



United Nations Environment Programme



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

**Proceedings of the Third Meeting of
the Conference of the Parties**

**Geneva, Switzerland
9 - 13 September 1991**



**Secretariat of the Convention
Bonn, Germany**

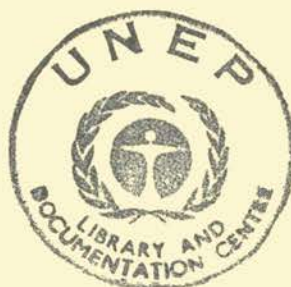
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United Nations Environment Programme

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TABLE OF CONTENTS

	Page
Foreword	4
Chapter I: PROCEEDINGS OF THE MEETING	5
Chapter II: RESOLUTIONS ADOPTED BY THE CONFERENCE OF THE PARTIES AT THEIR THIRD MEETING	16
Chapter III: REPORT OF COMMITTEE I (SCIENTIFIC COMMITTEE)	32
Chapter IV: REPORT OF COMMITTEE II (LEGAL COMMITTEE)	42
Chapter V: REPORT OF COMMITTEE III (ADMINISTRATIVE COMMITTEE)	45

ANNEXES

I. Report of the Third Meeting of the Scientific Council	48
II. Revised Standard Formats for Reports by Parties	67
III. List of documents before the Third Meeting of the Conference of the Parties	71
IV. List of participants	72

FOREWORD

The Conference of the Parties, the decision-making organ of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) normally meets at intervals of not more than three years, unless the Conference decides otherwise. In accordance with Article VII of the Convention, the Conference held its third meeting at the United Nations Office at Geneva, Palais des Nations, Geneva, Switzerland, from 9 to 13 September 1991.

The Proceedings of the Third Meeting of the Conference of the Parties include the report of the meeting, the resolutions adopted by the Conference of the Parties, and summary reports of the work of the three sessional committees.

The Proceedings of the Third Meeting of the Conference of the Parties are available in French and Spanish, as well as English.

CHAPTER I

PROCEEDINGS OF THE MEETING

1. The Third Meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) was held at the Palais des Nations, Geneva, from 9 to 13 September 1991.

AGENDA ITEM 1: OPENING OF THE MEETING

2. Mr. V. Koester (Denmark), as Chair of the Second Meeting, acted as temporary Chair pending the election of officers. In opening the meeting, he outlined some important issues that called for the attention of the Parties.

Attendance

3. All Parties to the Convention were invited to participate in the meeting, and the following Parties were represented:

Australia	Luxembourg
Belgium	Netherlands
Burkina Faso	Niger
Chile	Norway
Denmark	Pakistan
Finland	Panama
France	Saudi Arabia
Germany	Senegal
Ghana	Spain
India	Sweden
Ireland	United Kingdom
Israel	European Economic Community (EEC)

4. The following States were represented by observers:

Austria	Myanmar
Brazil	Switzerland
Greece	Thailand
Libyan Arab Jamahiriya	United States of America

5. The following were also represented:

Food and Agriculture Organization of the United Nations (FAO);

United Nations Environment Programme (UNEP);

United Nations Conference on Environment and Development (UNCED);

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);

Convention on the Conservation of European Wildlife and Natural Habitats (Berne Convention);

Convention on Wetlands of International Importance, Especially as Waterfowl Habitat (Ramsar Convention).

AGENDA ITEM 2: WELCOMING ADDRESS

6. Mr. William H. Mansfield III, Deputy Executive Director of UNEP, in welcoming the participants, conveyed the regrets of Dr. Mostafa K. Tolba, the Executive Director, at being unable to attend. He stressed the need for new approaches to economic growth that conserved the genetic resource base and protected biological diversity. It was a hopeful sign that the international community had the protection of plant and animal life high on its agenda. A successful conclusion to the work of the International Negotiating Committee for a Convention on Biological Diversity would have important implications for the Parties to CMS. Preparations for UNCED were giving emphasis to the question of biological diversity.

7. Among the issues vital to the future success of CMS, Mr. Mansfield pointed to the participation of developing countries in the full range of its activities and the financial implications involved. He thanked the Governments of Norway, Switzerland and the United Kingdom for their generous contributions that had enabled delegates from those countries to attend the present meeting and meetings of the Scientific Council.

8. He referred to the proposals of the Scientific Council for adding species or populations to Appendix II and to proposals developed by the Secretariat to monitor more closely the status of endangered species listed in Appendix I. He reiterated the concern voiced by UNEP during the second meeting of the Conference of the Parties at the limited and tardy submission of reports by Parties on measures taken to implement the Convention.

9. In conclusion, he drew attention to the importance of the work which a new Legal Committee was scheduled to undertake and to the pressing need for Parties to vote more generous but nevertheless essential financial provision for the work of the Secretariat and urged them to pay their budgetary contributions sooner than was currently the case. He coupled that with an expression of gratitude to the Government of Germany for its generosity as host to the Secretariat in providing premises and material support.

AGENDA ITEM 3: ADOPTION OF THE RULES OF PROCEDURE

10. The Provisional Rules of Procedure contained in document UNEP/CMS/Conf.3.3 were adopted.

AGENDA ITEM 4: ADOPTION OF THE AGENDA

11. The agenda proposed in document UNEP/CMS/Conf.3.1 was adopted and the meeting agreed to defer discussion of agenda item 8 (Election of Officers) until agenda item 14 (Implementation of the Convention) had been discussed.

AGENDA ITEM 5: APPOINTMENT OF THE CREDENTIALS COMMITTEE

12. The representative of the United Kingdom proposed Germany, India, Ireland, Israel and the Netherlands. That geographical distribution of its membership was devised to enable a single Committee to deal also with a meeting taking place at the same time for the Agreement on the Conservation of Bats in Europe, as an economy of the time of delegates. In the light of that explanation, the meeting adopted the proposal.

AGENDA ITEM 6: REPORT OF THE CREDENTIALS COMMITTEE

13. Mr. G. Blaurock (Germany), Chair of the Credentials Committee, reported that the credentials submitted in respect of 23 Parties had been examined in accordance with Rule 3 of the Rules of Procedure and that the credentials of the following Parties had been found to be in order: Australia, Belgium, Chile, Denmark, EEC, Finland, France, Germany, Ghana, India, Ireland, Israel, Luxembourg, Netherlands, Norway, Pakistan, Panama, Sweden, United Kingdom of Great Britain and Northern Ireland and Uruguay.

AGENDA ITEM 7: ADMISSION OF OBSERVERS

14. The following non-governmental organizations, each of which met the prescribed criteria, were admitted as observers:

American Association of Zoological Parks and Aquariums;
Bellerive Foundation;
Conseil International de la Chasse (CIC);
Deutscher Jagdschutz-Verband e.V.;
Environmental Investigation Agency (United Kingdom).
Fauna and Flora Preservation Society;
Fédération des Associations de Chasseurs de la CEE (FACE);
Friends of the Earth International;
Greenpeace International;
International Council for Bird Preservation (ICBP);
International Marine Animal Trainers Association;
Marine Mammal Interest Group;
Royal Society for Protection of Birds (RSPB);
World Conservation Union (IUCN);
World Society for the Protection of Animals;
World Wide Fund for Nature, International;

AGENDA ITEM 9: ORGANIZATION OF WORK AND ESTABLISHMENT OF SESSIONAL COMMITTEES

15. The Parties approved in principle the draft timetable contained in document UNEP/CMS/Conf.3.9, while expressing the hope that progress in plenary might enable work in committees to begin earlier on the second day.

AGENDA ITEM 10: OPENING STATEMENTS

16. As footnoted in the agenda, opening statements were not presented orally but distributed in writing. They are reproduced, as submitted, in the Addendum to this report. However, in an oral statement on regional agreements, on behalf of European Community Parties, the representative of the Netherlands pointed out that among the proposed texts currently under discussion there were variations in the treatment of legal aspects. The

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meeting should request Committee II to examine the scope for harmonization of those aspects in the drafting of future agreements. The representative of the EEC provided information on progress on work towards the Western Palaearctic Waterfowl Agreement and on negotiations concerning the Agreement for the Conservation of the White Stork.

AGENDA ITEM 11: REPORT OF THE SECRETARIAT

17. In its consideration of this agenda item, the meeting had before it document UNEP/CMS/Conf.3.11, Report of the Secretariat. The Coordinator of the Secretariat updated that document with the following information:

(a) Australia officially became a Party within the last few days;

(b) With reference to Reports by Parties (paragraph 7), many additional reports had been received, some of them at the opening of the present meeting. All of them would be included in the document to be circulated;

(c) The Secretariat had produced, for each Party, a supplementary listing of species for which the Party was considered a Range State. Comments in writing with regard to the Range State listings would be appreciated;

(d) Under Work of the Secretariat, it should be noted that there was also one secretary working part-time (paragraph 15);

(e) Under Documentation, it had become clear that some Governments were disappointed by the discontinuance of the Secretariat information sheets (paragraph 32). In the light of the amount of Secretariat time spent in answering queries with which information sheets would have dealt, she urged reinstatement for future years;

(f) Finally, in addition to the Governments thanked by Mr. Mansfield, she wished to thank Denmark and the Netherlands for offers of voluntary contributions to assist developing countries in participating more fully in the work of the Convention (paragraph 35). Unfortunately, the offers had arrived too late for use in connection with the current meeting, but it was hoped that they could be applied to other meetings. It was pertinent for her to inform the Parties, however, that fewer developing countries had taken up the offer of assistance to attend meetings than would have been possible with the funds made available. Such a situation, she suggested, called for investigation to understand the underlying causes.

18. Referring to paragraph 21 and the work of the Depositary, the representative of Germany stated that procedures had been initiated to register the Convention and he hoped that the Convention texts would also shortly be brought completely up to date, including changes arising from decisions taken at the current meeting. He also commented that he could not concur that there had been significant delays in notification of new Parties.

AGENDA ITEM 12: REPORT OF THE STANDING COMMITTEE

19. The Coordinator observed that the Standing Committee had not met since October 1990 and no report was available for the Parties to discuss. She suggested that the question be taken up under agenda item 18 (b).

20. The representative of Germany expressed the view that the Chair of the Committee should lie in the Party concerned, not a named individual. In any event, a better mechanism was needed for the future.

AGENDA ITEM 13: IMPLEMENTATION OF THE CONVENTION

21. With reference to sub-item (a), Report by the Depositary, the representative of Germany reported that it was hoped to install the CMS Secretariat in new and larger premises in February 1992. Those premises would be in the same building as the national Conservation Research Institute and the CITES Scientific Authority, which would be a further advantage for the Secretariat.

22. With reference to sub-item (b), Reports by Parties, the Coordinator said that the Secretariat would welcome comments by the Parties on their own reports and on those of other Parties, once the reports had been circulated at the current meeting. (The reports received from Parties prior to and during the meeting are included in the Addendum to this report.) Secondly, the Secretariat was anxious to obtain from the Parties their reactions to the standard Formats A and B, which they had been using on a trial basis.

23. Several representatives of the Parties indicated that they had found the Formats most useful. The Chair of the Scientific Council reported that many Councillors had also found them helpful. However, some had found the wording of Format A, section III on national research activities too vague. Such activities could be regarded as embracing the conducting of surveys, monitoring and research. The Scientific Council had drawn up an amplified definition of research at its third meeting. Furthermore, it was not clear how much detail should be provided in section II of that Format, on implementation of the Convention: was it sufficient to quote the title of a law or should further details such as a statement of its objectives be added?

24. The meeting decided to mandate the Scientific Council to refine section III and to request Committee II to examine section II.

AGENDA ITEM 8: ELECTION OF OFFICERS

25. Mr. R. Hepworth (United Kingdom) was elected Chair of the Third Meeting of the Conference of the Parties and the Parties elected the following Committee chairs:

Committee I: Mr. C. Kalden (Netherlands);

Committee II: Mr. V. Koester (Denmark);

Committee III: Mr. P. Bridgewater (Australia).

26. Mr. Hepworth took the Chair.

AGENDA ITEM 14: REPORT OF THE SCIENTIFIC COUNCIL

27. Mr. M.J. Ford (United Kingdom), Chair of the Scientific Council, introduced the report of the second meeting of the Scientific Council, held in Bonn from 14-15 March 1991 (document UNEP/CMS/Conf.3.13). He added that the report of the third meeting, held in Geneva on 8 September 1991, would subsequently be circulated as document UNEP/CMS/Conf.3.20. He emphasized that AGREEMENTS were the essence of the Convention and that the obligations of the Parties were ongoing and not limited to meetings of the Conference of the Parties. The Scientific Council had reviewed the proposals for amendments to Appendices I and II and had recommended that the proposals for inclusion in Appendix II should be endorsed by the plenary. However, he was unable to support Norway's proposal to delete five species from Appendix I due to the need to follow a precautionary approach with regard to Appendix I species.

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28. The representative of Norway explained the reasons why Norway had submitted a proposal to delete the species mentioned in document UNEP/CMS/Conf.3.15, which was purely to follow up the recommendation made by the second meeting of the Scientific Council and to provide the Conference of the Parties with the opportunity to consider this recommendation. However, in view of the position adopted by the Scientific Council at its third meeting, Norway formally withdrew the proposal it had made.

29. Participants expressed their gratitude to Mr. Ford for the valuable work he had done as Chair of the Scientific Council.

AGENDA ITEM 15: REPORTS OF COMMITTEES

Committee I (Scientific Committee)

30. In its discussion of agenda item 9, the plenary meeting decided to refer agenda items 13, 14 (b), 14 (d), 15 and 18 (a) to Committee I, whose report is contained in Chapter III. Item 14 (c) was referred to all three Committees (UNEP/CMS/Conf.3/Com.I/L.3/Rev.1). The plenary considered each item of the agenda of Committee I in turn, after introduction by the Committee Chair.

31. With regard to amendment of the Appendices to the Convention, the representative of Norway explained that the objection of her Government to the additions to Appendix II of *Monodon monoceros*, *Orcinus orca* and *Hyperoodon ampullatus* was that the management of those species should be based on multi-species considerations, which would take into account interactions. She requested that votes be taken and reserved the right of her Government under Article XI, paragraphs 5 and 6, to enter reservations. In each case there were 11 votes in favour of addition and one vote against.

32. Explaining his abstention, the representative of Denmark gave three reasons. First, his government was not fully convinced that the criteria for listing in Appendix II had been met. It was therefore very satisfied with the decision in paragraph 4 of the Report to ask the Scientific Council to study further those criteria. Secondly, great weight was given to the intention of Norway, the only Range State which was a Party to the Convention, to enter a reservation. Thirdly, a regional agreement on narwhal populations in the waters of Greenland and Canada was already operational. While that did not preclude a listing, a realistic approach was necessary for the Convention to remain a credible instrument.

33. The Committee recommended the addition of only the Atlantic population of *Sterna dougallii* and this amendment was proposed by the representative of the EEC, seconded by the representative of Australia. The Committee also recommended the addition to Appendix II of the remaining species and populations of small cetaceans listed in document UNEP/CMS/Conf.3.15. This, too, was adopted by the meeting.

34. In summary, the meeting adopted proposals for the addition of the following species and populations to Appendix II of the Convention: *Platanista gangetica*, *Pontoporia blainvillei*, *Inia geoffrensis*, *Monodon monoceros*, *Phocoena phocoena* (western North Atlantic population), *Phocoena phocoena* (Black Sea population), *Neophocaena phocaenoides*, *Phocoenoides dalli*, *Sousa chinensis*, *Sousa teuszii*, *Sotalia fluviatilis*, *Lagenorhynchus australis*, *Tursiops truncatus* (Western Mediterranean population), *Tursiops truncatus* (Black Sea population), *Stenella attenuata* (eastern tropical Pacific population), *Stenella longirostris* (eastern tropical Pacific populations), *Stenella coeruleoalba* (eastern tropical Pacific population), *Stenella coeruleoalba* (western Mediterranean population), *Delphinus delphis*

(western Mediterranean population), *Delphinus delphis* (Black Sea population), *Delphinus delphis* (eastern tropical Pacific population), *Orcaella brevirostris*, *Cephalorhynchus commersonii* (South American population), *Cephalorhynchus heavisidii*, *Orcinus orca* (eastern North Atlantic population), *Orcinus orca* (eastern North Pacific population), *Hyperoodon ampullatus*, *Berardius bairdii* and *Sterna dougallii* (Atlantic population).

35. The plenary unanimously adopted the draft resolution on the listing of species, proposed in Annex I to the Report, with the reservation that the French translation of "endangered" should be that employed in Conference Resolution 2.2. It similarly adopted the draft resolution on Appendix I species, proposed in Annex II to the Report, subject to use of the term "review reports" instead of "status reports" in operative paragraphs 2, 3 and 5.

36. The World Wide Fund for Nature and ICBP welcomed the adoption of the latter resolution.

37. The representative of Pakistan stated that at a regional meeting he had proposed a status review for the Houbara Bustard *Chlamydotis undulata*.

38. The plenary unanimously accepted an amendment to the first operative paragraph of the draft resolution on small cetaceans (Annex III to the Report) to replace "Parties" by "Parties and non-Parties to the Convention" and unanimously adopted the resolution as amended. The plenary endorsed the recommendation in the Report concerning the funding and role of the Scientific Council and unanimously adopted the resolution proposed in Annex IV to the Report.

Committee II (Legal Committee)

39. The plenary meeting referred agenda items 14 (c), 14 (d) and 17 to Committee II, which was also specifically requested to look into harmonization of future regional agreements and guidelines for reference to domestic legislation in national reports.

40. The Chair having introduced the report UNEP/CMS/Conf.3/Com.II/L.1/Rev.1, the plenary took note thereof and endorsed the recommendations therein, namely, (i) to adopt the revised French and Spanish versions of the Convention; (ii) to request the Standing Committee to prepare the following for submission to the Fourth Meeting of the Conference of the Parties: (a) draft guidelines so that future agreements would be harmonized; and (b) a draft resolution on the utilization of outline reports by Parties.

41. The plenary furthermore unanimously adopted the draft resolution proposed in the Committee's Report, contained in Chapter IV.

Committee III (Administrative Committee)

42. In its discussion of agenda item 9, the plenary decided to refer agenda items 12, 16 and 18 (b) to Committee III, whose report is contained in Chapter V. Item 14 (c) was referred to Committees I, II and III.

43. The Chair of the Administrative Committee introduced the Committee's report (UNEP/CMS/Conf.3/Com.III/L.4/Rev.1) and the revised Scale of Contributions. It was decided that the footnote to the Scale of Contributions regarding the EEC's voluntary contribution should be amended to read "1 voluntary contribution fixed by the EEC". The meeting also agreed that a table showing the status of payment of contributions by Parties should henceforward be circulated to Parties annually.

44. The plenary agreed that the Standing Committee should, as a priority, prepare a strategy for the future development of the Convention to be put before the Parties.

45. The plenary unanimously adopted the draft resolution proposed in document UNEP/CMS/Conf.3.16.1, with the amendments proposed in Annex I to the report of the Administrative Committee.

46. The plenary also unanimously adopted the draft resolution on membership of the Standing Committee, proposed in Annex II to the Committee's report.

AGENDA ITEM 16: ELECTIONS TO THE STANDING COMMITTEE

47. The following members and alternate members were unanimously elected to the Standing Committee:

For the African region:	Niger - member Burkina Faso - alternate
For the American and Caribbean region:	Panama - member Chile - alternate
For the Asian region:	India - member Saudi Arabia - alternate
For Oceania:	Australia - member
For the European region:	United Kingdom - member Finland - alternate

48. All the members of the Asian region felt very strongly that unless more countries in the region which were prospective Range States for various species, joined the Convention, it would be difficult to make any significant progress in the field of conservation. In this connection, one representative from the region suggested that Parties in the Asian region should make increased efforts to enlist the support and participation of neighbouring countries. A renewed appeal to Governments in countries party to the Convention could help in that regard. One representative from the Asian region suggested that Governments in that region, including non-Parties, should meet more frequently, possibly annually, to discuss regional conservation problems. The costs involved in such meetings could be covered by Governments which agreed to hold them and secretariat costs could be covered by the host country. Those views were endorsed by representatives from other regions.

AGENDA ITEM 17: APPOINTMENTS TO THE SCIENTIFIC COUNCIL

49. The Chair said that, in accordance with Article VIII, paragraph 2, of the Convention and Resolution 1.4, the Conference could appoint qualified experts to the Scientific Council. Based on the recommendations of the third meeting of the Scientific Council, the following experts were put forward:

(a) The representative of France proposed that Mr. Pierre Pfeffer, French Museum of Natural History, should be appointed as an expert on Sahelo-Saharan mammals;

(b) The representative of EEC proposed that Mr. Michael Moser, Director of the International Waterfowl and Wetlands Research Bureau, Slimbridge, United Kingdom, should be appointed as an expert on waterfowl;

(c) The representative of the United Kingdom proposed that Mr. William Perrin, of the United States National Oceanographic and Atmospheric Administration's National Marine Fisheries Service, should be appointed as an expert on small cetaceans;

(d) The representative of Chile proposed that Mr. Roberto Schlatter, Professor of Zoology, Institute of Zoology, Southern University of Chile, Valdivia, Chile, should be appointed as an expert on neotropical fauna.

50. The Conference unanimously endorsed these proposals.

51. The Conference also welcomed the suggestion by the representative of India that an Indian expert on waterfowl take part in the discussions to be held in Karachi in December 1991 with a view to concluding an agreement on Asian waterfowl.

52. The plenary expressed its warm thanks to the outgoing Chair of the Scientific Council, Mr. Michael Ford, for his valuable work.

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

53. There was general agreement that a venue other than Geneva was desirable for the Fourth Meeting, if some Government would offer to host it. A venue outside Europe, especially one in Africa, would help make the activities of the Convention more widely known and encourage more Governments to become Parties. Nairobi was mentioned, although Kenya was not a Party, in view of the location of the UNEP secretariat.

54. The representative of the Netherlands indicated that his Government might make a voluntary contribution to facilitate a venue in Africa, provided that other Parties did likewise and that the excess cost compared with Geneva was not too large.

55. The representatives of other Parties were sympathetic to the approach suggested by the Netherlands and the plenary requested the Coordinator to obtain from UNEP an approximate estimate of the cost of a meeting at Nairobi.

56. The Coordinator was able to give shortly thereafter the following approximate estimate at current cost levels:

Geneva cost:	\$50,000
Nairobi cost:	Slightly below \$100,000

In other words, the voluntary contributions would need to total less than \$50,000.

57. One representative expressed the view that, if contributions remained at the level at which they would have been without the addition of Australia and France, the extra cost of \$50,000 could easily be covered. He considered that maintaining the level of contributions would be an easier solution than calling for voluntary contributions.

58. The representative of Chile said that he would explore with the Chilean authorities the possibility of holding the Fourth Meeting in Chile and would inform the Secretariat before the end of 1992 of the outcome. He considered that if the conference were held in Chile, other countries in the region could be encouraged to accede to the Convention.

59. The plenary unanimously decided to request the secretariat to revise the level of contributions so as to provide for an allocation of US\$50,000 in the budget for 1994, to enable the Fourth Meeting to be held preferably in a developing country Party to the Convention, otherwise, at the headquarters of the United Nations Environment Programme in Nairobi; and, to this end, unanimously adopted the draft resolution contained in document UNEP/CMS/Conf.3.19/Rev.1, as amended.

Agreement on Baltic and North Seas Small Cetaceans

60. The Chair offered congratulations to the representative of Sweden on the conclusion of the agreement on Baltic and North Seas Small Cetaceans, which had just been signalled by the Final Act of the negotiating Parties.

61. The representative of Australia welcomed that important initiative. His Government had been concerned for some time with the conservation of small cetaceans in the Indo-Pacific region, as well as globally and had expressed its views through its membership of the International Whaling Commission (IWC). Australia did feel some concern, however, that the items in the Conservation and Management Plan did not seem sufficiently focused, with the result that there was apparently little possibility of establishing performance indicators. His Government would therefore urge Range States, through the proposed Advisory Committee meetings, to focus on the early development of such Action Plans. The structure evolving in the Western Palearctic Waterfowl Agreement provided a suitable framework.

62. The observer for the Environmental Investigation Agency said that world-wide action was needed on small cetaceans and regional agreements might help as first steps. He was bound to add, however, that the agreement just signed was a weak one, in that it lacked teeth.

63. The observer for Friends of the Earth International (FOEI) expressed the deep concern of his organization at the present conservation status of cetaceans worldwide and its support for international action to ameliorate that status through participation as observer in the forums of IWC and the Conventions of Barcelona and Bonn. FOEI had welcomed the initiative some years ago which led to the agreement. It seriously doubted, however, whether any structural improvement in the situation could result because the agreement failed to impose obligations that would remove the causes by which those animals were threatened.

64. The observer for Greenpeace International commended the Swedish Government for its initiative and stated that his organization had been involved in the preparation of the agreement and appreciated the difficulties of a pioneering endeavour under the Bonn Convention. With great regret, Greenpeace had to say that it considered the result very weak and unlikely to provide much real protection to small cetaceans. In parts, the agreement seemed to reaffirm the primacy of commercial interests. It was a poor example of the working of the Bonn Convention and Parties should make every effort to strengthen it. Furthermore, Greenpeace would have to reconsider its further involvement with work under the Convention.

65. The representative of the Netherlands, speaking on behalf of EEC, remarked that international cooperation tended to go forward by steps and recognized that some people would be dissatisfied with the provisions of the agreement. They should not overlook the fact that hitherto there had been no international agreement whatever. He invited all Range States to join. There was much work ahead and the help of non-governmental organizations (NGOs) was needed.

66. The representative of Finland stated that the conclusion of the agreement was an achievement but appealed to the signatories to take the criticisms of the NGOs to heart.

67. The representative of Sweden, replying to the preceding interventions, stated that in principle he agreed with most of the criticisms made by the NGOs. Even a weak text, however, could be strongly implemented where the will to do so existed or could be aroused. It was still the case that the text could serve as a model for action in other regions.

AGENDA ITEM 20: ANY OTHER BUSINESS

68. The Chair reported to the plenary that the Standing Committee had met on 14 September, in order to liaise with UNEP on the appointment of the new Coordinator. A short list would now go forward for interviews, with the final selection to be made by the Executive Director of UNEP. The Committee was confident that a satisfactory appointment would be possible.

69. No other business was raised by the Parties.

AGENDA ITEM 19: ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

70. The Conference unanimously adopted its report.

71. All the representatives present paid tribute to the Coordinator, who would shortly be leaving the Secretariat of the Convention. Parties were indebted to her for the valuable work she had done on behalf of the Convention. The Coordinator thanked all those who had assisted her in her task and noted with satisfaction that, as a result of the meeting, considerable progress had been made towards improving implementation of the Convention and an increase in the number of Parties.

72. Following the customary exchange of courtesies, the Chair declared closed the Third Meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals.

CHAPTER II

RESOLUTIONS ADOPTED BY THE CONFERENCE OF THE
PARTIES AT THEIR THIRD MEETING

Resolution 3.1

LISTING OF SPECIES IN THE APPENDICES OF THE CONVENTION

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals,

Recalling that Resolution 1.4 of its First Meeting directed the Scientific Council to formulate guidelines on terms used in the Convention and to review the species listed in its Appendices,

Noting with thanks that the Council has now reported to the Conference of the Parties on these matters and has made a number of recommendations to it,

1. Agrees that, in applying the guideline for interpretation of the term "endangered" adopted in Resolution 2.2 of the Second Meeting of the Conference of the Parties, the following general principles should apply:

(a) The restriction of the listing of species in Appendix I to those which are "endangered" applies to the consideration of future proposals, but not necessarily retrospectively to species already listed;

(b) Bearing in mind that Article III, paragraph (3)(b) of the Convention provides that a migratory species may be removed from Appendix I when it is determined that the species is not likely to become endangered again because of loss of protection due to its removal from Appendix I, species categorized by the World Conservation Union (IUCN) as "endangered" (E), "vulnerable" (V) or "insufficiently known" (K*) should be retained in Appendix I, together with any rare species breeding at a limited number of inherently vulnerable sites;

2. Agrees that further additions to the Appendices of the Convention should be limited to species or lower taxa and that the migratory species covered by higher taxa listings already in Appendix II need only be identified when AGREEMENTS are being prepared;

3. Adopts the guideline that a State should be considered a "Range State" for a migratory species when a significant proportion of a geographically separate population of that species occasionally occurs in its territory;

4. Requests the Depositary, when up-dating the Appendices, to correct names for the following species to reflect current standard nomenclature as follows:

Appendix I

MAMMALIA

CETACEA

Balaenidae

Delete *Eubalaena glacialis* (s.l.)
Insert *Eubalaena glacialis*
Eubalaena australis

ARTIODACTYLA

Camelidae

Delete *Lama vicugna** (except Peruvian populations)
Insert *Vicugna vicugna** (except Peruvian populations)

Appendix II

MAMMALIA

CETACEA

Delphinidae

Delete *Globicephala melaena* (only North and Baltic Sea populations)
Insert *Globicephala melas* (only North and Baltic Sea populations)

and to footnote the revised Appendices as appropriate to indicate the former listing;

5. Requests Parties preparing proposals for addition of species to Appendix I to consider whether those species should also be listed in Appendix II;

6. Urges any Party proposing the addition to Appendix II of a species for which it is a Range State to initiate negotiations with other Range States towards an AGREEMENT for that species;

7. Urges Parties to submit proposals in accordance with Article XI of the Convention for consideration by the fourth meeting of the Conference of the Parties for the listing in Appendix II of those species already listed in Appendix I of the Convention which would benefit from such listing and, in the meantime, to take appropriate measures to develop AGREEMENTS for such species; and

8. Encourages Parties to consider submitting proposals for the listing of species from regions of the world currently under-represented in the Appendices and to assist developing country Parties to prepare such proposals.

Resolution 3.2

APPENDIX I SPECIES

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals,

Recalling that, pursuant to Article VII of the Convention, the Conference of the Parties may review and assess the conservation status of migratory species and the progress made towards their conservation,

Appreciating the importance of having access to and sharing current information on the endangered species listed in Appendix I, for the purpose of recommending actions to benefit those species,

Recognizing the relevance of reports prepared by Parties, pursuant to Article VI of the Convention, on measures they are taking to implement its provisions,

1. *Decides to establish a formal review process, at each meeting of the Conference of the Parties, for a selected number of species listed in Appendix I, with a view to recommending initiatives to benefit those species;*
2. *Directs the Secretariat to coordinate the preparation of review reports for species identified by the Conference, incorporating the information included in the annex to this Resolution; the Secretariat shall be assisted in this task by the Scientific Council and other bodies, as may be necessary;*
3. *Urges Parties to cooperate fully in providing the information needed to compile the species review reports;*
4. *Instructs the Secretariat and the Scientific Council to encourage and assist Parties to take concerted actions to implement the provisions of the Convention, where possible through existing instruments of bilateral or multilateral cooperation; and*
5. *Requests the Secretariat to draw to the attention of Parties matters of importance to the conservation of species listed in the Convention appendices, including those arising from the preparation of the review reports, either at meetings of the Conference of the Parties or, if appropriate, intersessionally.*

Annex

Information for inclusion in species review reports

1. Taxonomy
 - 1.1 Specific taxonomy
 - 1.2 Common name(s)
2. Biological data
 - 2.1 Distribution (current and historical)
 - 2.2 Habitat
 - 2.3 Population estimates and trends
 - 2.4 Migratory patterns
3. Conservation status, by Party
4. Actual and potential threats
 - 4.1 Habitat degradation/loss
 - 4.2 Exploitation: direct and incidental (including flag vessels, where applicable)
 - 4.3 Other threats
5. Legislation
 - 5.1 International
 - 5.2 National
6. Conservation measures, by Party
 - 6.1 Prohibition of taking, including any exceptions (grounds for exception, duration, analysis of effects)
 - 6.2 Conservation/restoration of habitat
 - 6.3 Mitigation of impediments to migration
 - 6.4 Regulation of other detrimental factors
 - 6.5 Further measures
7. Research activities
 - 7.1 Governmental
 - 7.2 Non-governmental
8. Needs and recommended actions
 - 8.1 Legislative
 - 8.2 Conservation measures
 - 8.3 Research and monitoring
 - 8.4 Other
9. Additional remarks
10. References

Resolution 3.3

SMALL CETACEANS

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals,

Acknowledging that the Scientific Council's report on the global review of the conservation status of small cetaceans provides a detailed basis for conservation measures to be included in agreements for the species and populations identified for listing in Appendix II,

Recalling that Resolution 2.3 adopted by the Second Meeting of the Conference of the Parties instructed the Secretariat and Standing Committee to envisage and facilitate agreements between Range States for such species,

Noting that, under the auspices of the Convention on the Conservation of European Wildlife and Natural Habitats, a technical report and draft agreement concerning small cetaceans in the Mediterranean and Black Seas and contiguous waters prepared by Greenpeace International has already been discussed with the secretariats of the Convention for the Protection of the Mediterranean Sea Against Pollution and this Convention and with the World Conservation Union (IUCN),

Noting that the draft legal instrument on the conservation of small cetaceans of the Mediterranean and the Black Seas and contiguous waters prepared by Greenpeace International could be used as a basis for an agreement under the Convention, to be implemented in cooperation with the Convention for the Protection of the Mediterranean Sea Against Pollution and in consultation with the Convention on the Conservation of European Wildlife and Natural Habitats,

1. *Urges* Parties and non-Parties to the Convention that are Range States for the species and populations of small cetaceans listed by the Conference in Appendix II of the Convention, to give priority to concluding agreements for their conservation;
2. *Urges* Range States to collaborate, under the sponsorship of a Party Range State, with a view to concluding under the Convention an agreement for the conservation of small cetaceans of the Mediterranean and Black Seas; and
3. *Directs* the Secretariat to assist Parties in these endeavours.

Resolution 3.4

FUNDING AND ROLE OF THE SCIENTIFIC COUNCIL

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals,

Recalling that, pursuant to Article VIII of the Convention, the First Meeting of the Conference of the Parties, through Resolution 1.4, established a Scientific Council and directed the Council to address a number of questions,

Noting with appreciation that the Council has now responded to the Conference of the Parties on those questions,

Bearing in mind that Article VIII, paragraph 5, of the Convention provides that the functions of the Scientific Council may include recommending research and the coordination of research on migratory species and evaluating the results of such research,

Aware that, since 1985, funding has been included in the budget adopted by the Conference of the Parties to cover travel expenses for travel undertaken by the Chair of the Standing Committee on behalf of the Conference of the Parties or on behalf of the Secretariat,

Further aware that in 1985 the Conference of the Parties directed the Secretariat to provide for payment of travel costs for representatives from least developed countries and in 1988 for representatives from developing countries to attend meetings of the Standing Committee,

1. *Agrees that Scientific Councillors appointed by the Conference of the Parties shall be entitled to be observers at meetings of the Conference of the Parties;*

2. *Determines the following guidelines for the funding of the Council:*

(a) *The expenses of the members appointed by the Conference of the Parties in relation to attendance at meetings of the Council and its working groups must be met from the Convention budget as a high priority;*

(b) *Parties are expected to finance the expenses of their own nominees, except in case of:*

(i) *The Chair, in relation to travel expenses for travel undertaken as requested by the Conference of the Parties, the Scientific Council, or the Secretariat; and*

(ii) *Members from developing countries, in relation to travel expenses for travel to meetings of the Scientific Council and, in particular, relevant working groups*

when, on request, such expenses must be met as far as possible from the Convention budget.

3. *Directs the Scientific Council:*

(a) *To recommend specific conservation measures for species listed in Appendix I, in order to enhance implementation of Convention Article III, paragraph 4;*

(b) *To recommend conservation and management measures to be included in AGREEMENTS for species listed in or recommended for listing in Appendix II;*

(c) *In preparing recommendations with regard to subparagraph (b) above, to give priority in the first instance to sirenians, albatrosses and to migratory land-based mammals in the Sahelo-Saharan region, the Arabian peninsula and southern Asia;*

(d) *To keep under review, as the necessity arises, the existing list of species in the Appendices;*

- (e) To provide advice on further species to be added to the Appendices, giving particular attention to neotropical species;
- (f) To identify and recommend any areas of research required to ascertain the conservation status of migratory species that are listed in the Appendices or are candidates for such listing; and
- (g) To undertake a preliminary review, with case studies, of the impact of artificial barriers to migration.

Resolution 3.5

IMPLEMENTATION OF ARTICLE IV, PARAGRAPH 4, OF THE CONVENTION
CONCERNING AGREEMENTS

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals,

Considering Resolutions 2.6 and 2.7 of the Second Meeting of the Conference of the Parties,

Recognizing that, based on experience since the Second Meeting of the Conference of the Parties, further guidance and clarification with respect to agreements concluded pursuant to Article IV, paragraph 4, is desirable,

1. *Understands* that Article I, paragraph 1 (j) refers to AGREEMENT(s) concluded in accordance with the basic principles governing such instruments as included in Article IV, paragraph 3, and Article V;
2. *Agrees* to apply *mutatis mutandis* the principles of Article IV, paragraph 5, Article VII, paragraph 5 (d), and Article IX, paragraphs 4 (b) and (h), to instruments concluded under Article IV, paragraph 4, of the Convention;
3. *Agrees* that while it should generally be the goal for agreements concluded under Article IV, paragraph 4, to cover the whole range of the migratory species and be open to accession by all Range States, this is not necessary if this would adversely affect the conclusion or implementation of such an agreement under the Convention; and
4. *Recognizes* that while in some cases such agreements may be established as a first step towards conclusion of AGREEMENTS under Article IV, paragraph 3, in other cases this may not be appropriate.

Resolution 3.6

FINANCIAL AND BUDGETARY MATTERS

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals,

Recalling Article VII, paragraph 4, of the Convention which states:

"The Conference of the Parties shall establish and keep under review the financial regulations of this Convention. The Conference of the Parties shall, at each of its ordinary meetings, adopt the budget for the next financial period. Each Party shall contribute to this budget according to a scale to be agreed upon by the Conference",

Recognizing the importance of all Parties being able to participate in the implementation of the Convention and related activities,

Aware that many Parties, particularly developing countries, may not have the financial means to send representatives to meetings of bodies established under the Convention,

Recognizing that solicitation of external sources of funding, by the Secretariat on behalf of developing country representatives, is not a long-term solution to the problem, given the Secretariat's limited resources,

Noting the considerable number of Parties as well as organizations attending the meeting of the Conference of Parties as observers, and the resulting additional expenditure to Parties so incurred,

1. *Confirms* that all Parties shall contribute to the budget adopted at the scale agreed upon by the Conference of the Parties in accordance with Article VII, paragraph 4, of the Convention;

2. *Adopts* the budget for 1992-1994 attached as Annex 1 to this resolution;

3. *Agrees* to the scale of contributions of Parties to the Convention as listed in Annex 2 to this resolution and to the application of that scale *pro rata* to new Parties;

4. *Requests* all Parties to pay their contributions as far as possible during the year prior to the one to which they relate or in any case promptly by the beginning of the respective calendar year to which the contributions apply;

5. *Takes note* of the medium-term plan for 1992-1994 attached as Annex 3 to this resolution;

6. *Instructs* the Secretariat to commission as a priority a study of the most effective means of ensuring and funding the participation of developing countries in and implementation of the Convention;

7. *Decides* that the results of that study should be submitted to the Standing Committee at the earliest opportunity and that the Standing Committee should decide upon its recommendations thereon;

8. *Determines* that the Standing Committee may allocate resources from budget line 2101, "Contracts with supporting organizations", to fund proposals arising from the study and may request UNEP to transfer resources to budget line 3204, "Developing country participants (at meetings)", to provide travel funds;

9. *Urges* all Parties to make voluntary contributions to the Trust Fund to support requests from developing countries to participate in and implement the Convention throughout the triennium;

10. *Invites* States not parties to the Convention, governmental, intergovernmental and non-governmental organizations and other sources to consider contributing to the Trust Fund referred to below;

11. *Decides* that the standard participation fee for all non-governmental organizations shall be fixed at United States dollars 200 (except as otherwise reduced by the Standing Committee as required) and urges such organizations to make a greater contribution if possible;

12. *Requests* the Executive Director of UNEP to extend the duration of the Trust Fund to 31 December 1993 and subsequently to 31 December 1994; and

13. *Approves* the terms of reference for the administration of the Trust Fund as set out in Annex 4 to the present resolution, for the period 1992-1994.

Annex 1

BUDGET ADOPTED FOR 1992-1994

(Budget lines correspond to standard UNEP budget codes)

	<u>Estimated cost in United States dollars</u>					
	1992		1993		1994	
	w/m		w/m		w/m	
PERSONNEL COMPONENT						
1100 <u>Project Personnel</u>						
1101 Coordinator (P-5)	12	110 000	12	115 000	12	125 000
1102 Programme Officer (P-3)	12	85 000	12	90 000	12	90 000
1199 Total		<u>195 000</u>		<u>205 000</u>		<u>215 000</u>
1200 <u>Consultants</u>		55 000		60 000		30 000
1299 Total		<u>55 000</u>		<u>60 000</u>		<u>30 000</u>
1300 <u>Administrative support</u>						
1301 Administrative assistant (G-5)	12	40 000	12	42 000	12	44 000
1302 Secretary (G-3)	12	30 000	12	32 000	12	34 000
1321 Temporary assistance/overtime		7 000		7 500		8 000
1322 Temporary assistance/Conference						120 000
1399 Total		<u>77 000</u>		<u>81 500</u>		<u>206 000</u>
1600 <u>Travel on official business</u>						
1601 General		27 500		30 000		25 000
1602 Conference					15 000	
1699 Total		<u>27 500</u>		<u>30 000</u>		<u>40 000</u>
1999 COMPONENT TOTAL		<u>354 500</u>		<u>376 500</u>		<u>491 000</u>
SUB-CONTRACT COMPONENT						
2100 <u>Sub-contracts</u>						
2101 Contracts with supporting organizations a/		64 000		70 000		78 000
2199 Total		<u>64 000</u>		<u>70 000</u>		<u>78 000</u>
2999 COMPONENT TOTAL		<u>64 000</u>		<u>70 000</u>		<u>78 000</u>
MEETINGS COMPONENT						
3200 <u>Meetings</u>						
3201 Scientific Council		5 000		6 000		27 000
3202 Working groups (up to 3 per annum)		25 000		26 000		19 000
3203 Standing Committee		15 000		16 000		17 000
3204 Developing country participants (at meetings)						
3999 COMPONENT TOTAL		<u>45 000</u>		<u>48 000</u>		<u>63 000</u>

a/ Support for developing countries, including travel, to be determined by the Standing Committee.

/...

EQUIPMENT COMPONENT

4100 Expendable equipment	3 000	3 500	4 000
4200 Non-expendable equipment	4 000	4 500	5 000
4300 Premises <u>b/</u>	5 000	---	---
4999 COMPONENT TOTAL	<u>12 000</u>	<u>8 000</u>	<u>9 000</u>

MISCELLANEOUS COMPONENT

5100 Operation and maintenance

5101 Computer	2 500	2 600	2 700
5102 Photocopier	2 000	2 500	3 000
5103 Other equipment	1 000	1 000	1 000
5104 Premises <u>b/</u>	---	---	---
5199 Total	<u>5 500</u>	<u>6 100</u>	<u>6 700</u>

5200 Reporting costs

5201 Documents	3 000	4 000	6 000
5299 Total	<u>3 000</u>	<u>4 000</u>	<u>6 000</u>

5300 Sundry

5301 Communications	25 000	27 000	30 000
5302 Other	1 000	1 000	2 000
5399 Total	<u>26 000</u>	<u>28 000</u>	<u>32 000</u>

5999 COMPONENT TOTAL	<u>34 500</u>	<u>38 100</u>	<u>44 700</u>
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TOTAL ALLOCATIONS FOR
SECRETARIAT USE

510 000	540 600	685 700
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6000 <u>UNEP costs</u>	<u>66 300</u>	<u>70 278</u>	<u>89 141</u>
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GRAND TOTAL	<u>576 300</u>	<u>610 878</u>	<u>774 841</u>
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Grand total for triennium 1992-1994: 1 962 019

b/ Paid by the German Government only if the Secretariat remains in Germany.

Annex 2

SCALE OF CONTRIBUTIONS TO THE TRUST FUND 1/
ANNUAL CONTRIBUTION (US\$)

PARTY	UN SCALE (%)	1992	1993	1994
Argentina	0.66	9 893	10 498	13 367
Australia	1.57	23 516	24 955	31 776
Belgium	1.17	17 524	18 596	23 679
Benin	0.01	170	180	229
Burkina Faso	0.01	170	180	229
Cameroon	0.01	170	180	229
Chile	0.08	1 187	1 260	1 604
Denmark	0.69	10 345	10 978	13 978
Egypt	0.07	1 017	1 080	1 375
Finland	0.51	7 631	8 098	10 312
France	6.25	93 727	99 460	126 645
Germany	9.36	140 364	148 950	189 662
Ghana	0.01	170	180	229
Hungary	0.21	3 166	3 359	4 278
India	0.37	5 540	5 879	7 486
Ireland	0.18	2 713	2 879	3 666
Israel	0.21	3 166	3 359	4 278
Italy	3.99	59 809	63 467	80 815
Luxembourg	0.06	904	960	1 222
Mali	0.01	170	180	229
Netherlands	1.65	24 703	26 215	33 380
Niger	0.01	170	180	229
Nigeria	0.20	2 996	3 179	4 048
Norway	0.55	8 253	8 758	11 152
Pakistan	0.06	904	960	1 222
Panama	0.02	283	300	382
Portugal	0.18	2 713	2 879	3 666
Saudi Arabia	1.02	15 263	16 197	20 624
Senegal	0.01	170	180	229
Somalia	0.01	170	180	229
South Africa	0.45	6 727	7 138	9 090
Spain	1.95	29 226	31 014	39 491
Sri Lanka	0.01	170	180	229
Sweden	1.21	18 146	19 256	24 519
Tunisia	0.03	452	480	611
United Kingdom	4.86	72 867	77 324	98 459
Uruguay	0.04	565	600	764
Zaire	0.01	170	180	229
EEC <u>2/</u>	---	11 000	11 000	11 000
TOTAL	37.70	576 300	610 878	774 841

1/ Note from the Secretariat: the scale of contributions was revised after the meeting of the Conference of the Parties, taking into account the accessions of Argentina and South Africa before the beginning of the financial period (1 January 1992).

2/ Voluntary contribution fixed by the EEC.

Annex 3

MEDIUM-TERM PLAN 1992-1997
(in United States dollars)

Budget line	<u>1992</u>	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u>	<u>1997</u>
1100 Project personnel	195 000	205 000	215 000	210 000	220 000	230 000
1200 Consultants	55 000	60 000	30 000	65 000	70 000	40 000
1300 Administrative support	77 000	81 500	156 000	85 000	90 000	170 000
1600 Travel on official business	27 500	30 000	40 000	35 000	40 000	50 000
2100 Sub-contracts	64 000	70 000	78 000	88 000	100 000	120 000
3200 Meetings	45 000	48 000	63 000	58 000	68 000	93 000
4000 Equipment (Stationery, machines, premises)	12 000	8 000	9 000	10 000	11 000	12 000
5100 Operation and maintenance (premises, machines)	5 500	6 100	6 700	7 500	8 200	9 000
5200 Reporting costs	3 000	4 000	6 000	6 000	7 000	9 000
5300 Sundry (freight and communications)	26 000	28 000	32 000	31 000	33 000	37 000
6000 UNEP admin. costs	66 300	70 278	89 141	77 415	84 136	100 100
Total	<u>576 300</u>	<u>610 878</u>	<u>774 841</u>	<u>672 915</u>	<u>731 336</u>	<u>870 100</u>
Total for triennium:		1 962 019		2 274 351		

Annex 4

TERMS OF REFERENCE FOR THE ADMINISTRATION OF THE TRUST FUND
FOR THE CONVENTION ON THE CONSERVATION OF MIGRATORY
SPECIES OF WILD ANIMALS

1. The Trust Fund for the Convention on the Conservation of Migratory Species of Wild Animals (hereinafter referred to as the Trust Fund) shall be continued for a period of three years to provide financial support for the aims of the Convention.
2. The financial period shall be for three calendar years beginning 1 January 1992, and ending 31 December 1994.
3. The Trust Fund shall continue to be administered by the Executive Director of the United Nations Environment Programme (UNEP), subject to the approval of the Governing Council of UNEP and the consent of the Secretary-General of the United Nations.
4. The administration of the Trust Fund shall be governed by the Financial Regulations and Rules of the United Nations, the Staff Regulations and Rules of the United Nations, and other administrative policies or procedures, promulgated by the Secretary-General of the United Nations. It is understood that these Rules provide that all expenditures from the Trust Fund shall incur a deduction according to the standard percentage factor approved for the United Nations Development Programme to finance the administrative costs of the Trust Fund. a/
5. In the event that the Parties wish the Trust Fund to be extended beyond 31 December 1994, the Executive Director of UNEP shall be so advised in writing immediately after the fourth meeting of the Conference of the Parties. It is understood that such extension of the Trust Fund shall be decided at the discretion of the Secretary-General of the United Nations.
6. The financial resources of the Trust Fund for 1992-1994 shall be derived from:
 - (a) The contributions made by the Parties by reference to Annex 2, including contributions from any new Parties;
 - (b) Further contributions from Parties and contributions from States not parties to the Convention, other governmental, intergovernmental and non-governmental organizations and other sources.
7. All contributions to the Trust Fund shall be paid in fully convertible United States dollars. For contributions from States that become Parties after the beginning of the financial period, the initial contribution (from the first day of the third month after deposit of the instrument of ratification, acceptance or accession till the end of the financial period) shall be determined *pro rata* based on the contribution of other States Parties on the same level on the United Nations scale of assessment, as it applies from time to time. However, if the contribution of a new Party determined on this basis would be more than 25 per cent of the budget, the contribution of that Party shall be 25 per cent of the budget for the financial year of joining (or *pro rata* for a part-year). The scale of contributions for all Parties shall then be revised by the Secretariat on 1 January of the next year. Contributions shall be paid in annual instalments. The contributions shall be due on 1 January 1992, 1993 and 1994. Contributions shall be paid into the following account:

a/ United Nations Secretary-General's Bulletin ST/SGB/146/Rev.1, "Establishment and management of trust funds".

Account No. 015-002756
UNEP Trust Funds Account for the Trust Fund for the
Convention on the Conservation of Migratory
Species of Wild Animals,
Chemical Bank, United Nations Branch
New York, N.Y. 10017, USA

8. For the convenience of the Parties, for each of the years of the financial period the Executive Director of UNEP shall as soon as possible notify the Parties to the Convention of their assessed contributions.
9. Contributions received into the Trust Fund that are not immediately required to finance activities shall be invested at the discretion of the United Nations, and any income shall be credited to the Trust Fund.
10. The Trust Fund shall be subject to audit by the United Nations Board of Auditors.
11. The budget estimates covering the income and expenditure for each of the three calendar years constituting the financial period to which they relate, prepared in US dollars, shall be submitted to the ordinary meeting of the Conference of the Parties to the Convention.
12. The estimates of each of the calendar years covered by the financial period shall be divided into sections and objects of expenditures, shall be specified according to budget lines, shall include references to the programmes of work to which they relate, and shall be accompanied by such information as may be required by or on behalf of the contributors, and such further information as the Executive Director of UNEP may deem useful and advisable. In particular estimates shall also be prepared for each programme of work for each of the calendar years, with expenditure itemized for each programme so as to correspond to the sections, objects of expenditure, and budget lines described in the first sentence of this paragraph.
13. In addition to the budget estimates for the financial period described in the preceding paragraphs, the Secretariat of the Convention, in consultation with the Standing Committee and the Executive Director of UNEP, shall prepare a medium-term plan as envisaged in Chapter III of Legislative and Financial Texts Regarding the United Nations Environment Programme and the Environment Fund. The medium-term plan will cover the years 1995 to 2000, inclusive, and shall incorporate the budget for the financial period 1995-1997.
14. The proposed budget and medium-term plan, including all the necessary information, shall be dispatched by the Secretariat to all Parties at least ninety days before the date fixed for the opening of the ordinary meeting of the Conference of the Parties.
15. The budget and medium-term plan shall be adopted by unanimous vote of the Parties present and voting at the ordinary meeting.
16. In the event that the Executive Director of UNEP anticipates that there might be a shortfall in resources over the financial period as a whole, he shall consult with the Secretariat, who shall seek the advice of the Standing Committee as to its priorities for expenditure.
17. Commitments against the resources of the Trust Fund may be made only if they are covered by the necessary income of the Convention. No commitments shall be made in advance of the receipt of contributions.
18. Upon the request of the Secretariat of the Convention, after seeking the advice of the Standing Committee, the Executive Director of UNEP should, to the extent consistent with the Financial Regulations and Rules of the United Nations, make transfers from one budget line to another. At

the end of the first or second calendar year of a financial period, the Executive Director of UNEP may proceed to transfer any uncommitted balance of appropriations to the second or third calendar year respectively, provided that the total budget approved by the Parties shall not be exceeded unless this is specifically sanctioned in writing by the Standing Committee.

19. At the end of each calendar year of a financial period, the Executive Director of UNEP shall submit to the Parties the accounts for the year. He shall also submit, as soon as practicable, the audited accounts for the financial period.

20. Those financial reports required to be submitted to the Executive Director of UNEP shall be transmitted simultaneously by the Secretariat of the Convention to the members of the Standing Committee.

21. The Secretariat of the Convention shall provide the Standing Committee with an estimate of proposed expenditures over the coming quarter simultaneously with, or as soon as possible after, distribution of the accounts and reports referred to in the preceding paragraphs.

22. The present terms of reference shall be effective from 1 January 1992 to 31 December 1994.

Resolution 3.7

MEMBERSHIP OF THE STANDING COMMITTEE

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals,

Noting that the composition of the membership of the Standing Committee was established by Resolution 2.5 adopted at the Second Meeting of the Conference of the Parties (Geneva, 1988), which provides, *inter alia*, for Parties to be elected with due regard to geographical distribution,

Recognizing that members, for whatever reason, may not be able to attend meetings of the Standing Committee and that such absences may reduce the capacity of the Standing Committee to carry out its assigned tasks,

Amends Resolution 2.5, paragraph 2 (a) as follows:

"The membership of the Standing Committee shall consist of:

- (i) One party elected from each of the five major geographic regions, consisting of Africa, America and the Caribbean, Asia, Europe, Oceania;
- (ii) The Depository Government;
- (iii) The next host Party; and
- (iv) One Party elected as an alternate member from each of the five regions described in subparagraph (i) to attend meetings as the regional member in the absence of the member of the region to which it belongs;"

Resolution 3.8

DATE, VENUE AND FUNDING OF THE FOURTH MEETING OF THE
CONFERENCE OF THE PARTIES TO THE CONVENTION

*The Conference of the Parties to the Convention on the Conservation of
Migratory Species of Wild Animals,*

Recalling Article VII, paragraph 3, of the Convention, which states that the Secretariat shall "convene ordinary meetings of the Conference of the Parties at intervals of not more than three years, unless the Conference decides otherwise",

1. *Decides* that the fourth meeting of the Conference of the Parties should take place at the latest in September 1994;
2. *Invites* Parties to offer to host that meeting and inform the Secretariat accordingly before the end of 1992;
3. *Invites* Parties, States not parties to the Convention, governmental, intergovernmental and non-governmental organizations and other sources to make voluntary contributions to the Trust Fund to convene the fourth meeting of the Conference of the Parties in a developing country; and
4. *Instructs* the Standing Committee to decide:
 - (a) On the most suitable venue from the offers received; or
 - (b) Should no suitable offers be received from Parties, that the meeting shall be held preferably at the United Nations Environment Programme headquarters at Nairobi, otherwise at the United Nations Office at Geneva.

CHAPTER III

REPORT OF COMMITTEE I (SCIENTIFIC COMMITTEE)

1. Committee I (Scientific Committee) was chaired by Mr. C. Kalden (Netherlands) and drew up its programme of work on the basis of the subjects listed in the provisional timetable (document UNEP/CMS/Conf.3.9). The following agenda, proposed by the Chair, was adopted:

1. Consideration of proposals for amendments to Appendices I and II to the Convention.
2. Report of the Scientific Council.
3. Additional measures to improve the conservation status of migratory species.
4. Measures under Article IV of the Convention.
5. Reports by Parties.
6. Institutional arrangements of the Convention:
 - (a) Scientific Council.
7. Other business
8. Adoption of the report.

2. In this report, the word "agenda" always refers to the agenda of Committee I.

Agenda item 1: Consideration of proposals for amendments to Appendices I and II to the Convention

3. Mr. M. Ford (United Kingdom), Chair of the Scientific Council, introduced the proposals contained in document UNEP/CMS/Conf.3.15 and summarized the views expressed thereon by the Scientific Council.

4. Some representatives expressed the view that the criteria for listing in Appendix II required further clarification. One pointed out that if there were insufficient data to judge whether the conservation status of a species was favourable or unfavourable, that in itself should not result in the status being judged as unfavourable. It was agreed that the Scientific Council should be asked to study the matter further, with a view to presenting its results at the Fourth Meeting of the Conference of the Parties for appropriate action to be taken. It was emphasized that the fact that bilateral or multilateral accords already existed for some of the species proposed for inclusion did not preclude their listing in Appendix II.

5. The Committee agreed by consensus to recommend to the plenary the adoption of the proposals for addition to Appendix II contained in document UNEP/CMS/Conf.3.15, with the exception of II/4 (*Monodon monoceros*) II/25 (*Orcinus Orca*) (eastern North Atlantic population) and II/27 (*Hyperoodon ampullatus*), to whose inclusion the Norwegian delegation objected. With regard to *Sterna dougallii* (proposal II/29), the Committee recommended that the proposal for inclusion in Appendix II be limited to the Atlantic population. Proposals to delete a number of species had already been withdrawn formally during the plenary.

Agenda item 2: Report of the Scientific Council

6. Mr. M. Ford introduced the draft resolution contained in document UNEP/CMS/Conf.3.13, explaining the objectives underlying the operative paragraphs.

7. The Committee decided to transmit this text as draft resolution I to the plenary meeting for adoption.

Agenda item 3: Additional measures to improve the conservation status of migratory species

8. The representative of the Secretariat introduced the draft resolution contained in document UNEP/CMS/Conf.3.14.4 and read out the following new operative paragraph 4 proposed by the Scientific Council:

"Instructs the Secretariat and the Scientific Council to encourage and assist Parties to take concerted actions to implement the provisions of the Convention, where possible through existing instruments of bilateral or multilateral cooperation;"

9. The Committee decided to amend the title of this draft to read "Resolution on Appendix I species", and to forward it to plenary for adoption as draft resolution II.

10. It was decided to recommend to the plenary session that the following species should be the subject of review reports:

Addax nasomaculatus, Gazella dorcas, Gazella leptoceros, Chlamydotis undulata, Numenius tenuirostris, Dendroica kirtlandii, Bos sauveli, Marine turtles (Indo-Pacific populations)

11. The Committee emphasized that the fact that a species was the subject of a comprehensive review did not imply that a satisfactory situation did not exist in some Range States.

12. The Committee took note of the suggestion by one representative that *Oryx dammah* would be a suitable species for inclusion in Appendix I and should receive special attention within the framework of the Convention.

Agenda item 4: Measures under Article IV of the Convention

13. The Chair introduced document UNEP/CMS/Conf.3.14.3 and pointed out that the draft resolution it contained had been discussed by Committee II (Legal Committee), which had made some minor amendments and decided to recommend to the plenary session that it should adopt the revised text.

14. The representative of the Secretariat introduced a draft resolution on small cetaceans contained in the report of the third meeting of the Scientific Council (document UNEP/CMS/Conf.3.20). It was decided to revise operative paragraph 2 to read as follows:

"2. Urges Range States to collaborate, under the sponsorship of a Party Range State, with a view to concluding under the Convention an agreement for the conservation of small cetaceans of the Mediterranean and Black Seas;"

15. The Committee agreed to recommend to the plenary session that it should adopt the text of the draft resolution as amended and forwarded the text as draft resolution III.

Agenda item 5: Reports by Parties

16. Mr. M. Ford introduced document UNEP/CMS/Conf.3.14.2 and drew attention to an addition to Format A proposed by the Scientific Council. The Council had agreed that subparagraphs entitled Surveys, Monitoring and Research should be added under section III. The Council had, however, reached no conclusion on the degree of detail regarding domestic legislation to be included in reports. The question had been drawn to the attention of Committee II (Legal Committee), which had concluded that there could be a brief reference to relevant domestic legislation in section II.1, but that more detail should be given concerning legislation related to Appendix I species, in section II.2 (d). The Legal Committee shared the Scientific Council's view that it would be premature to adopt a draft resolution on the formats.

17. The Scientific Committee expressed the view that the amended formats were useful and should be used by Parties when drafting their national reports, but that experience should be gained in utilizing them before adopting a draft resolution.

*Agenda item 6: Institutional arrangements of the
Convention: (a) Scientific Council*

18. Mr. M. Ford introduced document UNEP/CMS/Conf.3.18, drawing attention to the draft resolution contained in Annex I. He informed the Committee of the following amendments made by the Scientific Council:

- The word "may" in operative paragraph 1 should be replaced by the words "shall be entitled to";
- The last two lines of subparagraph 2 (b) should be amended to read as follows: "when, on request, such expenses must be met as far as possible from the Convention budget";
- The word "dugong" in subparagraph 3 (c) should be replaced by the word "sirenians";
- Subparagraph 3 (d) should be reworded as follows: "To keep under review, as the necessity arises, the existing list of species in the Appendices";
- The following new subparagraph 3 (g) should be added: "To undertake a preliminary review, with case studies, of the impact of artificial barriers to migration".

19. Following discussion of subparagraph 3 (c), it was decided to include "albatrosses" after "sirenians" and to amend the words "North Africa" to read "the Sahelo-Saharan region".

20. The Committee decided to recommend to the plenary session that it should adopt this revised text and forwarded it as draft resolution IV.

21. Mr. M. Ford reminded the Committee that members of the Scientific Council would have to be appointed by the Third Meeting of the Conference of the Parties, in accordance with Article VIII.2 of the Convention. Up to eight experts could be appointed, in addition to the Councillors appointed by the Parties. However, for financial reasons, the number of experts had generally been restricted to four. In his view, expertise during the coming triennium would be required in the fields of small cetaceans, waterfowl and Sahelo-Saharan mammals.

22. The Committee decided to recommend to the plenary session that experts should be appointed in the following fields: small cetaceans, waterfowl, Sahelo-Saharan mammals and neotropical fauna.

Agenda item 7: Other business

23. Under this item, the Committee held an exchange of views on ways of promoting the Convention. One representative considered that the inclusion of neotropical fauna could encourage countries concerned that were not already Parties to accede to the Convention. Another representative suggested that meetings should be held at the regional level prior to meetings of the Conference of the Parties, as was done in the case of other Conventions. The representative of the Secretariat explained that many requests for information on the Convention were received from countries that were not Parties and that the Secretariat did its best to respond, despite its limited financial and human resources. He considered that other ways of promoting the Convention should also be explored.

24. The Committee recommended to the Conference of the Parties that it should investigate the possibility of incorporating a one-day scientific symposium on agreements and appendices into the programme of the Conference, without extending its duration. It would be important to involve States that were not yet Parties to the Convention.

Annex I

Draft Resolution I

LISTING OF SPECIES IN THE APPENDICES OF THE CONVENTION

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals,

Recalling that Resolution 1.4 from its first meeting directed the Scientific Council to formulate guidelines on terms used in the Convention and to review the species listed in its Appendices,

Noting with thanks that the Council has now reported to the Conference of the Parties on these matters and has made a number of recommendations to it,

1. Agrees that, in applying the guideline for interpretation of the term "endangered" adopted in Resolution 2.2 from the second meeting of the Conference of the Parties, the following general principles should apply:

(a) The restriction of the listing of species in Appendix I to those which are "endangered" applies to the consideration of *future* proposals, but not necessarily retrospectively to species already listed;

(b) Bearing in mind that Article III, paragraph (3) (b) of the Convention provides that a migratory species may be removed from Appendix I when it is determined that the species is not likely to become endangered again because of loss of protection due to its removal from Appendix I, species categorized by the World Conservation Union (IUCN) as "endangered" (E), "vulnerable" (V) or "insufficiently known" (K*) should be retained in Appendix I, together with any rare species breeding at a limited number of inherently vulnerable sites;

2. Agrees that further additions to the Appendices of the Convention should be limited to species or lower taxa and that the migratory species covered by higher taxa listings already in Appendix II need only be identified when AGREEMENTS were being prepared;

3. Adopts the guideline that a State should be considered a "Range State" for a migratory species when a significant proportion of a geographically separate population of that species occasionally occurs in its territory;

4. Requests the Depositary, when up-dating the Appendices, to correct names for the following species to reflect current standard nomenclature as follows:

Appendix I

MAMMALIA

CETACEA

Balaenidae

Delete *Eubalaena glacialis* (s.l.)
Insert *Eubalaena glacialis*
 Eubalaena australis

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ARTIODACTYLA

Camelidae
Delete *Lama vicugna** (except Peruvian populations)
Insert *Vicugna vicugna** (except Peruvian populations)

Appendix II

MAMMALIA

CETACEA

Delphinidae
Delete *Globicephala melaena* (only North and Baltic Sea populations)
Insert *Globicephala melas* (only North and Baltic Sea populations)

and to footnote the revised Appendices as appropriate to indicate the former listing;

5. *Requests* Parties preparing proposals for addition of species to Appendix I to consider whether that species should also be listed in Appendix II;

6. *Urges* any Party proposing the addition to Appendix II of a species for which it is a Range State to initiate negotiations with other Range States towards an AGREEMENT for that species;

7. *Urges* Parties to submit proposals in accordance with Article XI of the Convention for consideration by the fourth meeting of the Conference of the Parties for the listing in Appendix II of those species already listed in Appendix I of the Convention which would benefit from such listing and, in the meantime, to take appropriate measures to develop AGREEMENTS for such species;

8. *Encourages* Parties to consider submitting proposals for the listing of species from regions of the world currently under-represented in the Appendices and to assist developing country Parties to prepare such proposals.

Annex II

Draft Resolution II

RESOLUTION ON APPENDIX I SPECIES

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals,

Recalling that, pursuant to Article VII of the Convention, the Conference of the Parties may review and assess the conservation status of migratory species and the progress made towards their conservation,

Appreciating the importance of having access to and sharing current information on the endangered species listed in Appendix I, for the purpose of recommending actions to benefit those species,

Recognizing the relevance of reports prepared by Parties, pursuant to Article VI of the Convention, on measures they are taking to implement its provisions,

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1. *Decides* to establish a formal review process, at each meeting of the Conference of the Parties, for a selected number of species listed in Appendix I, with a view to recommending initiatives to benefit those species;
2. *Directs* the Secretariat to coordinate the preparation of status reports for species identified by the Conference, incorporating the information included in the annex to this Resolution; the Secretariat shall be assisted in this task by the Scientific Council and other bodies, as may be necessary;
3. *Urges* Parties to cooperate fully in providing the information needed to compile the species status reports;
4. *Instructs* the Secretariat and the Scientific Council to encourage and assist Parties to take concerted actions to implement the provisions of the Convention, where possible through existing instruments of bilateral or multilateral cooperation;
5. *Requests* the Secretariat to draw to the attention of Parties matters of importance to the conservation of species listed in the Convention appendices, including those arising from the preparation of the status reports, either at meetings of the Conference of the Parties or, if appropriate, intersessionally.

Annex

Information for inclusion in species status reports

1. Taxonomy
 - 1.1 Specific taxonomy
 - 1.2 Common name(s)
2. Biological data
 - 2.1 Distribution (current and historical)
 - 2.2 Habitat
 - 2.3 Population estimates and trends
 - 2.4 Migratory patterns
3. Conservation status, by Party
4. Actual and potential threats
 - 4.1 Habitat degradation/loss
 - 4.2 Exploitation: direct and incidental (including flag vessels, where applicable)
 - 4.3 Other threats
5. Legislation
 - 5.1 International
 - 5.2 National
6. Conservation measures, by Party
 - 6.1 Prohibition of taking, including any exceptions (grounds for exception, duration, analysis of effects)
 - 6.2 Conservation/restoration of habitat
 - 6.3 Mitigation of impediments to migration
 - 6.4 Regulation of other detrimental factors
 - 6.5 Further measures

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7. Research activities
 - 7.1 Governmental
 - 7.2 Non-governmental
8. Needs and recommended actions
 - 8.1 Legislative
 - 8.2 Conservation measures
 - 8.3 Research and monitoring
 - 8.4 Other
9. Additional remarks
10. References

Annex III

Draft Resolution III

SMALL CETACEANS

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals,

Acknowledging that the Scientific Council's report on the global review of the conservation status of small cetaceans provides a detailed basis for conservation measures to be included in agreements for the species and populations identified for listing in Appendix II,

Recalling that Resolution 2.3 adopted by the Second Meeting of the Conference of the Parties instructed the Secretariat and Standing Committee to envisage and facilitate agreements between Range States for such species,

Noting that under the auspices of the Convention on the conservation of European Wildlife and Natural Habitats a technical report and draft agreement concerning small cetaceans in the Mediterranean and Black Seas and contiguous waters prepared by Greenpeace International has already been discussed with the secretariats of the Convention for the Protection of the Mediterranean Sea Against Pollution and this Convention and with IUCN - the World Conservation Union,

Noting that the draft legal instrument on the conservation of small cetaceans of the Mediterranean and the Black Seas and contiguous waters prepared by Greenpeace International could be used as a basis for an agreement under the Convention, to be implemented in cooperation with the Convention for the Protection of the Mediterranean Sea Against Pollution and in consultation with the Convention on the Conservation of European Wildlife and Natural Habitats,

1. *Urges* Parties which are Range States for the species and populations of small cetaceans listed by the Conference in Appendix II of the Convention, to give priority to concluding agreements for their conservation;

2. *Urges* Range States to collaborate, under the sponsorship of a Party Range State, with a view to concluding under the Convention an agreement for the conservation of small cetaceans of the Mediterranean and Black Seas;

3. *Directs* the Secretariat to assist Parties in these endeavours.

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Annex IV

Draft Resolution IV

FUNDING AND ROLE OF THE SCIENTIFIC COUNCIL

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals,

Recalling that, pursuant to Article VIII of the Convention, the First Meeting of the Conference of the Parties, through Resolution 1.4, established a Scientific Council and directed the Council to address a number of questions,

Noting with appreciation that the Council has now responded to the Conference of the Parties on those questions,

Bearing in mind that Article VIII, paragraph 5, of the Convention provides that the functions of the Scientific Council may include recommending research and the coordination of research on migratory species and evaluating the results of such research,

Aware that since 1985 funding has been included in the budget adopted by the Conference of the Parties to cover travel expenses for travel undertaken by the Chair of the Standing Committee on behalf of the Conference of the Parties or on behalf of the Secretariat,

Further aware that in 1985 the Conference of the Parties directed the Secretariat to provide for payment of travel costs for representatives from least developed countries and in 1988 for representatives from developing countries to attend meetings of the Standing Committee,

1. Agrees that Scientific Councillors appointed by the Conference of the Parties shall be entitled to be observers at meetings of the Conference of the Parties;

2. Determines the following guidelines for the funding of the Council:

(a) The expenses of the members appointed by the Conference of the Parties in relation to attendance at meetings of the Council and its working groups must be met from the Convention budget as a high priority;

(b) Parties are expected to finance the expenses of their own nominees, except in case of:

(i) The Chair, in relation to travel expenses for travel undertaken as requested by the Conference of the Parties, the Scientific Council, or the Secretariat; and

(ii) Members from developing countries, in relation to travel expenses for travel to meetings of the Scientific Council and, in particular, relevant working groups;

when, on request, such expenses must be met as far as possible from the Convention budget.

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3. *Directs* the Scientific Council:

- (a) To recommend specific conservation measures for species listed in Appendix I, in order to enhance implementation of Convention Article III, paragraph 4;
- (b) To recommend conservation and management measures to be included in AGREEMENTs for species listed in or recommended for listing in Appendix II;
- (c) In preparing recommendations with regard to subparagraph (b) above, to give priority in the first instance to sirenians, albatrosses and to migratory land-based mammals in the Sahelo-Saharan region, the Arabian peninsula and southern Asia;
- (d) To keep under review, as the necessity arises, the existing list of species in the Appendices;
- (e) To provide advice on further species to be added to the Appendices, giving particular attention to neotropical species;
- (f) To identify and recommend any areas of research required to ascertain the conservation status of migratory species which are listed in the Appendices or are candidates for such listing;
- (g) To undertake a preliminary review, with case studies, of the impact of artificial barriers to migration.

CHAPTER IV

REPORT OF COMMITTEE II (LEGAL COMMITTEE)

1. Committee II (Legal Committee) was chaired by Mr. V. Koester (Denmark) and adopted the following agenda on the basis of the organization of work proposed in document UNEP/CMS/Conf.3.9 and suggestions made during the plenary session:

1. Report on errors in the texts of the Convention.
2. Measures under Article IV of the Convention.
3. Harmonization of future regional agreements.
4. Guidelines for reference to domestic legislation in national reports.

2. In this report, the word "agenda" always refers to the agenda of Committee II.

Agenda item 1: Report on errors in the texts of the Convention

3. The Chair introduced document UNEP/CMS/Conf.3.17 and proposed that the question of changes to the French and Spanish versions of the Convention should be entrusted to a small working group which would report to the Legal Committee. The working group should only deal with the discrepancies identified by the Secretariat in the annex to the document, including the correct translation into French and Spanish of the notion of "endangered species".

4. The Committee agreed that the working group would be convened by the Secretariat and should be composed of Burkina Faso and France (for the French version), Chile and Panama (for the Spanish version) and the United Kingdom (for the English version). The working group agreed with all the corrections to the French text proposed in document UNEP/CMS/Conf.3.17, Annex 2 C, and made no further corrections. The working group agreed with all the corrections to the Spanish text proposed in document UNEP/CMS/Conf.3.17, Annex 2 B, but proposed two additional changes to Article VII, paragraph 4: in line 6, replace "un baremo" with *una escala de ponderaciones*; and beginning in 8, replace "al baremo" with *a la escala*.

Agenda item 2: Measures under Article IV of the Convention

5. The Secretary introduced document UNEP/CMS/Conf.3.14.3, drawing particular attention to paragraphs 23 to 28 and the Annex. She said that the Standing Committee and the Scientific Council had discussed the draft resolution contained in the annex, which, it was hoped, would overcome the practical difficulties that had arisen in connection with instruments concluded under paragraph 4 of Article IV.

6. Amendments to the draft resolution were proposed on the basis of the Council's discussions with a view to strengthening the text with regard to the scope of those agreements. The Committee decided to recommend to the plenary session that it should adopt the amended version as draft resolution I.

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7. In reply to a question by an observer asking what article of the Convention was the formal basis for institutionalization of regional agreements, the Chair replied that, as far as Article IV.3 agreements were concerned, the basis was Article II.3 (c): "shall endeavour to conclude AGREEMENTS ...". Regarding Article IV.4 agreements, the basis was the wording of that paragraph: "Parties are encouraged to take action with a view to concluding agreements ...". The Chair nevertheless added that, in his personal opinion, it would not be in the spirit of the Bonn Convention for a Contracting Party to negotiate and conclude a regional agreement falling under the scope of the Convention and fulfilling its criteria without trying to link it to the Convention. The Committee did not object to the Chair's remarks.

Agenda item 3: Harmonization of future regional agreements

8. The Committee discussed the advisability of adopting guidelines for the formulation of regional agreements. One participant pointed out that Article V of the Convention already contained fairly explicit guidelines. Some participants agreed that further guidelines would be useful, but emphasized that flexibility was a key factor in reaching agreement. It was also emphasized that the proposed guidelines should only deal with the legal and administrative frameworks for such agreements.

9. The Committee agreed that the guidelines should be flexible and neither mandatory nor too detailed and that experience gained in drafting the existing agreements should be taken into account. It also agreed that the Secretariat, under the guidance of the Standing Committee, could play a greater role in ensuring harmonization of agreements, especially until guidelines were adopted. Finally, it decided to recommend to the plenary session that the Standing Committee be asked to prepare draft guidelines, including, as appropriate, a model agreement, to be submitted to the Fourth Meeting of the Conference of the Parties, bearing in mind the comments made by Committee II.

Agenda item 4: Guidelines for reference to domestic legislation in national reports

10. The Chair introduced the item and asked participants for their views on the amount of detail concerning domestic legislation that should be included in national reports.

11. The Secretary drew attention to the outline for reports by Parties contained in Annex I to document UNEP/CMS/Conf.3.14.2. She considered that a distinction should be drawn between the initial report (format A), which should be comprehensive and give some explanation of the legislation, and subsequent updated reports (format B), where it would suffice to cite the title and date of adoption of new laws. Although it would be possible to circumvent the problem by annexing copies of the relevant legislation, this would raise considerable translation problems. It was pointed out that the outline for reports by Parties as contained in Annex I to document UNEP/CMS/Conf.3.14.2 was not mandatory.

12. Some participants considered that it was sufficient to cite the title and number of the law, together with its date of adoption, while others felt that more detail was required.

13. The Committee decided to recommend to the plenary that the Standing Committee be asked to prepare a draft resolution on the utilization of outline reports by Parties for submission to the Fourth Meeting based upon the

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experience gained in implementing the formats outlined in Annex I to document UNEP/CMS/Conf.3.14.2. However, a footnote should henceforward be added to the Annex stating that, as far as Appendix I species in format A were concerned, details and a description of the relevant domestic legislation should be given, particularly with regard to subparagraph II.2 (d), but that with regard to paragraph II.1, it would suffice to cite the title and number of the law and the date on which it was adopted.

Draft Resolution I

IMPLEMENTATION OF ARTICLE IV, PARAGRAPH 4, OF THE CONVENTION
CONCERNING AGREEMENTS

The third meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals, hereafter referred to as the Convention,

Considering Resolutions 2.6 and 2.7 of the second meeting of the Conference of the Parties;

Recognizing that, based on experience since the second meeting of the Conference of the Parties, further guidance and clarification with respect to agreements concluded pursuant to Article IV, paragraph 4, is desirable;

1. *Understands* that Article I, paragraph 1 (j) refers to AGREEMENT(s) concluded in accordance with the basic principles governing such instruments as included in Article IV, paragraph 3, and Article V;

2. *Agrees* to apply *mutatis mutandis* the principles of Article IV, paragraph 5, Article VII, paragraph 5 (d), and Article IX, paragraphs 4 (b) and (h), to instruments concluded under Article IV, paragraph 4, of the Convention;

3. *Agrees* that while it should generally be the goal for agreements concluded under Article IV, paragraph 4, to cover the whole of a range of the migratory species and be open to accession by all Range States, this is not necessary if this would adversely affect the conclusion or implementation of such an agreement under the Convention; and

4. *Recognizes* that while in some cases such agreements may be established as a first step towards conclusion of AGREEMENTS under Article IV, paragraph 3, in other cases this may not be appropriate.

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CHAPTER V

REPORT OF COMMITTEE III (ADMINISTRATIVE COMMITTEE)

1. Mr. P. Bridgewater, Chair of the Committee, recalling that its remit was to consider agenda items 12, 14 (c), 16 and 18 (b), suggested that item 12 required no further discussion. The Committee concurred and turned to item 16 (a), Extension of the Trust Fund.
2. The Coordinator explained that the issue arose because the budget period of the United Nations was two years and that of CMS was three years. An extension of the Trust Fund of CMS was therefore made by the Conference of the Parties at its second meeting for two years only. Further extension was thus required after two years of the triennium had elapsed. In the ordinary course of events, the Standing Committee would have been seized of the matter but, as was well known, that Committee had failed to meet in 1991. The Executive Director of UNEP thereupon took the steps described in document UNEP/CMS/Conf.3.16, section I and the Parties should request at the current meeting further extensions to 31 December 1993 and subsequently to 31 December 1994.
3. The Committee formally recommended to the plenary that it so request.
4. The above document dealt with contributions and expenditures in its section II. It was noted that, with the accession of two more Parties, the proposed contributions of each existing Party had to be recalculated. A revised listing was duly circulated to the representatives of the Parties.
5. The Committee then began its review of the proposed budget estimates for 1992-1994, as contained in Annex 1 of document UNEP/CMS/Conf.3.16.1. The general comment was made that, in the absence of prior scrutiny by the Standing Committee, an examination in detail by budget line was even more essential than would normally be the case.
6. Several representatives enquired why budget line 1101 made provision for a Coordinator at P-5 level, whereas P-4 had been specified in the previous budgets. After receiving a detailed explanation by the Deputy Executive Director of UNEP, the Committee accepted the proposed estimate.
7. The Committee likewise accepted budget line 1200, Consultants, while recognizing that it might be necessary to revert to the matter if the Conference agreed to new activities that the other Committees might recommend.
8. Budget line 3204, Developing country participants (at meetings), gave rise to extensive discussion because the line related solely to travel, whereas there was general agreement that the budget should make provision for funding the participation of those countries, in the widest sense, in the implementation of the Convention. It was not immediately clear, however, what new mechanism was needed to achieve that objective and what modifications to the budget that would call for. A small subcommittee was formed to make proposals in that regard and submitted draft operative paragraphs of a Conference resolution, the general lines of which were endorsed by the Committee. On the advice of the UNEP Administration, which was consulted about budget lines, the estimates proposed against line 3204 were transferred to a new line 2101, Contracts with supporting organizations. The Standing Committee could be authorized to allocate sums for travel to meetings, which it would request UNEP to transfer from line 2101 to 3204. The subcommittee's

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draft, amended to adopt the above advice, is reproduced as Annex I to this report.

9. The representative of EEC made a statement regarding voluntary contributions by the Community, extending for the next triennium the assistance of that nature that had been offered at the second meeting of the Conference of the Parties.

10. All other budget lines were accepted by the Committee, subject to possible review in the light of the work of the other Committees and the plenary meeting.

11. The Committee endorsed the draft resolution on financial and budgetary matters contained in document UNEP/CMS/Conf.3.16.1, subject to the replacement of its operative paragraph 6 by the paragraphs appearing in Annex I to the present report; to an amendment of Annex 1 to the draft resolution that would replace budget line 3204 by line 2101; and to an amendment of Annex 2 to the resolution (scale of contributions to the Trust Fund), which would not only take account of the entry of new Parties, but would show as a footnote the voluntary contributions by EEC.

12. The Committee noted that consequential changes should be made in Annex 3 to the resolution (medium-term plan).

13. Several representatives expressed concern over the extent of non-payment or very delayed payment of contributions to the Trust Fund. The problem was not a new one and they recognized that little more could be done than to appeal to the Parties involved. The Committee invited the plenary to consider adopting a resolution or adding an operative paragraph to the budget resolution to express the growing concern of the Conference at the difficulties which resulted.

14. The Committee then took up agenda item 18 (b), Institutional arrangements for the Standing Committee, in which connection it had before it section II and Annex 2 of document UNEP/CMS/Conf.3.18. There was general agreement that the existing arrangements were not proving efficacious and the representatives expressed their gratitude that the Secretariat had taken the initiative and produced a paper to stimulate discussion of remedial measures. The weight of opinion, however, was in favour of changing the way in which the Standing Committee functioned, rather than replacing it by an Executive Committee. There was support for the view put forward by the representative of Germany that the key change would be to appoint a deputy or alternate to each member of the Standing Committee, whose duty it would be to attend meetings if, but only if the member was unable to do so. That was a change which CITES had introduced, with beneficial results, by its resolution 7.1 in 1989. The Standing Committee should focus during the coming triennium on improving the delivery mechanisms of the Convention.

15. The Committee endorsed a draft resolution on those lines submitted by the representative of Germany, subject to editorial changes. The text is reproduced in Annex II to this report.

Annex I

*Replacement of Paragraph 6 of the Draft Resolution
on Financial and Budgetary Matters*

6. *Instructs* the Secretariat to commission as a priority a study of the most effective means of ensuring and funding the participation of developing countries in and implementation of the Convention;
7. *Decides* that the results of that study should be submitted to the Standing Committee at the earliest opportunity and that the Standing Committee should decide upon its recommendations thereon;
8. *Determines* that the Standing Committee may allocate resources from budget line 2101, Contracts with supporting organizations, to fund proposals arising from the study and may request UNEP to transfer resources to budget line 3204, Developing country participants (at meetings), to provide travel funds;
9. *Urges* all Parties to make voluntary contributions to the Trust Fund to support requests from developing countries to participate in and implement the Convention throughout the triennium;

[Subsequent operative paragraphs would be renumbered accordingly.]

Annex II

Draft Resolution

Membership of the Standing Committee

The Conference of the Parties to the Convention,

Noting that composition of the membership of the Standing Committee was established by Resolution 2.5 adopted at the second meeting of the Conference of the Parties (Geneva, 1988), which provides, *inter alia*, for Parties to be elected with due regard to geographical distribution,

Recognizing that members, for whatever reason, may not be able to attend meetings of the Standing Committee and that such absences may reduce the capacity of the Standing Committee to carry out its assigned tasks,

Amends Resolution 2.5, paragraph 2 (a) as follows:

"The membership of the Standing Committee shall consist of:

- (i) One party elected from each of the five major geographic regions, consisting of Africa, America and the Caribbean, Asia, Europe, Oceania;
- (ii) The Depository Government;
- (iii) The next host Party; and
- (iv) One Party elected as an alternate member from each of the five regions described in subparagraph (i) to attend meetings as the regional member in the absence of the member of the region to which it belongs;"

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ANNEX I

*Report of the Third Meeting of the Scientific Council
(UNEP/CMS/Conf.3.20)*

AGENDA ITEM 1: OPENING OF THE MEETING

1. The Secretariat of the Convention convened the third meeting of the Scientific Council in Geneva on 8 September 1991. The list of participants is attached as Annex VI. Apologies were received from Drs. Amer, Rao and Spina.
2. The Chairman of the Scientific Council opened the meeting, welcomed participants and introduced members of the Secretariat, after which Councillors introduced themselves. The Chairman also thanked the Coordinator of the Secretariat, who will be returning to the Australian Government in October, for all of her work in relation to the Scientific Council.

AGENDA ITEM 2: ORGANIZATION OF THE MEETING

3. The agenda (document UNEP/CMS/ScC/3.1) was adopted and is shown in Annex I.

AGENDA ITEM 3: REPORTS

(a) *Report of the Chair*

4. The Chairman referred to his report (UNEP/CMS/ScC/2.9 Rev.1, Annex 3) submitted to the second meeting of the Council (Bonn, March 1991). He noted that much of the Council's work over the past triennium had concentrated on the global review of small cetaceans, which was coming to fruition at this conference. He reminded the meeting that he would not be standing for re-election as Chairman, and that consideration should be given to his potential successor.

(b) *Report of the Secretariat*

5. The Coordinator reported on developments since the second meeting of the Council: Australia became a Party to the Convention, effective 1 September 1991, and France had confirmed that the Convention entered into force for them on 1 July 1990 (it had not yet appointed a Scientific Councillor).
6. Two new appointments have been made to the Scientific Council: Mr. S. Deb Roy (India), replacing Dr. Ranjitsinh; and Dr. William Phillips (Australia), both in attendance at this meeting.
7. The Coordinator drew attention to two tabled papers that the Secretariat had prepared at the request of the Scientific Council at its previous meeting: one containing background information on species and the other a draft AGREEMENT on the conservation of Asian waterfowl.
8. The Coordinator reported that, in addition, the following actions had been undertaken. The small cetaceans review report had been submitted to the Scientific Committee of the International Whaling Commission (IWC). (It may also be printed by the Norwegian Institute for Nature Research.) It was also circulated to Parties and other Range States. A draft agreement on small cetaceans in the Black and Mediterranean Seas and contiguous waters has been

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prepared, in cooperation with the Secretariats of the Bern and Barcelona Conventions, IUCN and Greenpeace International. This is contained in a Council of Europe document recently distributed as a Conference information paper (UNEP/CMS/Conf.3/Inf.2).

9. She advised the meeting that the Secretariat had prepared draft resolutions for the Conference covering the funding and role of the Scientific Council, listing of species in the Appendices and additional measures for conserving species in the Appendices. Furthermore, the Scientific Council's views had been incorporated in the draft resolution on agreements and the draft budget for 1992-1994.

10. The Secretariat had circulated the full Range State list to all members and would, at this meeting, distribute to each Party appointee a special list covering the species in his particular Range State. Councillors were requested to provide written comments and changes during the week of the Conference or by post shortly thereafter.

11. The Coordinator concluded by thanking those Governments (Norway and the United Kingdom) which had donated funds to assist the participation of developing country Scientific Councillors.

AGENDA ITEM 4: MATTERS TO BE DISCUSSED AT THE THIRD MEETING OF THE CONFERENCE OF THE PARTIES

(a) *Funding and role of the Scientific Council*

12. The Secretariat introduced document UNEP/CMS/Conf.3.18, which includes, as Annex I, a draft resolution updating the Scientific Council's mandate. The Coordinator drew attention to the desirability of involving all members of the Scientific Council in its activities, of providing financial support for the Chairman to attend meetings, and of having Conference-appointed Councillors being able to attend meetings of the Conference of the Parties as observers. With regard to the latter, it was pointed out that some Conference appointees might not have organizational affiliations that would permit them to attend such meetings in other circumstances.

13. Deferring discussion of operative paragraph 3 of the draft resolution, the Council endorsed the general intent of paragraphs 1 and 2. The Chairman put forward minor changes to paragraph 1 to emphasize that Conference-appointed Councillors *should be entitled* to attend the Conference, and to 2 (b) to take account of situations where Governments might be in a position to cover expenses relating to attendance at meetings. These changes, agreed to by the meeting, are reflected in the amended draft resolution attached as Annex II to this report.

(b) *Future work programme*

14. The representative of the Secretariat was asked to introduce document UNEP/CMS/Conf.3.14.4, containing proposals to promote activities under the Convention related to species listed in Appendix I. Referring to the draft resolution annexed to that document, he described a mechanism whereby a comprehensive review of the conservation status of a limited number of

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Appendix I species could be undertaken, with a view to providing recommendations for concrete conservation measures. The work would be a collaborative effort involving the Secretariat, Scientific Councillors, Party focal points and others.

15. Dr. Devillers expressed support for this initiative and suggested that the resolution go even further, instructing the Secretariat and/or Scientific Council to encourage and assist Parties in the preparation and enactment of concerted actions under the Convention, within existing instruments of bilateral or multilateral cooperation. He proposed small cetaceans and *Numenius tenuirostris* as species for consideration under this proposal. Dr. Phillips also endorsed the proposal to give particular attention to priority species listed in Appendix I, and suggested marine turtles (in the Indo-Pacific) as one such group. Dr. Perrin expressed the view that *Eubalaena glacialis* in the North Pacific deserved attention due to its critical population status. Although no CMS Parties are Range States for the species, he considered that Parties might be able to act through other institutions, such as the International Whaling Commission. The representative of the Secretariat suggested that a number of antelopes listed in Appendix I - such as *Gazella dama*, *Gazella leptoceros* and *Cervus elephas barbarus*, might be considered. Dr. Edelstam also expressed support for additional work on North African antelopes, as well as *Bos sauveli* in Indochina.

16. However, it was emphasized that the identification of these particular priority species should not give the impression that other endangered species in Appendix I did not also require attention. The urgency of the threat to a species should be the main criterion. The focus should be on conservation actions under the particular provisions of the Bonn Convention.

17. The Council endorsed the proposal, in paragraph 4, that the Secretariat draw to the attention of Parties matters of importance to the conservation of species listed in the Appendices; the draft resolution was revised and is attached as Annex III to this report.

18. The representative of the Secretariat then introduced document UNEP/CMS/ScC/3.2 which contained information on particular migratory species requested by the Council at its last meeting. He explained that part of the information related to the future work programme, while the remainder consisted of brief status reports on species suggested as candidates for listing in the Appendices or for retention in Appendix I (agenda items 5 (b) and (c)).

19. With regard to the future work programme, it was agreed that work on small cetaceans should continue as a high priority and that, while it was up to Parties to develop Agreements for these species, the Scientific Council could play a facilitating role.

20. It was noted that dugong is a species for which data were limited and for which population trends were difficult to discern. It was also suggested that West African manatees warranted consideration, as they were thought to migrate in rivers across national frontiers. It was agreed to establish a working group to promote work on Agreement(s) for dugong, already listed in Appendix II, and to examine the question of listing manatees.

21. It was acknowledged that there were serious gaps in information on North African land mammals and *Bos sauveli*, and that up-to-date data were needed, where possible, by consulting government scientists in the Range States.

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22. It was again noted that neotropical species were under-represented in the Appendices. It was suggested that attention might be given to freshwater fishes, and that emphasis ought to be placed on non-avian species. However, some reluctance was expressed to expend resources, at this time, on a consultancy to assess the situation in this region, given that there were so few Parties. (It was suggested, though, that the small number of Parties may stem from the limited number of neotropical species in the Appendices.) It was recommended that the Secretariat, from available sources (i.e. ICBP, IUCN etc.) and assisted by Scientific Councillors, produce a provisional list of neotropical species for consideration for addition to the Appendices. The Scientific Council would then be requested to comment and provide its advice on whether more work was needed, for example, through a consultancy.

23. Dr. Phillips drew attention to the high incidental mortality of albatrosses in the southern oceans (one of which was listed in Appendix I) through long-line fishing.

24. The meeting then returned to the draft resolution attached as Annex I to document UNEP/CMS/Conf.3.1. Some minor changes were suggested to the wording of sub-paragraphs 3 (c) and (d), to reflect the meeting's recommendation to pursue work on sirenians, generally, and to continue to review the Appendices, but only as the need arises. It was agreed also that the need to examine the problem of artificial barriers to migration should be reflected in the resolution. The Secretariat was requested to draw up a list of issues to be considered in a preliminary paper on this subject, and to circulate it to Councillors for comment. Then, a preliminary review of the problem would be prepared, followed by case studies of various taxonomic groups. These changes are incorporated in the revised version of the draft resolution attached as Annex II to this paper.

(c) Conference appointees to Scientific Council

25. Having identified areas for future work under the Convention, the meeting considered what additional expertise on the Scientific Council was needed. It was pointed out that although Resolution 1.4 had allowed for eight Conference appointees, a maximum of four to five was desirable, for financial reasons. The Chairman noted continuity would be important for work on waterfowl and small cetaceans. The Scientific Council recommended the reappointment of Drs. Moser and Perrin, both of whom expressed their willingness to continue.

26. For its work on sirenia, it was agreed that it would not be necessary for the Conference to appoint a member of the IUCN/SSC Sirenia Specialist Group, after Dr. Phillips pointed out that Australia could liaise directly with its Chairman (an Australian, Dr. Helene Marsh). It was suggested that an expert could be co-opted to a working group later, if necessary. Dr. Georgina Mace, of the Zoological Society of London, was suggested as a Conference-appointed expert on North African mammals.

(d) Reports by Parties

27. A number of Councillors indicated that their reports on implementation of the Convention were or would soon be available.

28. There was general agreement that it had been useful to have a format to follow when writing the report, however, there was some uncertainty as to how much detail to include under certain sections (for example, on research undertaken and on implementing legislation). In response to a comment from

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the Secretariat, it was suggested that Parties use Format A (the full report) this time, even if they had submitted reports in the past, since the older reports were not likely to contain all of the information requested in the new formats. Further, it was suggested that Format A, Item III and Format B, Item IV, relating to national research be split into three components: survey, monitoring, and research. On legislation, it was suggested that the title of the legislation and an indication of whether or not it was specific to migratory species was adequate, to allow someone to follow up if so desired, and that it would be useful to list new regulations in the updated reports. The Scientific Council recommended that the Conference adopt these formats for the guidance of all Parties, but indicated that a formal resolution to this effect would be premature.

(e) *Measures under Article IV of the Convention*

29. The meeting considered document UNEP/CMS/Conf.3.14.3, containing information on the various Agreements concluded or under development.

(i) Concluded

30. The Coordinator advised that the agreement on Wadden Sea seals, between Denmark, Germany and the Netherlands, would enter into force on 1 October 1991.

(ii) Pursuant to Resolution 1.6

31. The respective focal points for the Agreements briefed the meeting on latest developments.

32. The Chairman, as focal point for the AGREEMENT on bats in Europe, explained that a text had been circulated to all Range States for comment, followed by a revised final draft. It was planned to have a meeting of Range States in conjunction with the Conference, in order to come to agreement on its content. It was hoped that a signing ceremony would take place in London in November 1991.

33. Dr. Devillers indicated that the status of the white stork AGREEMENT was essentially unchanged. A technical meeting had been held in Metz in June, and another was planned in conjunction with the Conference. It was now felt that a potential difficulty in implementing the AGREEMENT had been overcome, with the discovery of ways to deal with the problem of overhead cables, other than burial, at relatively low cost.

34. The Netherlands Government had submitted a draft Western Palearctic Waterfowl AGREEMENT and management plan to the EEC Commission. The EEC had not yet obtained a negotiating mandate from its Council.

35. Dr. Edelstam reported that it was hoped that the few outstanding problems related to the Baltic and North Sea small cetaceans agreement could be resolved before the proposed signing ceremony scheduled for 12 September 1991. He drew attention to a new issue that had arisen with the recent independence of the Baltic States of Estonia, Latvia and Lithuania. Although it would be desirable for them to be Parties to the agreement, they were not in a position to share in the administrative costs.

(iii) Pursuant to Resolution 2.3

36. The Coordinator reported that a draft agreement on small cetaceans in the Mediterranean and Black Seas had been prepared, covering 6 of the 28 species/populations identified by the Scientific Council in its global review of small cetaceans. The text had arisen from a meeting of the secretariats of the Barcelona, Bern and Bonn Conventions, Greenpeace International and IUCN; and is contained in a Conference document submitted by the Council of Europe (UNEP/CMS/Conf.3/INF.2).

37. The Coordinator then referred to a related draft resolution (UNEP/CMS/Conf.3.14.3 Addendum 1) the Secretariat had prepared for consideration by the Scientific Council. Among other things, the draft resolution sought the Conference's agreement to use the above-mentioned text as the basis for an agreement to be implemented under the Bonn Convention. Although it was generally felt that the Bonn Convention was a more appropriate vehicle than the Bern Convention, which had no obvious mechanism for agreements, the Chairman and several Councillors expressed reservation about seeking the endorsement of the Conference for an agreement the terms of which they had not had an opportunity to consider fully. It was suggested that a more careful approach be taken, as had been the case in the past, whereby attention would be drawn to the draft legal instrument in a preambular paragraph, and Range States would be encouraged to conclude agreements under the Convention for small cetaceans. Accordingly, the draft resolution was revised and is attached as Annex IV to this report.

38. The Chairman pointed out that if the Conference agreed to add species/populations of small cetaceans to Appendix II, this should be seen as a prelude for the conclusion of Agreements for their conservation. Freshwater dolphins were considered priorities in this regard, as had been noted in previous meetings. The Council concluded that its small cetaceans working group should continue its work. The Chairman suggested that, while consideration had been given to achieving global representation in its membership, it may be desirable to change the balance somewhat depending on the particular region under consideration.

(iv) Others

39. There was no new information on Agreements being developed on the houbara bustard or great bustard.

40. The representative of the Secretariat introduced document UNEP/CMS/ScC/3.4.4, a draft agreement on the conservation of Asian waterfowl, prepared at the request of the Council for discussion at an IWRB symposium to be held in Karachi, Pakistan from 14 to 20 December 1991. The main body of the draft agreement incorporates general conservation measures, with more specific initiatives to follow in regional action plans annexed thereto. Councillors were requested to provide their comments to the Secretariat by 25 October. The meeting agreed that it would be helpful to constitute a working group on this Agreement which would meet for the first time in association with the Karachi symposium. Councillors were asked to give their suggestions for its membership as soon as possible.

41. It was agreed that Dr. Moser should serve as the focal point for the Asian waterfowl agreement, for purposes of convening a first meeting of the working group, but that if the working group were to continue, it may be preferable for a focal point to be chosen from a Party.

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42. Dr. Moser indicated that the development of the draft agreement was very timely, as it relates to other work that is to be undertaken next year. More generally, he stated that consideration should be given now on how best to incorporate management prescriptions for single species into broader agreements, so as to avoid a proliferation of less comprehensive accords. Dr. Phillips gave details of several bilateral agreements in the Oceania/Australasian region, and suggested that the draft agreement ought to cover that region as well, since interest had been expressed in the region for a multilateral approach, which offered advantages over the proliferation of bilateral accords.

43. Dr. Wilson advised the meeting that Ireland is working on a flyway management plan with four Range States for the Greenland white-fronted goose, and that a meeting will be held next year. This might ultimately be incorporated into the Western Palearctic Waterfowl Agreement.

(v) Draft Conference resolution

44. The Coordinator introduced the draft resolution attached as Annex I to document UNEP/CMS/Conf.3.14.3, concerning *inter alia* the scope of agreements concluded under Article IV, paragraph 4. It was pointed out that there may be biological and political reasons why it would be useful for an agreement to cover only a subgroup of Range States, and that Article IV, paragraph 4, agreements should not necessarily be viewed as a first step towards the conclusion of AGREEMENTS under Article IV, paragraph 3.

45. The Secretariat was asked to draft alternative text for paragraph 3 using more positive language, and this is attached as Annex V to this report.

(f) *Proposals for amendments to Appendix I and II to the Convention*

(i) Arising from the work of the Scientific Council

46. The Chairman pointed out that there was no need to discuss the proposals submitted by India, Pakistan and Norway, as they had arisen directly from the recommendations of the Scientific Council. However, with respect to a number of proposed deletions from Appendix I put forward by Norway, Dr. Devillers drew the meeting's attention to new material offered by ICBP which cast some doubt on their conservation status. It was suggested that the scientific justification for such proposed deletions needed examination before the Scientific Council could support such proposals. The Chairman pointed out that the Scientific Council had not formally recommended such deletions but, at its second meeting, had recommended that the Conference or the Parties consider the six species in question for deletion. Norway had given the Conference the opportunity to make such a consideration. The case for deletion was a consequence of applying technical guidelines adopted by the Conference in Resolution 2.2 and so there was no requirement to present a supporting scientific case.

47. In light of the concerns about the uncertain status of these species that had been expressed at this meeting, the Scientific Council concluded that it was unable to support the proposals for deletion.

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(ii) Other proposal(s)

48. With regard to the proposal of Ireland to list *Sterna dougallii* in Appendix II, Dr. Phillips indicated that there was an Australian subspecies that was not threatened and may not be migratory. It was noted that the proposal as drafted related only to the Atlantic population and should be annotated to this effect. Such an amendment could be moved by a Party during this conference. The Scientific Council then endorsed the proposal as it relates to the Atlantic population.

(g) *Listing of species in the Appendices of the Convention*

49. The Coordinator introduced document UNEP/CMS/Conf.3.13, which includes, in Annex 2, a draft resolution incorporating various suggestions agreed upon by the Council at its second meeting. The Council endorsed the draft resolution.

AGENDA ITEM 5: FURTHER MATTERS FROM THE SECOND MEETING OF THE SCIENTIFIC COUNCIL

(a) *Nominations for Chairman*

50. Although no further action could be taken on this point until the Conference appointees had been chosen, the Coordinator described briefly the postal vote procedures to be followed shortly thereafter. The Chairman announced his willingness to stay on until a new Chairman had been elected, which hopefully would be before the end of the year. The desirability for the Chairman to be from a Party, rather than a Conference-appointee, was expressed, to facilitate the carrying forward of Council recommendations to the Conference.

(b) *Additional information on species identified for possible amendment of Appendices listing*

51. Discussion of this item appears in paragraph 18 of this report.

(c) *Information on species identified for possible listing in the Appendices*

52. Discussion of this item appears in paragraph 18 of this report.

(d) *Obstacles preventing or impeding migration*

53. Discussion of this item appears in paragraph 24 of this report.

AGENDA ITEM 6: DATE AND VENUE OF THE FOURTH MEETING OF THE SCIENTIFIC COUNCIL

54. The Chairman reminded the meeting that the Council is supposed to meet in connection with the meeting of the Conference of the Parties. He noted that it had been necessary to hold the second meeting earlier in the triennium in order to formulate advice on which Parties could act before the deadline for submission of proposals for consideration of the Conference of the Parties. The Council agreed that provision should be made for it to have full meetings about 9-12 months before the next conference and again immediately before the conference. It was suggested that it would be helpful to Councillors to have French and Spanish translations of documents available prior to meetings, especially if budgetary constraints precluded simultaneous interpretation at the meetings themselves.

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AGENDA ITEM 7: OTHER BUSINESS

55. The Councillors endorsed Dr. Wolff's expression of thanks to the Chairman for his role in shaping the Scientific Council, paying particular tribute to his comprehension of both the biological and legal aspects of the work.

AGENDA ITEM 8: CLOSURE OF THE MEETING

56. There being no further items for consideration, the Chairman closed the meeting.

Annex I

AGENDA

1. Opening of the meeting.
2. Adoption of the agenda.
3. Reports:
 - (a) Report of the Chair;
 - (b) Report of the Secretariat.
4. Matters to be discussed at the third meeting of the Conference of the Parties;
 - (a) Funding and role of the Scientific Council;
 - (b) Future work programme;
 - (c) Conference appointees to Scientific Council;
 - (d) Reports by Parties;
 - (e) Measures under Article IV of the Convention;
 - (i) Concluded;
 - (ii) Pursuant to Resolution 1.6;
 - (iii) Pursuant to Resolution 2.3;
 - (iv) Other;
 - (v) Draft Conference Resolution.
 - (f) Proposals for amendments to Appendices I and II to the Convention
 - (i) Arising from the work of the Scientific Council;
 - (ii) Other proposal(s);
 - (g) Listing of species in the Appendices to the Convention.
5. Further matters from the second meeting of the Scientific Council:
 - (a) Nominations for Chairman;
 - (b) Additional information on species identified for possible amendment of listing in the Appendices;
 - (c) Information on species identified for possible listing in the Appendices;
 - (d) Obstacles preventing or impeding migration.
6. Date and venue of the fourth meeting of the Scientific Council.
7. Other business.
8. Closure of the meeting.

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Annex II

Draft Resolution

FUNDING AND ROLE OF THE SCIENTIFIC COUNCIL

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals,

Recalling that, pursuant to Article VIII of the Convention, the first meeting of the Conference of the Parties, through Resolution 1.4, established a Scientific Council and directed the Council to address a number of questions,

Noting with appreciation that the Council has now responded to the Conference of the Parties on those questions,

Bearing in mind that Article VIII, paragraph 5, of the Convention provides that the functions of the Scientific Council may include recommending research and the co-ordination of research on migratory species and evaluating the results of such research,

Aware that since 1985 funding has been included in the budget adopted by the Conference of the Parties to cover travel expenses for travel undertaken by the Chairman of the Standing Committee on behalf of the Conference of the Parties or on behalf of the Secretariat,

Further aware that in 1985 the Conference of the Parties directed the Secretariat to provide for payment of travel costs for representatives from least developed countries and in 1988 for representatives from developing countries to attend meetings of the Standing Committee,

1. Agrees that Scientific Councillors appointed by the Conference of the Parties shall be entitled to be observers at meetings of the Conference of the Parties;

2. Determines the following guidelines for the funding of the Council:

(a) The expenses of the members appointed by the Conference of the Parties in relation to attendance at meetings of the Council and its working groups must be met from the Convention budget as a high priority;

(b) Parties are expected to finance the expenses of their own nominees, except in case of:

- (i) The Chairman, in relation to travel expenses for travel undertaken as requested by the Conference of the Parties, the Scientific Council, or the Secretariat; and
- (ii) Members from developing countries, in relation to travel expenses for travel to meetings of the Scientific Council and, in particular, relevant working groups

when, on request, such expenses must be met as far as possible from the Convention budget.

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3. *Directs* the Scientific Council:

- (a) To recommend specific conservation measures for species listed in Appendix I, in order to enhance implementation of Convention Article III, paragraph 4;
- (b) To recommend conservation and management measures to be included in AGREEMENTS for species listed in or recommended for listing in Appendix II;
- (c) In preparing recommendations with regard to sub-paragraph (b) above, to give priority in the first instance to sirenians and to migratory land-based mammals in North Africa, the Arabian peninsula and southern Asia;
- (d) To keep under review, as the necessity arises, the existing list of species in the Appendices;
- (e) To provide advice on further species to be added to the Appendices, giving particular attention to neotropical species;
- (f) To identify and recommend any areas of research required to ascertain the conservation status of migratory species which are listed in the Appendices or are candidates for such listing;
- (g) To undertake a preliminary review, with case studies, of the impact of artificial barriers to migration.

Annex III

Draft Resolution

STATUS REPORTS FOR APPENDIX I SPECIES

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals,

Recalling that, pursuant to Article VII of the Convention, the Conference of the Parties may review and assess the conservation status of migratory species and the progress made towards their conservation,

Appreciating the importance of having access to and sharing current information on the endangered species listed in Appendix I, for the purpose of recommending actions to benefit those species,

Recognizing the relevance of reports prepared by Parties, pursuant to Article VI of the Convention, on measures they are taking to implement its provisions,

1. *Decides* to establish a formal review process, at each meeting of the Conference of the Parties, for a selected number of species listed in Appendix I, with a view to recommending initiatives to benefit those species;
2. *Directs* the Secretariat to co-ordinate the preparation of status reports for species identified by the Conference, incorporating the information included in the annex to this Resolution; the Secretariat shall be assisted in this task by the Scientific Council and other bodies, as may be necessary;
3. *Urges* Parties to co-operate fully in providing the information needed to compile the species status reports;
4. *Instructs* the Secretariat and the Scientific Council to encourage and assist Parties to take concerted actions to implement the provisions of the Convention, where possible through existing instruments of bilateral or multilateral co-operation;
5. *Requests* the Secretariat to draw to the attention of Parties matters of importance to the conservation of species listed in the Convention appendices, including those arising from the preparation of the status reports, either at meetings of the Conference of the Parties or, if appropriate, intersessionally.

Annex to the draft resolution

Information for inclusion in species status reports

1. Taxonomy
 - 1.1 Specific taxonomy
 - 1.2 Common name(s)
2. Biological data
 - 2.1 Distribution (current and historical)
 - 2.2 Habitat
 - 2.3 Population estimates and trends
 - 2.4 Migratory patterns
3. Conservation status, by Party
4. Actual and potential threats
 - 4.1 Habitat degradation/loss
 - 4.2 Exploitation: direct and incidental (including flag vessels, where applicable)
 - 4.3 Other threats
5. Legislation
 - 5.1 International
 - 5.2 National
6. Conservation measures, by Party
 - 6.1 Prohibition of taking, including any exceptions (grounds for exception, duration, analysis of effects)
 - 6.2 Conservation/restoration of habitat
 - 6.3 Mitigation of impediments to migration
 - 6.4 Regulation of other detrimental factors
 - 6.5 Further measures
7. Research activities
 - 7.1 Governmental
 - 7.2 Non-governmental
8. Needs and recommended actions
 - 8.1 Legislative
 - 8.2 Conservation measures
 - 8.3 Research and monitoring
 - 8.4 Other
9. Additional remarks
10. References

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Annex IV

Draft Resolution

SMALL CETACEANS

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals,

Acknowledging that the Scientific Council's report on the global review of the conservation status of small cetaceans provides a detailed basis for conservation measures to be included in agreements for the species and populations identified for listing in Appendix II,

Recalling that Resolution 2.3 adopted by the second meeting of the Conference of the Parties instructed the Secretariat and Standing Committee to envisage and facilitate agreements between Range States for such species,

Noting that under the auspices of the Convention on the Conservation of European Wildlife and Natural Habitats a technical report and draft agreement concerning small cetaceans in the Mediterranean and Black Seas and contiguous waters prepared by Greenpeace International has already been discussed with the secretariats of the Convention for the Protection of the Mediterranean Sea Against Pollution and this Convention and with IUCN - the World Conservation Union,

Noting that the draft legal instrument on the conservation of small cetaceans of the Mediterranean and the Black Seas and contiguous waters prepared by Greenpeace International could be used as a basis for an agreement under the Convention, to be implemented in cooperation with the Convention for the Protection of the Mediterranean Sea Against Pollution and in consultation with the Convention on the Conservation of European Wildlife and Natural Habitats,

1. *Urges* Parties that are Range States for the species and populations of small cetaceans listed by the Conference in Appendix II of the Convention, to give priority to concluding agreements for their conservation;
2. *Urges* Range States to collaborate, under the sponsorship of a Party Range State, to conclude an agreement under the Convention for the Conservation of Small Cetaceans of the Mediterranean and Black Seas;
3. *Directs* the Secretariat to assist Parties in these endeavours.

Annex V

Draft Resolution

IMPLEMENTATION OF ARTICLE IV, PARAGRAPH 4, OF THE CONVENTION

The Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals,

Considering Resolutions 2.6 and 2.7 of the second meeting of the Conference of the Parties,

Recognizing that, based on experience since the second meeting of the Conference of the Parties, further guidance and clarification with respect to agreements concluded pursuant to Article IV, paragraph 4, is desirable,

1. *Understands* that Article I, paragraph 1(j) refers to AGREEMENT(s) concluded in accordance with the basic principles governing such instruments as included in Article IV, paragraph 3, and Article V;

2. *Agrees* to apply *mutatis mutandis* the principles of Articles IV, paragraph 5, Article VII, paragraph 5(d), and Article IX, paragraphs 4(b) and (h), to instruments concluded under Article IV, paragraph 4, of the Convention;

3. *Agrees* that, while it should generally be the goal for agreements concluded under Article IV, paragraph 4, to cover the whole of a range of the migratory species and be open to accession by all Range States, this is not necessary if this would adversely affect the conclusion or implementation of such an agreement under the Convention;

4. *Recognizes* that, while in some cases such agreements may be established as a first step towards conclusion of AGREEMENTS under Article IV, paragraph 3, in other cases this may not be appropriate.

Annex VI

Attendance list, Scientific Council Meeting,
8 September 1991

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ANNEX II

Revised Standard Formats for Reports by Parties

A. *Format A*

OUTLINE FOR INITIAL COMPREHENSIVE REPORT BY PARTIES ON
ACCESSION TO THE CONVENTION

I. General information, including:

- Name of Party
- Date of the report
- Period covered by the report
- Entry into force of the Convention for the Party
- Territory to which the Convention applies, including dependent territories
- Reservations:
 - Under Article XIV: in respect of species already listed in the Appendices
 - Under Article XI: with regard to amendment of the Appendices
- Appointment to the Scientific Council: name; address; and telephone, telex and telefax numbers
- Designated focal point: name; address; and telephone, telex and telefax numbers
- Membership of the Standing Committee (if appropriate)

II. Implementation of the Convention

1. Legislation¹ through which the Convention is implemented, including:

- Sources of law
- Competent authorities

2. Species listed in Appendix I

(a) Species for which the Party is a Range State, including dependent territories, and information on flag vessels which are engaged outside national boundaries in taking these migratory species;

(b) Population size and trends for species; if appropriate, relevant data on previous and present levels;

(c) Measures which have been taken in accordance with Article III(4), including: conservation/restoration of habitats, amelioration of impedance to migration and of factors endangering the species;

¹ Title, number, date of adoption of the law.

(d) Measures which have been taken in accordance with Article III(5), taking of animals, including:

- Prohibition of taking (national legislation)²;
- Exceptions (ground for exceptions, period of exceptions, legislation and statistics);

(e) Additional measures taken and activities, for example, under other Conventions or within regional economic integration organizations.

3. Species listed in Appendix II:

(a) AGREEMENTS/agreements to which it is a Party or Signatory in accordance with Articles IV(3) and IV(4);

(b) Implementation of AGREEMENTS under Article V, including:

- Implementing authority;
- Measures taken in accordance with the provisions of these instruments;
- Progress made with regard to the conservation status of the species concerned and relevant data concerning changes in the population of the species;
- General difficulties experienced with regard to implementation;

(c) Draft AGREEMENTS/agreements, including participation, political efforts to conclude these instruments, research projects, working groups, problems, progress;

(d) Implementation of agreements;

(e) Additional measures, as under 2(e) above.

4. Any further action taken by the Party as a result of resolutions adopted by the Conference of the Parties.

III. List of national activities relating to species listed in Appendices I and II and other migratory species (Article II(3a)):

- (a) Surveys;
- (b) Monitoring;
- (c) Research.

IV. Any other comments

² Details and description of legislation.

B. *Format B*

OUTLINE FOR UPDATING REPORTS BY PARTIES TO EACH MEETING
OF THE CONFERENCE OF THE PARTIES

- I. General information
- Name of Party
 - Date of the report
 - Changes regarding:
 - Inclusion/exclusion of dependent territories;
 - Reservations;
 - Appointment to the Scientific Council;
 - Designated focal point;
 - Membership of the Standing Committee, if appropriate.
- II. Measures taken to implement decisions of the previous meeting of the Conference of the Parties
1. Concerning species added to Appendix I
 - (a) Species for which the Party, including its dependent territories, is a Range State and information on flag vessels which are engaged outside national boundaries in taking these migratory species;
 - (b) Population size and trends for species; if appropriate, relevant data on previous and present level;
 - (c) Measures taken in accordance with Article III(4), including conservation/restoration of habitats, amelioration of impedance to migration and factors endangering species;
 - (d) Measures taken in accordance with Article III(5), taking of animals, including:
 - Prohibition of taking (legislation);
 - Exceptions (grounds for, period of, legislation, statistics).
 2. Concerning species added to Appendix II:

Steps towards or conclusion of AGREEMENTS under Article IV(3) and agreements under Article IV(4), together with details concerning AGREEMENTS, as specified in Article V.
 3. Actions taken to implement other resolutions of the Conference of the Parties.

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- III. Other changes with respect to the implementation of the Convention:
1. Changes regarding national legislation and competent authorities.
 2. Concerning species listed in Appendix I:
 - (a) Changes regarding "Range State";
 - (b) Measures which have been taken in accordance with Article III(4) since the last report;
 - (c) Exceptions made with respect to Article III(5) since the last report;
 - (d) New additional measures taken and activities, for example, under other Conventions or within regional economic integration organizations.
 3. Concerning species listed in Appendix II:
 - (a) New Party to AGREEMENTS/agreements (Articles IV(3) and IV(4));
 - (b) Progress in the implementation of AGREEMENTS (Article V(5));
 - (c) New draft AGREEMENTS/agreements;
 - (d) Progress in the implementation of agreements;
 - (e) New additional measures as under 2 (d).
 4. Any further new action taken by the Party as a result of resolutions of the Conference of the Parties.
- IV. Updated list of national activities relating to species listed in Appendices I and II and to other migratory species (Article II(3a)):
- (a) Surveys;
 - (b) Monitoring;
 - (c) Research.
- V. Any other comments.

ANNEX III

*List of documents before the Third Meeting of the
Conference of the Parties*

UNEP/CMS/Conf.3.1	Provisional agenda
UNEP/CMS/Conf.3.3	Adoption of Rules of Procedure
UNEP/CMS/Conf.3.10	Organization of work and establishment of sessional committees
UNEP/CMS/Conf.3.11	Report of the Secretariat
UNEP/CMS/Conf.3.13	Report of the Scientific Council
UNEP/CMS/Conf.3.14.2	Reports by Parties
UNEP/CMS/Conf.3.14.3	Measures under Article IV of the Convention
UNEP/CMS/Conf.3.14.4	Additional measures to improve the conservation status of migratory species
UNEP/CMS/Conf.3.15	Proposals for amendments to Appendices I and II
UNEP/CMS/Conf.3.16	Financing support for the Convention
UNEP/CMS/Conf.3.16.1	Draft resolution on financial and budgetary matters
UNEP/CMS/Conf.3.17	Report on errors in the Convention text
UNEP/CMS/Conf.3.18	Institutional arrangements
UNEP/CMS/Conf.3.19	Date and venue of the fourth meeting of the Conference of the Parties to the Convention
UNEP/CMS/Conf.3.INF.1	Conservation of the Slender-Billed Curlew (<i>Numenius tenuirostris</i>) (English only)
UNEP/CMS/Conf.3.INF.2	Working Group on Small Cetaceans in the Mediterranean (English only)

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