



FOURTH MEETING OF THE STANDING COMMITTEE
20 - 21 November 2006, Bonn, Germany

**DRAFT REPORT OF THE THIRD MEETING OF THE STANDING
COMMITTEE**

1. Opening

The Chairman of the Standing Committee, Mr Emmanuel Severre, opened the meeting and, having welcomed the participants, gave the floor to Mr Jochen Flasbarth of the Federal Ministry for Environment, Nature Protection and Reactor Safety. He stated that Germany was honoured to host the meeting and regarded AEWA as an important partner in its efforts to halt the loss of biodiversity, bringing together as it did the African and European continents in a common cause.

The Executive Secretary, Mr Bert Lenten thanked Germany/the Ministry for its support in once again hosting a meeting of the Standing Committee, and for its recent generous financial contribution to the GEF project.

2. Adoption of the Rules of Procedure

Mr Lenten introduced Document StC 3.2 and asked for comments.

Mr Severre requested that Rule 8 should begin with the words "It performs the functions of a bureau" rather than "It acts as".

The Chairman of the Technical Committee, Mr Yousoof Mungroo, requested that for clarity the term "presiding officer" in Rules 21 and 23 should be replaced by "Chair of the Meeting of the Parties".

The meeting adopted the Rules of Procedure with these changes.

Mr Hagemeyer stressed that role of the StC versus the TC and *vice versa* should be clarified in the Rules of Procedure of StC and TC. Bert Lenten promised to compare these Rules of Procedure and to harmonize them.

3. Adoption of the Agenda and Work Programme

Mr Severre requested that Item 22b be dealt in the afternoon of the first day in the presence of the Executive Secretary of CMS. The Meeting agreed with this and document StC 3.3. was adopted.

4. Admission of Observers

Mr Lenten announced that two Contracting Parties, namely France and the United Kingdom, had sent observers, as had Wetlands International, and that the Chairman of the Technical Committee was also present. In addition representatives from the extended UNEP "family", namely UNEP/ASCOBANS, UNEP/EUROBATS, UNEP/CMS, UNEP/DEC and UNEP/WCMC, would attend the meeting.

5. Adoption of the draft Report of the second meeting of the Standing Committee

Mr Lenten introduced document StC 3.4. Ms Jasmin Kanza, CMS, asked for an addition to paragraph 3 on page 5 in line with Resolution 2.7, which states that commitments may only be made if covered by sufficient income.

As no other amendments were requested the report was adopted and Mr Severre thanked the Secretariat team for a good report.

6. Reports from the Standing Committee members and observers

Ms Atena-Adriana Groza had nothing to report from the European and Central Asian region, but stated that Romania had meanwhile identified all likely Special Protected Areas under the Birds Directive, and that around 30% of the country would be SPA sites. She also reported that implementation of the action plans for *Branta ruficollis* and *Pelecanus crispus* was imminent.

Mr Charles Mdoe reported that a waterbird count had been conducted in January 2005 with the participation of experts from many countries and international organisations. Research was also being done at the Malagarasi Muyovozi Ramsar site on the Shoebill stork and the Wattled crane, prior to preparing action plans for these two species.

Mr Andrew Williams reported from the UK that in cooperation with other EU countries work, including aerial surveys, had been done on seabirds and sea ducks, and that population estimates for these species were currently being revised in the light of the results; these would be available online in due course.

Species action plans were bearing fruit, with increasing numbers of corncrakes and bitterns evident after a long period of decline. Mr Williams also reported that Scotland had meanwhile followed Wales and England in banning the use of lead shot.

Mr Jacob Duer read a message from Bakari Kante, the new acting Director of the UNEP Division of Environmental Conventions, in which he conceded that in the past UNEP had not always provided the support AEWA had expected. He looked forward to improving that situation by delivering substantive administrative support, but also hoped activities could be identified that might benefit from financial assistance.

Regarding the extension of the AEWA area, Mr Kante expressed the hope that the meeting would take action to lead to an early decision on this issue, and that any decision would be taken in collaboration with CMS and other relevant parties.

7. Report of the Depositary

On behalf of the Depositary, Mr Jan-Willem Sneep presented Document StC 3.5, which showed a growth in the number of Contracting Parties from 17 to 49 in ten years. Libya had been the 49th Party to accede, but more accessions were in the pipeline. He congratulated the Secretariat on producing a publication on how to become Party to AEWA, and suggested that this should be distributed in the regions.

8. Report of the Technical Committee

Mr Mungroo presented his report (Document StC Inf. 3.1), which focussed on TC6. At that meeting several documents had been finalised for transmission to MOP3 through the Standing Committee, as follows:

Document StC 3.6 (Amendments to the Rules of Procedure for TC meetings), had now been

finalised. Rule 3 had been deleted because it was felt that Rule 17 already covered this point. This document was approved.

The proposals for reducing costs related to TC meetings (Document StC 3.7) were discussed at some length. The outcome of the discussion was that the Meeting agreed to reduce the number of TC meeting from three to two and to hold a workshop intersessionally. However the Meeting was unable to agree that TC documents should only be presented in English or that the only working language at TC meetings should be English. The Secretariat was requested to amend the proposal accordingly. The meeting agreed that the revised document should be submitted to MOP3 for formal adoption.

Regarding Draft Resolution 3.1 (Closure of the Register of International Projects), Mr Mungroo pointed out that this would be a temporary measure only, and that the register would be substituted by the online national reporting facility once it was in place.

The meeting agreed that document StC 3.8 (Guidelines for Determining Priorities for Financial Support) would be submitted to MOP3 for adoption.

The meeting made some modifications to document StC 3.9 (Proposal for Guidance on Definition of the Long-term decline of Waterbird Populations) to correctly reflect the outcome of the discussion during TC6. The meeting approved the submission of the revised version to MOP3.

Mr Sergey Dereliev explained that document StC 3.10 and Draft Resolution 3.11 (Revision 1) were intended to formalise the process on which Wetlands International was already working. The update should be conducted at regular intervals, and Contracting Parties were requested to provide financial support for this task.

The content of the report of the TC Chair (document StC Inf. 3.2) was approved; its format, however, would be changed as discussed at TC6.

9. Report of the Secretariat

Mr Lenten introduced document StC 3.11, which had been updated after TC6. Regarding recruitment, the only matter still pending was his own post, and he hoped the deadline of August 2005 could be met.

Responding, Mr Rob Hepworth gave his undertaking that an attempt would be made to conclude this issue as soon as possible within the correct UNEP procedures and processes, and considering the advice he was required to take from Nairobi. Since his arrival he had concentrated on filling the vacant posts in the Administration and Fund Management Unit, and was now moving on to regularising the situation in the collocated secretariats.

Mr Severre recalled that the Standing Committee had written to Executive Director of UNEP on this subject, but had received no reply to date. He hoped the information Mr Hepworth had just given could be relied upon.

Mr Williams expressed his disappointment that the meeting between CMS, AEWa and Ramsar, suggested 14 months before, had still not taken place.

Mr Lenten responded that this had been postponed pending the arrival of the new CMS Executive Secretary. As both secretariats were now busy with preparations for COP and MOP; the meeting should now take place next year.

Mr Williams asked about the Secretariat's activities on the GEF project, which were not mentioned in the report. Mr Lenten responded that this was not an AEWA project, but that AEWA was of course doing its best to facilitate it.

Mr Ward Hagemeyer took the opportunity to congratulate AEWA on its achievements in its first ten years. It had done a great deal for waterbird conservation and its true flyway conservation approach was the best of its kind. He expressed all thanks to Bert Lenten, Sergey Dereliev and supporting staff. Looking ahead, he felt that implementation of the Agreement was becoming increasingly important, and Wetlands International was proud to contribute to this through the GEF project - which will start this year – and looked forward to many more years of cooperation.

Mr Hepworth confirmed that the GEF project was indeed only weeks away from initiation, following unfortunate delays. Although implementation was being done outside AEWA, the political importance for the CMS family of this largest-ever project should not be underestimated.

10. Implementation of the International Implementation Priorities 2003-2007

The meeting noted the information contained in document StC 3.12, which showed progress made as of May 2005.

Mr Lenten reported that the funds so far accrued were very satisfactory, but more money was still required if all 41 priorities were to be implemented.

11. Update of the African-Eurasian Flyways GEF Project

Mr Hagemeyer gave an oral report on the GEF Project and how it was expected to progress. The original concept dated back to 1999, when Wetlands International had been given a PDF-B grant for its proposal, the full title of which was and is "Enhancing the conservation of the critical network of sites required by migratory waterbirds on the African-Eurasia Flyways" (or African-Eurasian Flyways Project). A grant had been received in 2000, and work commenced. Since then support had grown to include numerous partners and stakeholders, and in 2003 it had been submitted to the GEF Secretariat for approval as a full-sized project.

This would now start following endorsement by the GEF Chief Executive. This required the submission of all documentation in a specific UNEP format, and this lengthy exercise had now been completed. In the next step, the GEF Chief Executive would endorse and sign the project document, thus releasing funds for the project. It was expected that UNEP would need a further two months for internal development of contracts for subcontractors and management staff, so the launch was now being planned to coincide with MOP3 at the end of October 2005.

Asked whether Contracting Parties would be able to monitor progress, Mr Lenten replied that AEWA, as a major stakeholder, was a member of the steering committee and would certainly share the progress reports it received.

Mr Lenten also reported that AEWA was contributing the services of its new Junior Professional Officer, financed by the German government, who would develop a communication strategy to inform on progress. It was important to demonstrate AEWA's involvement in this major project, and no effort would be spared in this respect.

12. Implementation of the Agreement and Action Plan

a) National Reports

Mr Lenten reported that nine out of 49 Contracting Parties had delivered their national reports.

Some were still expected, but not all would be available in time for the Meeting of the Parties. Draft Resolution 3.2 was intended to urge Parties to submit these after MOP3.

Mr Lenten also outlined future plans for an online reporting system such as that developed for the Indian Ocean South East Asian Marine Turtle MOU (IOSEA) as presented by WCMC at STC2 and TC6.

The meeting discussed and approved various modifications to the text of Draft Resolution 3.3 before agreeing that it be submitted to MOP3 for adoption.

b) International reviews

Mr Lenten introduced document StC 3.13 and informed the Committee that only one of the seven international reviews listed was being undertaken due to lack of resources within the Secretariat. Some others were foreseen as part of the GEF project, but could not be reported on in time for MOP3 as required by the Action Plan.

Mr Williams expressed the UK's disappointment over this document. His government considered this baseline information was fundamental in order to judge progress.

Mr Lenten replied that although some of the missing reviews would be dealt with within the GEF project, others were a question of funding. For example the cost for the report on status and trends of populations had doubled in three years.

Mr Hagemeyer suggested that the AEWA budget should make provision for these reviews to be prepared and updated regularly.

The meeting agreed with Mr Williams suggestion that the Secretariat should prepare a document for presentation to MOP3 outlining ways to mitigate this situation in the future. The paper should identify the budget implications, e.g. the cost of hiring consultants, and include a timeline to ensure that the reviews would be available for MOP4, having previously been approved by the TC and Standing Committee. MOP3 should decide how to proceed on the basis of this document.

13. Administrative and financial matters

Mr Lenten presented document StC 3.14, *Report on Income and Expenditures for 2004*. Referring to Annex 1, the so-called core budget, he pointed out that some budget lines had been overspent, e.g. for salaries, due to the fall in the US Dollar exchange rate, whereas others had been underspent, resulting in an overall surplus of USD 22,000 instead of the shortfall of USD 50,000 predicted in 2004. Any amounts not spent in 2004 were carried forward into the following year.

Annex 2 showed the so-called counterpart contributions, i.e. additional funds from governments, usually earmarked for specific projects. Here again, any amounts unspent at the end of 2004 would be carried forward into 2005.

Annex 3 was an overview of contributions received. This was not entirely up to date and many countries had now paid their outstanding contributions or were expected to do so shortly.

Turning to document StC 3.15, *Allocation of funds accrued through contributions of new Contracting Parties*, Mr Lenten explained that since January 2003 contributions received from new parties acceding to the Agreement in mid-triennium could be used to fund additional projects. The Standing Committee was requested to decide on the allocation of these funds annually. A large sum having been allocated in 2004, the Secretariat proposed postponing a decision on the

remainder for 2005 until the coming year, if MOP3 decided to continue with this arrangement.

The meeting agreed to this proposal.

14. Institutional matters

a) Institutional Arrangements: Technical Committee

Discussion on this item was postponed until the Committee had dealt with item 22a (Central Asian Flyway). Returning to this item, and in the light of that discussion, it was proposed that consideration of document StC 3.16 and Draft Resolution 3.4 regarding institutional arrangements for the Technical Committee be postponed, pending advice from the working group established to investigate the CAF issue. The Secretariat would communicate with the Standing Committee by e-mail on this subject in due course.

b) Institutional Arrangements: Standing Committee

On the subject of institutional arrangements for the Standing Committee (document StC Inf 3.5) and Resolution 2.6 adopted at MOP2, Mr Lenten reminded the meeting that that MOP3 would be required to elect new members of the StC.

The meeting did not consider that the resolution needed revision.

c) Cooperation with other bodies and processes

Mr Lenten reported that there was currently cooperation between CMS and UNCCD on desertification, and AEWA was involved in identifying a pilot project in Africa to see how UNCCD/CMS and AEWA focal points could cooperate at national level. There were also joint programmes with Ramsar and Wetlands International, and he welcomed the idea of cooperating with other organisations in the future; however, this again depended on time and capacity available.

15. Draft Communication Strategy for the Agreement

Referring to document 3.17, Mr Lenten reminded the meeting that SPAN Consultants had presented this document at StC 2; it had now been amended to incorporate the comments made at that meeting.

As no further comments were forthcoming, the Standing Committee approved the document as tabled.

The meeting reviewed Draft Resolution 3.5 and, having suggested four amendments to the text, approved it for submission to MOP3.

Mr Hagemeyer made the general point that the budgetary consequences of any draft Resolutions should be made clear to MOP3. Mr Lenten replied by saying that this could certainly be done, but that he hesitated to put figures in the Resolution. An option could be to group the different activities in the draft Budget Proposal to make clear how much would be allocated in the core Budget for these specific activities. The missing funds should come from voluntary contributions.

The Chairman, summarising the discussion, stressed that a Strategic Plan was urgently needed to clarify how funds were used from a strategic point of view.

16. Draft Budget proposal for 2006-2008

Mr Lenten introduced document StC 3.18, which had already been discussed at last year's meeting. This was a budget based on the activities approved in the previous triennium, and was a combination of the core budget and contributions from new Contracting Parties.

At MOP2, Germany had asked for the budget not to be increased at that time, so some core budget activities had been moved to be covered by contributions from new Contracting Parties. However, this procedure was only a short-term solution. For the long run a more sustainable solution was needed. To avoid reduction of activities the Secretariat had merged the core budget with contributions from new contracting parties, to arrive at an average increase of 15.8% for the draft Budget in USD.

As previously discussed, the Secretariat intended to present both a Euro and a US Dollar version of the budget to MOP3; he himself was in favour of a Euro budget, which he felt would avoid many of the problems currently being encountered.

Mr Lenten then went through the budget line by line.

Opening the ensuing discussion, Mr Charles Mdoe appreciated the problems that had arisen due to the change in exchange rate, which meant that some activities could not be implemented because of lack of funds, and asked if there was a provision to revisit the budget and request additional funding in this case.

Mr Lenten responded that it was not permissible to spend more money than was available. For example, if more was required for salaries, less would be available for activities, and surpluses in one budget line were used to compensate for losses elsewhere.

Mr Hagemeyer pointed out that the amount in budget line 1220 (Consultancies for MOP) was not sufficient to cover the costs of preparing the seven reviews as discussed earlier in the meeting.

Mr Lenten confirmed this and declared that he welcomed any suggestions in this respect. However he stressed that he had juggled with the figures and that there was very limited flexibility in the current proposal to allocate more funds to this activity without cutting down on other activities.

Mr Williams reiterated that the reviews were recognised as obligatory. He proposed preparing a paper laying out various options on this issue for submission to MOP3.

Mr Duer pointed out some inconsistencies in the text, which he would submit to the Secretariat in writing.

Mr Joachim Schmitz thanked the Secretariat for this presentation and voiced some general comments:

Annex 1 indicated an increase of 15.8%, but Germany's contribution would rise by more than 33%, and he would appreciate the assistance of the other Parties in finding ways to save. He also felt that contributions from new Contracting Parties should be used partly to reduce contributions, rather than entirely for projects.

Jasmin Kanza mentioned that Contracting Parties could consider reducing the Trust Fund reserve from 50 % of the annual costs as agreed at MOP1 to a level of only 15 %. If this were done, more funds might be available to reduce the costs to be shared by Contracting Parties.

Also, the budget indicated an increase of up to five new staff by 2012, and this should perhaps be reconsidered in view of the salary implications.

The Secretariat promised to look at all comments made and to revise the text where appropriate. Furthermore, where appropriate more information would be included to justify the assumptions made by the Secretariat when drafting the budget proposal and the Medium Term Plan.

Summing up, the Chairman noted that the Secretariat would consider the issues brought up in this discussion, and the meeting agreed to approve this document on the understanding that these modifications would be made.

Mr Lenten then turned to Draft Resolution 3.6, which also required the Committee's approval before being presented to MOP3. In it the minimum contribution from Contracting Parties had been changed from 100 USD to 100 Euros.

Mr Duer suggested that, although funding for the JPO might be extended for two or even three years, nevertheless the salary for the P2 Associate Information Officer should appear in the budget as from mid-2007 rather than 2008. This should also be reflected in the text of the resolution. He also requested that paragraph 11 should read: "approves the establishment of the following ...", deleting the words "and upgrading".

The meeting agreed that Draft Resolution 3.6 could be transmitted to MOP3 once it had been amended in line with the modifications to the budget document StC 3.18 as discussed.

17. Proposal for the development of a Strategic Plan for the Agreement

Mr Lenten introduced document StC Inf. 3.6 (a draft of the strategic plan currently being developed for CMS) and Draft Resolution 3.7. TC6 had requested that such a plan be developed for AEWA, and the Standing Committee was now asked to approve this suggestion and the resolution for transmission to MOP3.

The meeting agreed to transmit this draft resolution to MOP3 requesting its adoption.

18. Draft International Implementation Priorities 2006-2008

Introducing this item, Mr Dereliev presented document StC 3.19, a list of activities drawn up to facilitate the implementation of the Action Plan. This was the third update, based on the previous document, the IIP for 2003 – 2007.

The current document had been reviewed by the TC, but was still under consideration because four proposals needed final rewording to better reflect the current state and the Secretariat was working on that with Wetlands International. In the case of two new proposals, the Secretariat was awaiting further information from the proponents so that the TC could decide on them. The Standing Committee was requested to approve the paper for submission to MOP, on the understanding that final amendments would be made and the text approved by the TC before submission.

Draft Resolution 3.8 was a standard resolution text requesting MOP to adopt these priorities.

Mr Lenten pointed out that this was a list from which Parties could choose projects they wished to fund with additional voluntary contributions.

The meeting agreed that Draft Resolution 3.8 should be transmitted to MOP3 for adoption.

Mr Hagemeyer remarked that while he was reluctant to make this point, in recent discussions it

had been noted that some of the international reviews currently not being produced for MOP should be given a higher priority, and they were not all listed in this document. He suggested that those not covered by the core budget should be included in the IIP.

Mr Lenten promised to look into this matter once again, and to indicate which reviews would be covered by the core budget and which by IIP. The Meeting agreed that this could be done after the meeting.

19. Draft International Single Species Action Plans

Mr Dereliev presented five draft SSAPs as follows:

a) Light-bellied Brent goose

This Plan had been submitted to TC6 for review, where it had been decided that the compilers should be asked to include France and Spain as additional range states. This revised draft would be circulated to the TC as soon as it was available.

The Standing Committee agreed that this document could be submitted to MOP3, on condition that the TC also approved the second draft.

b) Northern Bald Ibis

TC6 had reviewed and approved this Plan and made a few amendments, which the compiler was currently incorporating. The Standing Committee was again asked to agree to the Plan for submission to MOP3, again with the provision that the TC approved the amendments.

The meeting approved this document as requested.

c) Ferruginous Duck

This species had a broad range, so the Plan had been circulated to all Range States and a number of comments had been received. TC6 had reviewed the present version and the compiler was currently incorporating their minor changes into a further revision, which would be circulated again to the TC and the StC as soon as available..

As before the meeting was asked to agree that, given the approval of the final version by TC, the Plan be submitted to MOP3.

The meeting agreed to this procedure.

Mr Hagemeijer felt that this kind of issue should be covered in the Rules of Procedure, e.g. clarification as to whether the final review of a paper need to be done by the Standing Committee. Germany felt that this would be acceptable, and that the TC should have the last word on technical details.

d) White-headed duck

As with the other Plans already discussed, comments made by TC6 on the draft had been transmitted to the compilers and the revised version was expected soon. As before the Secretariat requested that the meeting approve the document for submission to MOP3, provided TC approved the final version. In this case the ORNIS Committee (the consultation body for EU countries) was required to give its approval first, however this was expected to be forthcoming soon

The Standing Committee agreed that the document should be submitted to MOP3 for adoption once approved by ORNIS.

e) Corncrake

The situation regarding this Plan was similar to that described above. In this case, approval by ORNIS might take longer, so the Plan could only be submitted to MOP3 if this was available in time.

The meeting again agreed that the document should be submitted to MOP3 for adoption once approved by ORNIS.

Draft Resolution 3.9 - Adoption and implementation of single species action plans

This draft covered the SSAPs discussed here, as well as three that had been approved at an earlier date. Paragraph 4 also mentioned two additional Plans, which were currently in preparation but were unlikely to be ready in time for MOP3, and suggested that MOP instruct the Standing Committee to approve these once submitted, provided the TC had approved them.

It was hoped to continue the excellent progress being made on SSAPs in the next triennium, so the resolution also contained a more general instruction from the MOP, allowing the Standing Committee to approve additional SSAPs intersessionally, once approved by the TC, to avoid delays in the formal approval and thus implementation of SSAPs, which would otherwise only be possible every three years.

The final paragraph of the draft urged the Secretariat to establish a mechanism for coordination of implementation, which the TC felt was lacking.

The Standing Committee agreed that this resolution should be submitted to MOP3 for approval.

20. Draft Report on the Conservation Status of AEWA Species

Mr Dereliev reported on the difficulties the Secretariat had encountered in funding the drafting of this report. TC6 had been consulted on how to proceed, and had decided that this work was essential as it was one of the seven mandatory reviews to be delivered to MOP3, and that funding must be found.

Meanwhile some additional funding had been obtained, and Wetlands International had re-estimated the cost of the work, which had begun immediately after TC6 and would be delivered in time for MOP3.

This was the underpinning document for judging the success of the Agreement and for changes in the AEWA Action Plan. It was likely that, as in the past, the categories of several species in Table 1 of the Action Plan would change on the basis of the conservation status report, which should be regularly updated.

Related to this report was the issue of two other Wetlands International products, namely the International Waterbird Census and the Waterbird Population Estimates. These provided the raw data from which the conservation status report was derived, and both were crucial for other MEAs in addition to AEWA. Hence the TC had developed Draft Resolution 3.10, *Development of international partnerships for support of waterbird population estimates*, recalling this fact and requesting that the costs of these two products be shared. The conservation status report would have a new and more user-friendly template, as decided at the last meeting of the Standing Committee.

The Standing Committee was requested to note this information and approve Resolution 3.10 rev

1 for transmission to MOP3.

Mr Hagemeyer gave a progress report. Because of the short time available, priority was being given to AEWA species and species with negative trends. WI was making good progress and a first consultation draft of Waterbird Population Estimates 4 was available on the web with many comments coming in. These would be incorporated into new estimates after 15 August before species with negative trends were identified. The document was expected to be finished by the beginning of October 2005, allowing only a little time to circulate it before MOP3.

The meeting agreed to add at the end of the penultimate paragraph the words, "which facilitates the timely delivery of The Report on the status and trends of waterbird populations for future MOPs", and that the draft resolution should be transmitted to MOP3 for adoption.

21. Proposal for amendments of the Agreement and/or its Annexes

Mr Dereliev introduced document StC 3.25. The Technical Committee had been requested by MOP2 in Resolution 2.1 to investigate the issue of including new species, looking as a matter of priority at Tables 2 and 3 of document AEWA/MOP 2.9. The outcome of their discussions was the recommendation not to include any Table 3 species for the time being. Document StC 3.25 contained information on species from Table 2 of AEWA/MOP 2.9 collated in three tables. The Standing Committee was requested to review this proposal, make suggestions and comments and approve the document for submission to MOP3.

In the period before MOP the Secretariat, with the support of the TC, would draft new chapters and sub-chapters to be added to the Action Plan on the threats so far not covered, and with the help of Wetlands International would compile relevant information for the proposed new species to be added to Table 1 of the existing Action Plan.

It was suggested that such amendments to the Agreement's annexes would require a formal proposal to that effect from a Contracting Party in order to be put to the Meeting of Parties.

Mr Lenten considered that as this had been requested by MOP2, a formal proposal might not be necessary. He would, however, seek legal advice on this question.

The meeting approved the document for transmission to MOP3, subject to the Secretariat obtaining advice on the legality of this procedure.

22. Draft proposal for future development of the Agreement

Opening this item, Mr Lenten recalled that there was general agreement on the need for a strategic plan for AEWA's long-term future. In his view a discussion should start, in close cooperation with CMS, on the future development of AEWA. Again, this kind of strategic discussion should take place within the framework of drafting a Strategic Plan for AEWA. Such a plan would build on the CMS Strategic Plan, and could hopefully be submitted for formal adoption at MOP4 in 2008.

a) Central Asian Flyway

Mr Lenten stressed that the developments regarding the Central Asian Flyway (CAF) were of great interest of AEWA. Of the 30 countries identified as belonging to this flyway, 16 were located in the AEWA Agreement Area. The same applied to the populations identified: of the 274 populations involved, 145 were covered by the existing AEWA Action Plan.

The Meeting was informed about the outcome of the New Delhi meeting; which took place from

10-12 June 2005. At the request of the Executive Secretary of CMS, the New Delhi Statement was distributed to the meeting participants. A copy of this Statement is attached to this report as Annex 1

Mr Lenten emphasised that careful thought should be given to how to proceed in this situation and to whether it was not counterproductive to establish separate Agreements or MoUs, which would necessarily be in competition in this geographical area.

He continued by explaining that immediately prior to the New Delhi meeting one of the AEWA Contracting Parties, namely Uzbekistan, has submitted a proposal - in accordance with Article X of the Agreement - to amend the Annexes of the Agreement. Article X states that such a proposal should be sent forthwith by the Secretariat to all AEWA Contracting Parties.

Mr Lenten admitted that this had not been done "forthwith" to avoid influencing the discussion on CAF in New Delhi. The proposal had been submitted to all AEWA Contracting Parties immediately after the New Delhi meeting.

Mr Williams remarked that there seemed to have been no discussion in support of the Uzbekistan proposal, and would like more advance information for the MOP to permit an informed decision. He suggested that the Secretariat should prepare an information paper including the outcome of the CAF meeting, and for example outlining the potential problems and how they might be overcome. The document should also outline the budget implications and the advantages and disadvantages for the AEWA Parties. The Secretariat should also explain why it held the proposal back. To meet the deadlines, however, this would have to be done without delay.

Mr Lenten thanked Mr Williams for this suggestion and declared that he would try to do this in close cooperation with CMS.

Mr Oliver Schall also requested information on the position of the countries concerned. The delegates had been in favour of the proposal, but what was the opinion of the governments? He enquired whether a decision could be made at the MOP if these states were not present. Would it not be better to have a joint conference with these states?

Mr Lenten responded that many countries had been represented by a government delegate and an expert. Not all the delegates had been in possession of a formal statement, as CMS, which had organised the meeting, had not requested this.

It had been extremely difficult and costly to organise the meeting, and he felt it would be great pity not to proceed now that it was obvious that there is a willingness to take action in the region. The Secretariat was receiving requests from countries willing to start work on this, and this was a unique opportunity that should not be wasted.

He suggested trying to organise a meeting in the margins of the AEWA MOP, where the representatives of 14 countries could be present to discuss this issue.

Mr Hepworth agreed that this was a potentially very sensitive and complex issue, and pointed out that problems could be caused by proceeding in a way not in line with standard governmental practices and protocol. He felt a decision would not be possible in 2005.

He then went on to make a statement clarifying the roles and responsibilities of CMS and/or the Agreement. In addition he pointed out a number of problems that in his view might be expected.

The full statement as provided by Mr Hepworth is attached hereto as Annex 2. In addition to the above-mentioned statement, Mr Hepworth distributed copies of the New Delhi Statement, also attached as Annex 1.

Responding, Mr Lenten asked Mr Hepworth for clarification as to the ultimate goal of CMS: if it preferred a separate, legally binding instrument or an MoU, how he saw the overlap with AEWA, and how 16 countries should be convinced to sign two separate agreements. He stressed that even at the AEWA Negotiation Meeting only 54 out of 117 Range States were present and agreed on the final version of the Agreement. In his view it would be difficult to have all 30 Range States represented at the intra-governmental meeting to adopt the CAF Action Plan and the legal framework for its implementation.

Mr Hepworth replied that in intergovernmental negotiations the aim was for consensus, but absence from the table could be interpreted as non-objection. However, it was crucial to set up the negotiation process very transparently, particularly as it was proposed that this should be a binding agreement between states. This had not been done. If such a process were set up and it was made clear that delegates required credentials in order to represent their governments, the fact that three of the 30 were not present would not be an impediment to proceeding. But one would still aim for consensus among those at the table. CMS was genuinely open-minded on the subject, and would follow the considered view of the parties once this had finally been obtained. But, as some representatives had pointed out, information was lacking, for example on the implications, particularly regarding resources. Once this was available and a considered decision had been taken, it was overwhelmingly for the range states of the region to decide what they wanted. To go even further: if they decided what they wanted and were prepared to pay for it, they should have complete control. If, however, another body was asked to pay part of the cost, then that other body should also have a say.

Following Mr Hepworth's statement, a lengthy discussion took place. In general the meeting agreed that more information should be provided on the advantages and disadvantages of the various options for a legal framework for CAF. The implications for the Contracting Parties if AEWA would extend its area to encompass the 14 CAF countries located outside the Agreement area were not clear. It was also noted that it was not clear if the AEWA Parties were entitled to decide on such an extension of the Agreement area, or if the consent of the CMS COP was a prerequisite for any expansion. It was also felt that based on the outcome of the New Delhi meeting the region was ready to take action to conserve migratory waterbirds and their habitats. Several participants stressed that the current momentum should not be lost, and that CMS should proceed with their activities without delay.

Mr Hepworth responded that in addition to the Coordination Unit to be established by CMS before the end of 2005, it was also planned to hold an intergovernmental meeting to formally adopt the CAF Action Plan and a legal framework for implementation of this plan in 2006 at the latest.

The meeting agreed to the proposal of the AEWA Secretariat to establish a working group consisting of the Executive Secretary of CMS, the Chairs of the CMS Standing Committee and Scientific Council, the AEWA Executive Secretary, the Chairs of the AEWA Standing Committee and Technical Committee, plus a representative of Wetlands International. The task of this working group would be to examine the needs of the Central Asian countries, to discuss all issues related to CAF and to seek solutions to the current problems. CMS was requested to take the lead in this.

It was noted that none of the Parties present at this Standing Committee meeting expressed their

support to the proposal tabled by Uzbekistan.

Mr Hepworth felt that the position regarding the Uzbekistan proposal should be clarified first. Once this had been done and the proposal had been set aside, he was very sympathetic to the idea of a working group. However, he wanted to speak to his chairs first, as CMS was responsible for the CAF, and tact should be used in establishing the working group. However, this should not be done against the background of the Uzbekistan proposal.

The Meeting requested the Secretariat to informally approach Uzbekistan to inform them of the outcome of the discussion within the Standing Committee and to enquire whether, in the light of possible lack of support from the Contracting Parties, they wished to continue with their proposal.

b) Agreement for Raptors and Owls in the African-Eurasian region

Mr Lenten informed the meeting about the development of an MoU under CMS for Raptors and Owls. For more information he referred participants to document StC Inf 3.8. In the light of these developments, AEWA would refrain from including raptor species in the Agreement.

23. Other draft Resolutions

The meeting approved Draft Resolution 3.12, *Implementing the Conclusions of the Waterbirds Around the World Conference*, for submission to MOP3.

Following a brief discussion regarding the timely submission of resolutions to the Meeting of the Parties, Germany agreed to formulate a recommendation on this subject, for submission to the MOP for approval.

24. Report on the preparations for the 3rd Meeting of the Parties

The Secretariat gave a presentation on progress made so far in preparing for the Third Meeting of the Parties to be held in Dakar in October 2005.

Colonel Mame Balla Gueye presented a video with footage of the hotels, the meeting venue and the planned excursion. Everything was prepared and no problems were anticipated. His government was delighted to welcome the delegates to his country

Mr Lenten reported that the Host Government Agreement had been submitted to Senegal and would hopefully be signed soon.

25. Celebration of the 10th Anniversary of AEWA in 2005

Mr Lenten reported that the anniversary had been celebrated on 16 June 2005. A poster had been designed and copies printed in various European and African countries in local languages. Migratory Bird Day had been observed in 20 countries, notably in Tunisia, Macedonia and the Ukraine. It was hoped that information would be available on the AEWA website before the end of the year. For 2006 the Secretariat was collaborating with BirdLife International and hunting organisations to make this event even more successful.

The Secretariat had also celebrated the anniversary with a party for colleagues from CMS and the other agreements, and organised the exhibition opening and the dinner for the Standing Committee the previous evening.

The Secretariat was now working on a small brochure containing 10 stories from 10 people about what AEWA had achieved in the ten years, to be published just before MOP3.

In addition, the AEWA Award would be presented at MOP3, probably with a small reception.

In addition, the Secretariat had now begun to produce a monthly newspaper article on AEWA for distribution by news agencies worldwide, and the AEWA website had of course been redesigned.

26. Selection of the AEWA Award winners

The Standing Committee met in closed session to discuss the candidates nominated to the Secretariat. The Government of the Netherlands was chosen in the category "institutional" and David Stroud in the category "individual". The meeting also decided to grant Dr Gerard C. Boere the status of "Honorary Patron".

27. Report of the Chair of the Standing Committee to MOP3

Mr Lenten reported that the Secretariat would start work on this report after the current meeting, in close consultation with the Standing Committee Chair. The format would be similar to that of the Technical Committee Chair.

28. Date and venue of the next meeting of the Standing Committee

Mr Lenten announced that the members of the Standing Committee would meet on the evening before the start of MOP3, i.e. on 23 October to go through the agenda.

29. Any other business

It was noted with regret that Mr Sneep had left the meeting prior to this item. Mr Hagemeyer reminded the participants that Mr Sneep was taking up a new appointment and that this had been his last AEWA meeting. The Committee expressed its heartfelt thanks to him for his efforts on behalf of the Agreement over many years.

30. Closure of the meeting.

On behalf of the participants, the Chairman thanked the German Government for their kind invitation, for taking the lead in helping the Agreement, for hosting this and previous meetings and for their invitation to continue to hold meetings in Bonn. He also thanked them for their hospitality.

He also expressed thanks to the participants for their endurance and valuable contributions, and for being so cooperative during the last two days.

The meeting closed at 5.10 p.m.

Annex 1:
(Document is separate as PDF file)

Annex 2:

Central Asian Flyway Agreement Intervention by Executive Secretary during AEWA Standing Committee 5 July 2005

- Issue is now quite complex and potentially very sensitive. Principles of protocol for IG negotiations as well as conservation are at stake. Must get it right.
- Need to unravel various strands:
 - Conservation and biological needs and priorities
 - Content and status of views expressed by Central Asian range states
 - Institutional and financial implications (including views of non CAF states)
 - Further I/G process – particularly ensuring that the principles of consensus and diplomatic propriety are fully observed
 - Interim steps.
- Many of the arguments and conclusions related to these 5 strands are in the New Delhi Statement (NDS), summarising the outcome of the meeting organised by CMS with co-operation from WI, and contributions from donors see para 4.

1. Conservation and Biological Needs and Priorities

Draw attention to final paragraph of page 1 of NDS (and continuing on page 2). Clearly a broad consensus, indeed on this, unanimity amongst the Range States, CMS, AEWA and other stakeholders that CAF is a priority. Reflected in decisions and resolutions at previous CMS COPs (as well as AEWA MOPs and other docs e.g. Edinburgh Declaration in 2004). This consensus reflected in the progress made with ND on completing the draft CAF Action Plan which we should be able to finalise within 2 months.

2. Content and Status of Views expressed by Central Asian Range States

Draw your attention to final paragraph of page 2 and first two paras of page 3.

Clear preference at this stage for CAF to be a legally binding instrument and for the Action Plan to be linked to AEWA. However important qualifications concerning attendance in ND, and extent to which delegates reflected governmental or personal views. In particular we still await official government views from 18 of the 30 range states. Quote from NDS (page 3): “The legal, technical and other ramifications of the approach garnering the most support warrant further investigation in the coming months by both the CMS and AEWA Secretariats, as well as detailed consideration by their respective governing bodies when they meet towards the end of 2005.”

Also particularly emphasise that as this is a consensual process. The fact that a minority of delegates prefer the AP to be linked to a non-binding MoU is rather significant. The further question of whether the majority could accept that in order to gain the unanimity has yet to be explored.

Also add that CMS reps felt considerable ‘softness’ of view on this issue, with a number of delegations potentially able to change position as full facts and implications emerge.

3. Institutional and Financial Implications including views of non-CAF states

- Clear that these have not yet been adequately investigated and discussed.
- The choice between a separate instrument and an extension of AEWA has significant financial implications. The effect under UN scale of subscriptions would be to place the major costs of an extension on the existing large donor states within AEWA, for a flyway which is virtually entirely outside their own region. This cannot be taken for granted, or pursued through a process which may appear to conceal these implications. Proper estimates, and a transparent and proper negotiating process are necessary.
- Looking at uncosted options is not a satisfactory way to proceed. I offer my apologies for the fact that the papers which went to ND were defective in this respect – by the time I discovered this it was too late to undertake the improvements necessary. This we will now rectify.

- The financial issue boils down to a question of “Should the CAF states pay for a CAF Agreement” or “Should all the range states of Africa, Europe, West Asia and Central Asia pay for CAF” as part of the wider conservation programme.? Parties need to see respective costs of these options before deciding.
- In addition, there are a variety of institutional options which still need to be fully explained e.g.
 - Should the Secretariat of the Agreement be located in Bonn, or stationed in the region? Within CMS the general practice strongly favours the latter option. Co-located regional AIV Secretariats in Bonn cover only species which migrate within, to or from Europe. Other AIV Agreements/MoUs e.g. ACAP, IOSEA are outstationed. So too will the co-ordination mechanisms we are developing for the Western Africa Turtle MoU, the West African Elephant MoU and the Houbara Bustard.
 - Nested within the location question is another key point – should the Secretariat be UN or non-UN? The advantages of weight and influence accrued by UN status have to be balanced against the additional salary and related costs which normally result from a UN arrangement. Both models are already being used within CMS – again Governments need to see facts.

4. Further I/G Process

- First and foremost we must respect the sovereign rights of all the range states to make a decision, normally through consensus, at a properly constituted meeting on the final option they prefer for a CAF instrument. Such a meeting has yet to take place. Neither the MOP of AEWA nor the COP of CMS can substitute for that process. Such a meeting could be run back-to-back with e.g. a CMS COP but the meeting would be a distinct entity, not the COP/MOP.
- MOP of AEWA can express its views, but cannot in our view take the final decision. Thus the proposal [from Uzbekistan] is in our view inappropriate and Parties may wish to seek its withdrawal in its current form.
- CMS COP in November will also need to consider this issue. It is for CMS as the lead existing UN body promoting the CAF and all other regional agreements to express the global decisions of Party States on how the global network of regional Agreements should be established, and to review their functioning. As all AIV Agreements have been created under this CMS umbrella, both legal and common-sense arguments converge that the consent of the CMS Conference of Parties should be a pre-requisite for any regional agreement to expand its frontiers (in addition to obtaining the consent of the MOP of the Regional Agreement).
- So we need to plan for a properly constituted I/G meeting to finalise the CAF instrument taking account of the views expressed by AEWA MOP and CMS COP. Not likely before mid 2006 at earliest.

5. Interim Steps

In view of process I have described, interim steps to ensure early action on conservation issues is of highest priority. Refer you to para 2 of the ND Statement. Secretariats are acting on this, within next few days we will write to all CAF states asking them to finalise the AP within 2 months by written procedure, and simultaneously to obtain the extra data needed from the Russian Federation. Thus by end of August we expect to have completed the AP. The letter will also ask all CAF RSs to say if they are interested in hosting and /or funding an Interim Co-ordination Mechanism.

In the light of the responses received, and resources available, the CMS Secretariat will establish an Interim Mechanism with a target of overall finalisation before the end of 2005.

Finally Chair – I hope this has clarified CMS’ position. We have not been entirely successful in doing this earlier, and I undertake that lessons learned from CAF experience so far are applied both in finalising CAF, and in other regional agreement negotiations.