

CMS

Constructive Meetings in Capetown

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Introduction

The Sixth Conference of the Parties (COP-6) to the Convention of the Conservation of Migratory Species of Wild Animals (CMS) convened from 10–16 November 1999 in Cape Town, South Africa. CMS COP-6 was preceded by the ninth Session of the CMS Scientific Council, 4–5 November, the first Meeting of the Parties (MOP-1) of the African-Eurasian Water Bird Agreement (AEWA), 7–9 November, and the twentieth session of the CMS Standing Committee, 9 November. This report aims to highlight some of the salient points addressed at COP-6, paying particular attention to the legal and substantive issues contemplated.

The CMS Scientific Council reviewed, *inter alia*, actions for selected species listed in Appendix I and co-operative actions for species listed in Appendix II. In addition, proposed amendments to the Appendices I and II and progress on the development of potential new agreements were discussed. The results of the Scientific Council were received prior to COP-6 and delegates were satisfied with the listing of seven additional species in Appendix I and thirty species in Appendix II, as well as in many species-specific resolutions and recommendations.

The African-Eurasian Water Bird Agreement (AEWA) MOP-1 established the permanent AEWA Secretariat and Technical Committee. Furthermore, it adopted a budget for the years 2000–2002 and expanded its Action Plan to include all AEWA species. In addition, Conservation Guidelines were adopted.

CMS COP-6 adopted the following important resolutions on: Concerted actions for Appendix I species; institutional arrangements, including the Standing Committee and the Scientific Council; financial and administrative matters; by-catch; information management and conservation of the Southern hemisphere albatross. It also approved recommendations on co-operative actions for Appendix II species, Sahelo-Saharan Antelope, the African Elephant, Houbara, Great Bustards and Marine Turtles (See *International Protection of the Environment – Conservation in Sustainable Development*, Oceana, Dobbs Ferry, NY).

Report of AEWA MOP-1

Delegates met in five plenary Sessions from 7–9 November. The Sessions established two working groups: one on financial and administrative matters and the other on technical and biological matters. The Terms of Refer-

ence for the Secretariat arrangement were reviewed and revised and the importance of establishing administrative unity between it and the CMS Agreement Secretariat was stressed. The MOP adopted a resolution (AEWA/Res.1.1/Rev.1) accepting Germany's offer to co-locate the AEWA Secretariat and the CMS Secretariat in Bonn.

The proposed year 2000–2002 budget for the AEWA was introduced. Germany remarked that the budget estimates overlooked the financial assistance offered by Germany, contingent on locating the Secretariat in Bonn, consisting of DM 50,000.00 per year and payments for office equipment and interpretations. In reviewing a draft resolution on financial and administrative matters, delegates noted the working group's amendments to budget estimates and yearly contributions. The MOP adopted a revised resolution. The final resolution (AEWA/Res.1.2/Rev.2) adopts a budget for the years 2000–2002 and requires Parties to contribute in terms of an agreed scale in accordance with the UN scale of assessments. The resolution takes note of the International Implementation Priorities for the year 2000–2004 and requests prompt payment of Party contributions. In addition, it invites voluntary contributions from non-Parties and approves the Terms of Reference for budget administration.

The MOP adopted a resolution (AEWA/Res.1.5/Rev.1) establishing an international project register to facilitate training, technical and financial co-operation among Parties, and to co-ordinate measures to maintain a favourable conservation status for migratory water bird species.

The MOP adopted a resolution (AEWA/Res.1.8/Rev.2) stating that the Technical Committee will be comprised of representatives from: Each of the nine geographical regions; international organisations, IUCN, Wetlands International and the International Council for Game and Wildlife Conservation (CIC); and three experts from different fields. The nine geographical areas are: North and South-Western Europe; Eastern Europe; Central Europe; South-Western Asia; Northern Asia; Central Africa; Southern Africa; Western Africa; and Eastern Africa.

In the closing Session, the MOP-1 was commended on its productive decisions and it was emphasised that the CMS Secretariat would collaborate effectively with the AEWA Secretariat in Bonn.

Report of the CMS COP-6

With regard to the COP Rules of Procedure, a Standing Committee proposal to implement the rules stipulating that Parties three or more years in arrears are not eligible to vote was noted. The delegates agreed with this proposal. It was mentioned that the CMS had experienced

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substantial annual growth with the addition of ten new Parties. In addition, it was stressed that the CMS membership remains an essential task and the importance of effective co-ordination, information exchange and co-operation within the CMS framework was noted.

Responding to a request for updates on accession to the Convention, Côte d'Ivoire gave assurance that it would attend COP-7 as a member. In addition, Zimbabwe noted its imminent signing of the CMS and the AEWa conventions. Bulgaria expressed gratitude for the financial support enabling it to become a member.

Draft guidelines for the harmonisation of future agreements were introduced. It was stressed that the guidelines are not legally or politically binding. It was suggested that the agreements, as amended, should apply to new Parties.

The draft resolution on information management and national reporting was presented. Attention was drawn to the Annex that lists 19 suggested actions related to the Strategic Plan. The plenary adopted the resolution (UNEP/CMS/Res.6.11/Rev.1). The resolution notes the importance of incorporating the reporting of the CMS agreements, Memorandums of Understanding and other conventions, and recognises the difficulties of reporting faced by some countries. The resolution recommends that the national reporting format include, *inter alia*: A minimum information requirement; a voluntary format for COP-7 reporting; identification of focal points at national level; and assistance for developing countries. Other priority actions include: Finalising the CMS information management plan; establishing databases for listed species, agreements, Memorandums of Understanding and projects; and developing methodologies for sharing information within the CMS, such as posting information on the internet, sharing species data, and web forums.

Measures were introduced to improve the conservation status of Appendix I species (UNEP/CMS/CONF.6.8) and the related draft resolution (UNEP/CMS/Res.6.1/Rev.1). The resolution complements the list of species for concerted action, as provided for in the recommendation of the ninth meeting of the Scientific Council.

The draft recommendation on co-operative action for Appendix II species was introduced (UNEP/CMS/Rec.6.2/Rev.1). The recommendation calls for co-operative action for: new species, subject to their inclusion in Appendix II. Additionally, it extends co-operative action to those species selected for co-operative action at COP-5 (Recommendation 5.2) in the biennium 2001–2002. The recommendation also provides for a review process ensuring that regular updates of species status is provided by the relevant focal point counsellor.

The Strategic Plan for the future development of CMS (UNEP/CMS/CONF.6.12), introduces two parts: A review of progress in implementing COP-identified priority actions; and objectives and priority actions for the period 2000–2005. The plan aims to *inter alia*: to provide the use of the different tools available under the CMS; facilitate and improve implementation of the CMS through review of national legislation, streamline feedback and ca-

capacity-building; enhance global membership; mobilise financial resources; and strengthen institutional links with NGOs. The European Union expressed concern on possible overlap with other conventions and called for prioritisation of field actions.

A working group reviewed and prioritised the objectives and actions, outlined in the Strategic Plan. The group determined that the Strategic Plan was too dense and too long for adoption by the COP, supporting an addendum to the draft resolution on the Strategic Plan summarising the main elements. The Strategic Plan resolution (UNEP/CMS/Res.6.3/Rev.1) was presented. The resolution detailed the addendum which distills the main aspects of the original Strategic Plan document (UNEP/CMS/CONF.6.12). The resolution recognises the value of the comprehensive Strategic Plan and requests that the UNEP Executive Director consider the Strategic Plan priorities, while Parties and CMS institutions report to COP-7 on progress made. In order to facilitate implementation, the resolution establishes a small intersessional working group on strategy to consider performance indicators and ways to measure inputs and outputs to CMS bodies.

The distilled Strategic Plan for the years 2000–2005 contained in the addendum, sets out four main objectives: Promotion of conservation of CMS species through, *inter alia*, promoting further Agreements and Memorandums of Understanding and supporting field projects; prioritisation of conservation actions through engaging and monitoring economic sectors, national plans and scientific research that impact on migratory species; enhancement of global membership to least 85 Parties by the end of the year 2002; and improvement of CMS implementation by, *inter alia*, increasing awareness of the CMS in the context of the Convention of Biodiversity, mobilising increasing funding, rationalising institutional arrangements, and strengthening links with other organisations.

A final resolution adopted the annexed budget for the year 2001–2002. The resolution agrees to the scale of contributions of Parties to be applied pro rata to new Parties and confirms that all Parties shall contribute. The resolution states that the budget to be shared by the Parties is US\$ 3,255,025. It requests prompt payment of contributions by the end of June in the year they relate to, takes note of an annexed medium-term plan for the years 2001–2005 and the priorities in the Strategic Plan. In addition, the resolution invites Parties to consider providing technical experts to the Secretariat. Furthermore, the resolution: urges parties to make voluntary contributions to the trust fund to support requests for CMS participation from developing countries and countries with economies in transition: it also invites non-Parties to consider making contributions, to take note of the document on the administration of the trust fund (beyond 31 December 2000), contributions and expenditures, and programme support charges (UNEP/CMS/CONF.6.13.1): It approves the writing off of unpaid pledges four years and older and serves notice in respect of withholding of voting rights at COP-7.



Legal personality, privileges and immunities of the CMS Secretariat was presented in draft resolution (UNEP/CMS/Res.6.8). Germany requested minor amendments to the resolution and a revision group with representatives from the Secretariat, the United Nations Environment Programme (UNEP), Germany and the Netherlands was established. UNEP/CMS/Resolution 6.8 provided that, in the host country, the Convention Secretariat has legal capacity and that the staff, including the officials of the Secretariat, enjoy privileges and immunities. The resolution further recognises that the Secretariat and the Executive Director of UNEP are empowered to negotiate and sign the Headquarters Agreement and that the Standing Committee can act on behalf of the COP to bring additional input.

A resolution stated that the Scientific Council should establish links with the experts of the Convention of Biodiversity and the Ramsar Convention and should invite several bodies and organisations to participate as observers.

It was held by delegates that COP-6 had been a constructive meeting. The plenary proceeded to adopt all the

resolutions and recommendations that had been approved by the COP.

Conclusion

In conclusion, the majority of delegates categorized COP-6 as a noteworthy success. It was expressed that the outcomes of the COP would create an important change in the Convention's development and growth. Despite growing momentum, many delegates recognised that the CMS could benefit from greater membership and a higher international profile. Throughout the COP-6 it was highlighted that synergies with other conventions, such as the Ramsar Convention, the Convention on Biological Diversity and CITES, should be encouraged. Delegates voiced their support for new agreements as well as for the tailoring of existing agreements to cater for regional needs. It was felt by most of the delegates that, despite new challenges facing the CMS in the new millennium, the CMS is advancing in the right direction and overall a positive view was expressed concerning the future of the Convention. □