chair of the Scientific Council said that the Scientific Council had discussed the drafting of a proposal for the Gangetic dolphin at its 9th and 10th meetings, and had recognized that the threat to the species was very high. Addition of the species to Appendix I of the Convention had the full support of the Scientific Council.

21. The proposal was supported by the representative of Norway, the observers for Nepal and Bangladesh

and the observer for the Whale and Dolphin Conservation Society.

22. The Committee agreed to forward the proposal to add the Gangetic dolphin to Appendix I to the Plenary for action.

23. The Committee also requested the Standing Committee to examine Rule 11 of the Rules of Procedure and possibly to present a clarification for consideration by the Conference of the Parties at its eighth meeting.

24. At the 7th session of the Committee of the Whole on 23 September 2002, one representative, speaking on behalf of the European Community and its member States, announced that his organization had withdrawn its reservation to the listing of the Great White Shark (*Carcharodon carcharias*) on Appendices I and II of the Convention.

XIII. FINANCIAL AND ADMINISTRATIVE ARRANGEMENTS

25. At the 7th meeting of the Committee of the Whole, on 23 September 2002, a status report on the work of the Working Group on Financial Matters was provided by the Chair of the Working Group. The Working Group had met on Friday, 20 September 2002 to consider the budget proposed by the Secretariat. The Working Group considered that the level of increase was too high, and received explanations from the Secretariat giving the historical background and comparisons to the budgets of other convention secretariats, and describing the efforts that had been made to reduce the proposed budget. The Working Group had then requested the Secretariat to present revised budget proposals based on increases of 0 per cent, 10 per cent and 20 per cent. On Saturday, 21 September 2002, the Working Group had met to consider a revised budget proposal from the Secretariat based on 16.5 per cent growth. That proposal was still felt by the Working Group to be too high an increase, but had formed the basis for initial discussion.

XIV. INSTITUTIONAL ARRANGEMENTS

26. The Committee of the Whole took up agenda item 14 on institutional arrangements at its 6th meeting, on 21 September 2001.

A. Headquarters agreement and juridical personality

27. The Executive Secretary introduced documents UNEP/CMS/Conf.7.14.1 and UNEP/CMS/Inf.7.27 on the CMS headquarters agreement and juridical personality. He recalled that the headquarters agreement had been signed on the first day of the period of meetings and said that the CMS staff now had the same legal position as other United Nations staff in Bonn. He noted that the agreement referred also to delegates visiting

Germany on official business in relation to the Convention. The headquarters agreement was also intended to apply to staff of the secretariats of the CMS daughter agreements co-located in Bonn; for it to come into force required only a decision of the decision making-bodies concerned.

28. The action required of the Conference of the Parties was to take a formal decision to endorse the headquarters agreement, and a draft resolution would be submitted to the Parties for adoption.

29. In Resolution 6.9, the Conference of the Parties had decided that the Convention Secretariat should possess in the host country the legal capacity necessary to conduct its business, and had raised the issue of the juridical personality of the Secretariat. The headquarters agreement, however, would address the issue of the juridical personality of the CMS Secretariat in Germany but not on an international basis. The Secretariat had therefore kept in contact with the other United Nations convention secretariats in Bonn. Those secretariats had not yet been able to follow up on the matter. The Executive Secretary therefore proposed that the meeting should postpone the matter and request the Secretariat to submit a report to the Conference of the Parties at its eighth meeting.

30. At the 8th session of the Committee, on 23 September 2002, the Committee considered document UNEP/CMS/Res.7.8, containing a draft resolution on the headquarters agreement and the juridical personality of the Convention Secretariat.

31. Following a proposal for amendment by one representative, the Committee approved the draft resolution, as orally amended, for transmission to plenary.

32. The Secretary of the EUROBATS Agreement, welcoming the headquarters agreement, noted that it also applied to the Agreement Secretariats co-located in Bonn. Those Secretariats would also undertake to have the headquarters agreement endorsed by their own Parties.

(to be continued)

B. Co-location of agreement secretariats

33. The Executive Secretary introduced document UNEP/CMS/Conf.7.14.2, on the co-location of agreement secretariats. At its fourth meeting, the Conference of the Parties had decided that efforts should be made to co-locate the secretariats of the daughter agreements located in Europe with the CMS Secretariat in Bonn. The secretariats of ASCOBANS, AEWA and EUROBATS were now co-located and administratively integrated with the CMS Secretariat under the umbrella of UNEP. The four secretariats engaged in regular

consultation and sought to achieve synergies whenever possible. While the ACCOBAMS secretariat was not located in Bonn, cooperation and exchange of views and information between CMS and that secretariat was good.

34. Representatives welcomed the co-location of the secretariats in Bonn. It was acknowledged that upon entry into force of the Agreement on the Conservation of Albatrosses and Petrels, its secretariat, once created, should be based in the southern hemisphere, in line with the previous guidance of the Conference of the Parties, which had sought to co-locate European-based secretariats only.

35. One representative, speaking on behalf of the European Community and its member States, expressed disappointment in the financial and administrative support provided to CMS by UNEP and the United Nations Office at Nairobi (UNON). In response, the representative of UNEP assured the meeting that the Executive Director of UNEP had decided that greater attention would be paid to CMS and its daughter agreements, both administratively and substantively. Efforts would be made to recruit Junior Professional Officers for both Bonn and Bangkok. The Executive Secretary welcomed the intention of UNEP to improve its support to CMS and said that some of the difficulties had already been resolved by the valuable support of a staff member who had been seconded from UNON to the CMS secretariat for three months prior to the current meeting. He also recognized the difficulties that UNON itself had been facing as a result of the installation of new databases and recording systems mandated by United Nations Headquarters in New York. The representative of the United Kingdom welcomed the assurances and said that the improvements should be apparent before the meetings of ASCOBANS and EUROBATS in 2003.

C. Standing Committee

36. The Deputy Executive Secretary introduced document UNEP/CMS/Conf.7.14.3, on institutional arrangements for the Standing Committee. Given that the composition of the Committee had been revised at the sixth meeting of the Conference of the Parties, no further revision was being proposed. However, election to the Standing Committee of new members from Latin America and the Caribbean and Asia/Oceania, as well as election of alternates from all other regions, was required at the current meeting. The regional groups should consult among themselves to nominate members, at which time the item would be re-opened in the plenary for election of the new members.

D. Scientific Council (continued)

37. At the 8th session of the Committee, on 23 September 2002, the Committee considered document UNEP/CMS/Res.7.6, containing a draft resolution on institutional arrangements: Scientific Council.

38. The Chair of the Scientific Council proposed an amendment to the effect that any additional expenses relating to the operations of the Council should not be funded from voluntary contributions alone, but from provisions in the core budget or surplus in the Trust Fund.

39. The Committee approved the draft resolution, as orally amended, for transmission to plenary.

(to be continued)

XVI. ADOPTION OF RESOLUTIONS AND RECOMMENDATIONS AND AMENDMENTS TO APPENDICES I AND II

40. At its 6th meeting, the Committee of the Whole considered a number of draft resolutions and recommendations, which all drew general support. A number of suggestions for amendment and improvement were also made.

41. The observer from BirdLife International introduced document UNEP/CMS/Conf.7.14 and draft resolution UNEP/CMS/Res.7.10 on environmental impact assessment in respect of migratory species, which had been prepared by that organization and was sponsored by Hungary and Kenya. Whereas environmental impact assessments were fundamental to the Convention and its daughter Agreements, and to other decision-making regimes, assessments of impacts on biodiversity were their least satisfactory aspect; Parties had expressed the need for information about such aspects and for guidelines, including guidelines on good practice. The draft resolution therefore offered a statement of principles which should be adhered to at the international level. He stressed that CMS must build on the work done under CBD, and noted that BirdLife International had therefore followed CBD guidelines in preparing the draft resolution. One representative suggested that in connecting the work of CMS with the other biodiversity conventions and vice versa, the Secretariat must work also with the Secretariat of the United Nations Framework Convention on Climate Change.

42. The draft resolutions UNEP/CMS/Res.7.11 “Offshore Oil Pollution and Migratory Species”; 7.12 “Electrocution of Migratory Bird Species”; and 7.13 “Offshore Wind Turbines and Migratory Species”, submitted by Germany, were introduced by a representative of that Party, who drew attention also to the booklet on electrocution (UNEP/CMS/Conf.7.21) prepared by NABU. Suggestions were made by a number of representatives to expand the scope of all three draft resolutions by extending the draft resolution on oil

pollution to cover the marine environment generally, by adding collision of migratory bird species with power lines to the draft resolution on electrocution, and by extending the scope of the draft resolution on wind turbines to cover also wind turbines onshore and world wide.

43. In connection with the draft resolution on oil pollution, it was stressed that the problem was not just one of accidental spills but ongoing, chronic problems also. All States must put in place, and then enforce and monitor, legislation to combat activities such as the washing out of oil tanks at sea, and littoral States must be prepared and ready to act together in the event of a spill. The importance of working with the industry was stressed. Representatives of two African countries noted the importance of work, in respect of oil pollution and the hazards of ongoing pollution resulting from offshore oil exploration and extraction, under the Abidjan Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region and its Protocol concerning Cooperation in Combating Pollution in Cases of Emergency. The representative of South Africa undertook to make available to CMS its experience with oil pollution and power-line electrocution, and with mitigation measures for both.

44. The observer for Zimbabwe reported in connection with the draft resolution on electrocution that certain power utilities, particularly in Africa, were continuing to construct medium-voltage “killer” power lines even though the solution – placing the insulators and cables underneath the cross-bar rather than above – was so simple, and recommended targeting pressure on the financial backers of the utilities in question, who were more sensitive to “green” pressure. There was a need also to share best practice. Some species were at greater risk from electrocution, others at greater risk from collision. One African representative stressed that to minimize costs, the choice of where to begin retrofitting existing installations had to be prioritized, so national Governments must be provided with information on flyways. The importance of working with the industry was stressed.

45. The observer for Kazakhstan said that roadkill had taken over from hazardous agricultural chemicals as a significant threat to land birds in his own region, particularly when their eggs were hatching. The threat of pesticides and their persistent residues in paddy fields was identified by an observer for Bangladesh as a threat to migratory waterbirds.

46. Dr. Schlatter, the Appointed Councillor for Neotropical Fauna, stressed the importance of environmental impact assessments in approving and siting new wind turbines, power lines and the like. Assessments must cover all new installations before they were extended to cover existing plant. The representative of Bulgaria requested assistance in assessing proposed wind turbines on the Via Pontica flyway over the western Black Sea littoral.

47. A Drafting Group, chaired by the United Kingdom, was established to finalize some of the texts of draft resolutions and recommendations for subsequent adoption in plenary meeting.

48. The Chair of the Scientific Council introduced the recommendations of the Scientific Council on by-catch contained in annex VIII to the report of the Scientific Council (UNEP/CMS/Conf.7.17). That some species on the CMS Appendices were moving from by-catch to directed catch was a particularly worrying development. The representative of Australia, a member of the Scientific Council Working Group on By-catch, highlighted the significance of “ghost” fishing by lost and discarded fishing gear and explained that the purpose of the recommendation was to focus activities, given that the results of Resolution 6.2 had not lived up to expectations. One representative, speaking on behalf of the European Community and its member States, informed the meeting that the Scientific, Technical and Economic Committee for Fisheries of the European Commission was proposing by-catch mitigation measures to the European Parliament. However, more emphasis must be placed on working with the industry, and with regional fisheries bodies, to find solutions. An observer for Sierra Leone pointed to the problem of waste in artisanal fisheries through spoilage as a result of the lack of storage facilities. Also, monitoring work was expensive and time-consuming, so there was a need for capacity-building. The representative of Australia detailed that country’s new, strict legislation requiring by-catch action plans for each fishery which would include mitigation and information-gathering measures; the strategic assessment of all fisheries; recovery plans for marine turtles (pending) and albatrosses and petrels; and dugong protection areas, around the Great Barrier Reef, from which fisheries were effectively excluded. It was pointed out that for species such as the Northern Right Whale (*Eubalaena glacialis*), ship collisions were a greater hazard than by-catch, and that some cetaceans could be badly affected by noise pollution.

49. Draft Recommendation UNEP/CMS/Rec.7.4, “American Pacific Flyway Programme”, sponsored by Chile, Argentina and Peru, was introduced by the representative of Argentina, who explained that the recommendation had the backing of the whole Central and South American region.

50. The representative of India introduced draft Recommendation UNEP/CMS/Rec.7.5, “Central Asian-Indian Flyway Initiative”, highlighting the need for technical and financial support.

51. At the 7th meeting of the Committee of the Whole, on 23 September, the Chair of the Drafting Group presented a report on its work. The Drafting Group had completed its work, and had considered draft Resolutions 7.10, 7.11, 7.12 and 7.13 in detail. It had also briefly reviewed draft Resolution 7.14, on the implications for CMS of the World Summit for Sustainable Development. The Drafting Group had introduced only minor amendments to resolution 7.10, on impact assessment and migratory species. Draft Resolution 7.11, on oil pollution, had been amended to reflect the interventions made during the plenary, as well as the view of the Chair of the Scientific Council, to the effect that all oil pollution should be included. For draft Resolution 7.12, on electrocution of migratory birds, some changes had been introduced to reflect an overall lower level of knowledge on collisions, but the main substance of the draft resolution remained on electrocution. For draft Resolution 7.13, on wind turbines, amendments had been introduced to reflect the

views expressed in plenary that all types of wind turbines should be included. He thanked all those who had participated in the Drafting Group.

52. At the 8th session of the Committee, on 23 September 2002, the Committee considered document UNEP/CMS/Rec.7.6, containing a draft recommendation on the conservation status of the Leatherback turtle (*Dermochelys coriacea*), prepared by the Conference-Appointed Councillor on Marine Turtles, in collaboration with the Secretariat.

53. Introducing the draft recommendation, Dr. Limpus made a technical correction to the draft. Proposals from the floor were made, and approved, to the effect that traditional harvesting of the species should be monitored and commercial harvesting prevented.

54. The Committee agreed to defer further consideration of the draft resolution, as orally amended, pending further consultations among the delegates.

(to be continued)

XVII: DATE AND VENUE OF THE EIGHTH MEETING OF THE CONFERENCE OF THE PARTIES

55. At the 8th session of the Committee, on 23 September 2002, the Committee considered document UNEP/CMS/Res.7.9, containing a draft resolution on the date, venue and funding of the eighth meeting of the Conference of the Parties.

56. The Executive Secretary invited Parties to inform the Secretariat, even informally, of any intention to offer to host the next meeting of the Conference of the Parties.

57. The Committee approved the draft resolution for transmission to plenary.

XVIII. OTHER MATTERS

Report of the Latin American and Caribbean Regional Group

58. At the 7th meeting of the Committee on 23 September 2002, Mr. Schlatter, reporting for the Latin American and Caribbean regional group, said that the countries of the region, currently Argentina, Brazil, Chile, Ecuador, Panama (on the periphery) Paraguay and Peru, possessed immense biological diversity. They cooperated very closely with one another, and had held three technical meetings, as well as workshops on a

regular basis. Such meetings were crucial for concerted actions and memorandums of understanding. Indeed, the first such MOU on flamingos was under preparation. The members of the region had established national committees and had to draw up strategies to implement projects. In that way, they helped to increase the efficiency of their efforts, and they were firmly committed to the protection of the biological diversity of the region. He informed the meeting that Panama and St. Lucia had expressed interest to become Parties to the Convention. The representative of Chile, noting that the majority of the projects in the region had received CMS funding, expressed his thanks for that financial support.
