

## 48<sup>th</sup> Meeting of the Standing Committee

*Bonn, Germany, 23 – 24 October 2018*

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### DOCUMENT MANAGEMENT AND SCHEDULING

*(Prepared by the Secretariat)*

**Summary:**

This document makes recommendations to the Standing Committee on two issues relating to the preparation of COP13: Document management and scheduling of subsidiary meetings.

### Scheduling in the lead-up to COP13

1. At COP12, Parties accepted the offer by the Government of India to host COP13. Following further consultations, it has been decided to hold the meeting in Gandhinagar, the capital city of Gujarat State. Taking into consideration both the climate and the busy international environment calendar in 2020, the meeting has been scheduled for 17-22 February 2020.
2. The Secretariat has prepared a table outlining milestones and document deadlines in the lead-up to COP13 (see Annex 1).
3. The date chosen for COP13 is eight to nine months earlier than CMS COPs are normally held. This in turn has compressed the intersessional period, which has implications for the intersessional meetings of the Standing Committee (StC) and the Sessional Committee of the Scientific Council (ScC-SC).
4. The timing of ScC-SC4 is governed by the COP document deadlines, as the meeting will review proposals for amendment of the Convention and its Appendices (to be submitted 150 days before COP). The Secretariat has set the week beginning either 4 or 11 November 2019 for this meeting.
5. The 49<sup>th</sup> meeting of the StC would normally be held around one year after the 48<sup>th</sup> meeting, in October 2019. However, this would fall just before Sc-ScC4 and in the middle of the various document deadlines. Another possibility would be between March and June of 2019, that is, just 6-9 months after this 48<sup>th</sup> meeting. Accordingly, the Secretariat would need to complete its draft StC documents two months earlier, i.e. between January and March 2019.
6. An additional question relates to the agenda of the 49<sup>th</sup> meeting. Members should carefully consider whether they would wish for another round of progress reports, to review the implementation of the CMS budget, and the Programme of Work so soon after the previous meeting.
7. The table provided in Annex 2 lists all decisions directed to the StC. The final column outlines the role foreseen for the StC at this time. In summary, if StC49 were convened between March and June 2019, it would be in a position to receive progress reports from the Secretariat and be asked to provide guidance on a few conservation initiatives and on COP13 preparations as it sees fit. It could also consider any cases brought to it under the Review Mechanism, if any were presented and processed in that time.
8. The StC is requested to advise on the necessity of holding StC49 during the intersessional period, on a suitable date, and on agenda items to be discussed.

### Document handling

9. With the introduction of the Sessional Committee of the Scientific Council following COP11, and its timing, approximately four months before COP, the Secretariat had to adopt a number of new document handling practices.
10. Now that one cycle is complete under this new regime, the Secretariat has had an opportunity to review how these practices worked, and to take on board feedback from Parties and other stakeholders. In light of this, we propose some modifications and improvements.

## I. Proposals to Amend the Appendices

### 1. ScC-SC Comments on Proposals:

Mandate: CMS Resolution 12.4, Annex, paragraph. 12c

*“assessing proposals for the amendment of Appendices I and II from a scientific and technical standpoint, and providing advice to the Conference of the Parties regarding proposed amendments;”*

COP12 Procedure:

- Comments arising from the ScC-SC meeting were appended to the proposal, so that the recommendations were clearly distinguishable from the proposal itself. These were posted online on the COP document webpage as soon as possible after the meeting.
- However, not all comments were systematically sent to proponents for their information or action.

Recommendation for COP13:

- a) We recommend the same procedure to append ScC-SC comments to the proposals.
- b) In addition, the Secretariat will systematically send a copy of comments to all relevant proponents for their information and possible action.

### 2. Comments by Parties on Proposals:

Mandate: CMS, Article X, paragraph 3:

*“Any comments on the text [of a proposed amendment] by the Parties shall be communicated to the Secretariat not less than 60 days before the meeting begins”.*

COP12 Procedure:

- After the 60-day deadline, all comments were compiled into a single document, and posted on the web. (see UNEP/CMS/COP12/Doc.25.1/Add.1).
- There was no formal process to inform all proponents of these comments.

Recommendation for COP13:

- a) We recommend the same procedure; that after the 60-day deadline, all comments will be compiled into one document, and posted on the meeting website.
- b) In addition, the Secretariat will inform all proponents of Party comments on their proposals as soon as possible after receipt by the Secretariat.

### 3. Comments by Inter-governmental bodies on Proposals:

Mandate: Res. 11.33, Para 5:

*“Requests the Secretariat to consult other relevant intergovernmental bodies, including RFMOs, having a function in relation to any species subject to a proposal for amendment of the Appendices....”.*

COP12 Procedure:

- As with the Party comments, and using the same deadline, all comments were compiled into one document and posted on the web. (see UNEP/CMS/COP12/Doc.25.1/Add.2).
- Again, there was no systematic process to inform all proponents of these comments.

Recommendation for COP13:

- a) As with the Party comments, and at the same time, all comments will be compiled into one document, and posted on the meeting website.
- b) The Secretariat will inform all proponents of IGO comments on their proposals as soon as possible after they are posted.

4. Revisions of Proposals by proponents:

Mandate: Rule 21, paragraph 2 of the Rules of Procedure (below) allow proponents to amend proposals at any time. A footnote clarifies how this relates to the scope of the proposal, but is silent on amendments which amount to improvements to background information.

*“The Representative of the Party that has submitted a proposal for amendment of Appendices I or II may, at any time, withdraw the proposal or amend it to reduce its scope<sup>2</sup> or to make it more precise. Once a proposal has been withdrawn, it may not be re-submitted during the meeting. Once a proposal has been amended to reduce its scope, it may not be reamended during the meeting to increase the scope of the amended proposal”.*

*Footnote 2: The phrase “reduce its scope” includes situations, such as amending a proposal to include a species in Appendix I so as to include that same species in Appendix II; and amending a species listing proposal to include fewer populations. However, it does not include situations, such as amending a proposal to include a species in Appendix II to include that same species in Appendix I; or amending a species listing proposal to add populations to the proposal or include different populations in the proposal.*

COP12 Procedure and Practice:

- The majority of comments that requested revisions related to technical improvements, adding or clarifying information. These did not impact the scope of the proposal.
- While some proponents submitted amendments based on these comments to the Secretariat in good time, others submitted them just before or immediately after the opening of COP.
- It was extremely difficult for the Secretariat to issue revisions of proposals at this time.

Recommendation for COP13:

Option 1:

- a) The Secretariat recommends adopting the procedure employed by the CITES Secretariat, i.e. we would not accept amendments to the text of the proposal after the submission deadline.
- b) If deemed necessary, the Secretariat may append its own comments to the proposal, including notes on any errors in species name, geographic distribution etc.
- c) If proponents wish to provide additional information to address issues raised by the ScC or Parties in their comments, they would be welcome to provide an addendum to the proposal. It would help the Secretariat if there was a deadline for the submission of such addenda, the Secretariat recommends a deadline of 30 days before COP.

- d) The above would not prevent proponents from reducing the scope of their proposal at any time, in accordance with the ROP.

Option 2:

- e) In the event that Parties prefer to maintain the ability to re-work proposals in light of comments received, it would help the Secretariat if there was a deadline for such technical revisions. The Secretariat recommends a deadline of 30 days before COP.

## **II. COP documents with a scientific component submitted by Parties, the Secretariat or bodies other than the Scientific Council**

Mandate: Rule 22, paragraph 3 of the COP Rules of Procedure:

*"All proposed Resolutions and Decisions that include a scientific element shall be submitted by the Executive Secretary to the Scientific Council for scrutiny of their scientific and technical accuracy at least 120 days prior to the commencement of the meeting. The Scientific Council shall provide appropriate advice to the Standing Committee on all proposed Resolutions and Decisions".*

COP12 Procedure and Practice:

- As for proposals to amend the Appendices, comments by the ScC-SC on proposed Resolutions and Decisions were appended to each document.

Recommendation for COP13:

- a) Maintain the same procedure.

## **III. COP documents submitted by the Scientific Council (including its working groups and members)**

COP12 Procedure and Practice:

- To meet the document deadline, documents arising from working groups of the ScC or prepared by individual members had to be finalized and posted before the ScC-SC meeting. These documents were then discussed at the ScC-SC meeting and comments were collated. These comments were appended to the documents, in the same way as their comments on documents submitted by Parties, the Secretariat and other bodies.
- It was felt by many that the ScC should be able to amend its own documents for presentation to COP.

Recommendation for COP13:

- a) All documents submitted by the ScC will be amended after the ScC-SC meeting, to incorporate any comments made during that meeting, so as to present to COP their collective, consolidated opinion.

#### **IV. COP Decisions regarding reporting to subsidiary bodies.**

##### COP12 Procedure and Practice:

- COP12 saw the introduction of Decisions, a new output in addition to the existing Resolutions. These decisions were drafted by a variety of stakeholders and were not always consistent.
- The process to repeal outdated resolutions, undertaken at COP12, resulted in a number of operative paragraphs of old resolutions being converted to Decisions.
- As such, a number of COP12 decisions and even some resolutions contain provisions requesting the Secretariat or ScC to report to subsequent meetings of the StC.
- However, in many of these cases the StC is simply required to consider a report of the Secretariat/ScC and make any recommendations it considers appropriate to COP (see for example Decisions 12.49, 12.58 and 12.87 contained in Annex 2).

##### Recommendation for COP13:

- a) The StC may wish to provide the following guidance to the Parties, the Secretariat and others drafting documents for COP13:
  - Decisions should only contain the instruction to report back to StC or ScC if there are specific, concrete actions to be taken by that body at that meeting (see for example Decisions 12.3, 12.5 and 12.7 contained in Annex 2).

##### Action requested:

##### The Standing Committee is invited to:

- a) Advise on the necessity of holding StC49 during the intersessional period, and if appropriate, on a suitable date, and agenda items to be discussed.
- b) Provide guidance on the recommendations for handling documents in the lead-up to COP13.

**ANNEX 1**

**TIMELINE & DOCUMENT DEADLINE TO COP 13**

Date	Days before COP <sup>1</sup>	Proposals to Amend the Appendices	Resolutions and Decisions – <u>With</u> scientific element	Resolutions and Decisions – <u>Without</u> scientific element	Other COP Documents
<b>23-24 Oct 2018</b>		<b>StC 48</b>			
<i>Jan – Apr 2019</i>		<i>Potential Internal Secretariat Deadline for StC49 Documents (60 days before)</i>			
<i>Mar – June 2019</i>		<i>Potential StC 49</i>			
17 Aug 2019	6 mths				National Reports (Art IV para4)
19 Sept 2019	150	Parties submit proposals for amendment of the Convention and its Appendices. (Rule 21.1)	Parties submit proposed Resolutions and Decisions that include a scientific element (Rule 22.1)  <i>Internal Secretariat deadline for COP documents</i>	Parties should endeavour to submit proposed Resolutions and Decisions that do not include a scientific element. Final deadline -90 days. (Rule 22.2)	
		Secretariat makes proposals available to Parties in working languages as soon as possible after receipt (Rule 21.1).			
18 Oct 2019	120		Secretariat makes Resolutions and Decisions that include a scientific element available to the Scientific Council (Rule 22.3).		
<b>4 or 11 Nov 19</b>	Approx 100	<b>SC-ScC4</b>			
	asap after SC-ScC4		Secretariat makes ScC comments on Resolutions and Decisions available to the StC (Rule 23). StC submits any comments on ScC comments for posting by 60 days.		
19 Nov 2019	90			Parties submit proposed Resolutions and Decisions that do not include a scientific element (Rule 22-2) <i>Secretariat deadline for COP documents</i>	Parties submit any other documents for COP <sup>2</sup>
19 Dec 2019	60	Any comments on the text by the Parties shall be communicated to the Secretariat not less than 60 days before the meeting begins (CMS Art X, para 3)		Secretariat makes all remaining documents available to the Parties (Rule 22-4).	
<b>17-22 Feb 2020</b>		<b>COP 13</b>			

<sup>1</sup> Where indicated, deadlines are derived from the Convention text or Rules of Procedure (ROP) adopted at COP12. Deadlines without a ROP reference have been established by the Secretariat in order to ensure timely production of documents.

<sup>2</sup> Any documents received after this deadline can only be posted as Information documents.

## ANNEX 2

**DECISIONS DIRECTED TO THE STANDING COMMITTEE FOR  
THE INTERSESSIONAL PERIOD BETWEEN COP12 AND COP13**

Decision	Text directed to the StC	Relevance to StC49
12.3 <a href="#">Scientific Council</a>	The Standing Committee shall approve the revised Rules of Procedure of the Scientific Council.	Task should have been completed by StC48
12.5 <a href="#">Revising the Format for National Reports</a>	<p>a) Consider and, if appropriate, endorse the proposals produced by the Secretariat further to Decision 12.4, paragraph b) above for a revision of the National Report Format, so that it can be issued at least a year (preferably more) in advance of the deadline for submission of reports to the 13<sup>th</sup> meeting of the Conference of the Parties and make any appropriate recommendations to the 13<sup>th</sup> meeting of the Conference of the Parties concerning the National Report Format, including on its subsequent use; and</p> <p>b) Consider whether it may be desirable, subject to the availability of resources, to develop and produce guidance to accompany any revised National Report Format and/or any other related capacity-building support to assist Parties in compiling their reports according to the revised format.</p>	Task should have been completed during or soon after StC48
12.7 <a href="#">Establishment of a Review Mechanism and a National Legislation Programme</a>	<p>a) At its 48<sup>th</sup> meeting, review and decide on the template for communicating initial information and draft questionnaire referred to in Decision 12.6 a) and c);</p> <p>b) Consider the implementation of the review mechanism and report to the 13<sup>th</sup> Meeting of the Conference of the Parties, including any recommendations for modifications of the procedure or criteria.</p>	<p>Task should have been completed by StC48.</p> <p>It is possible that a case could be brought to StC49.</p>
12.12 <a href="#">Review of Resolutions</a>	<p>The Standing Committee shall review and consider the proposed amendments or new resolution of the Scientific Council referred to in Decision 12.11 (b) and submit any proposed amendments to the resolutions or a new resolution to the 13<sup>th</sup> meeting of the Conference of the Parties for its consideration and decision.</p> <p>This decision refers to:</p> <ul style="list-style-type: none"> <li>• i. Resolution 7.18 (Rev.COP12) on the Agreement for Dugong (<i>Dugong dugon</i>) Conservation,</li> <li>• ii. Resolution 8.16 (Rev.COP12) on Migratory Sharks,</li> <li>• iii. Resolution 6.3 (Rev.COP12) on Southern Hemisphere Albatross Conservation</li> </ul>	These resolutions will only be considered by ScC-SC4 in November 2019. Text would not be available for review by the StC49 in early 2019.
12.21 <a href="#">Action Plans for Birds</a>	The Standing Committee is authorized to adopt the European Turtle Dove, Yellow-breasted Bunting, White-headed Duck and Dalmatian Pelican Action Plans, once finalized, in the intersessional period between the 12 <sup>th</sup> and 13 <sup>th</sup> meetings of the Conference of the Parties.	Task should have been completed by StC48
12.49 <a href="#">Live Capture of Cetaceans from the Wild for Commercial Purposes</a>	<p>The Secretariat shall request Parties to submit information on the implementation of the Best Practice Guidelines relating to the Live Capture of Cetaceans from the Wild for Commercial Purposes;</p> <p>The Standing Committee shall consider at its 49<sup>th</sup> meeting the report submitted by the Secretariat and as appropriate recommend further actions to be taken.</p>	This task could be undertaken by StC49 in early 2019



Decision	Text directed to the StC	Relevance to StC49
<p>12.58  <a href="#">Joint CMS-CITES African Carnivores Initiative</a></p>	<p>The Standing Committee shall consider the report of the Secretariat and make any recommendations it considers appropriate to the Conference of Parties at its 13<sup>th</sup> meeting.</p>	<p>The 1<sup>st</sup> Range State meeting of the African Carnivores Initiative will be held in November 2018. Therefore this task could be undertaken by StC49 in early 2019</p>
<p>12.65  <a href="#">Conservation and Management of Cheetah (<i>Acinonyx jubatus</i>) and African Wild Dog (<i>Lycaon pictus</i>)</a></p>	<p>a) Consider at its 48<sup>th</sup> and 49<sup>th</sup> meetings the reports submitted by the Secretariat, the Scientific Council and the Parties and as appropriate recommend further actions to be taken;</p> <p>b) Report to the Conference of the Parties at its 13<sup>th</sup> meeting on the progress in implementing this Decision.</p>	<p>As above</p>
<p>12.69  <a href="#">Conservation and Management of the African Lion (<i>Panthera leo</i>)</a></p>	<p>a) Consider at its 48<sup>th</sup> and 49<sup>th</sup> meetings the reports submitted by the Secretariat and the Parties, and as appropriate recommend further actions to be taken;</p> <p>b) Report to the Conference of the Parties at its 13<sup>th</sup> meeting on the progress in implementing this Decision.</p>	<p>As above</p>
<p>12.87  <a href="#">Addressing Unsustainable Use of Terrestrial and Avian Wild Meat of Migratory Species of Wild Animals</a></p>	<p>The Secretariat shall (<i>inter alia</i>) prepare an analysis on the direct and indirect impacts of wild meat taking, trade and consumption on terrestrial and avian species listed on CMS Appendices I and II;</p> <p>The Standing Committee shall consider, at its 48<sup>th</sup> and 49<sup>th</sup> meetings, the report submitted by the Secretariat and any recommendations from the Scientific Council, and make appropriate recommendations to the Conference of the Parties at its 13<sup>th</sup> meeting.</p>	<p>This analysis may not be completed in time for StC49 by early 2019.</p>
<p>12.97  <a href="#">Transfrontier Conservation Areas for Migratory Species</a></p>	<p>The Standing Committee shall consider the report received from the Secretariat.</p>	<p>A report may not be completed in time for StC49 by early 2019</p>
<p>12.107  <a href="#">Arrangements for Hosting the 13<sup>th</sup> Meeting of the Conference of the Parties</a></p>	<p>The Standing Committee shall engage with the Host Government and the Secretariat to progress the planning of the 13<sup>th</sup> meeting of the Conference of the Parties to be hosted by the Government of India in 2020.</p>	<p>Preparations for COP13 would likely form a major part of the agenda for a StC meeting in early 2019.</p>