



Convention on the Conservation of Migratory Species of Wild Animals

Secretariat provided by the United Nations Environment Programme



44th Meeting of the Standing Committee

Bonn, Germany, 14-15 October 2015

UNEP/CMS/StC44/16.1

**TERMS OF REFERENCE:
WORKING GROUP ON THE DEVELOPMENT OF A REVIEW PROCESS UNDER THE
CONVENTION ON MIGRATORY SPECIES**

(prepared by the Secretariat)

Summary

Terms of Reference for a working group to explore possibilities for the development of a review process, requested by CMS Resolution 11.7.

**TERMS OF REFERENCE:
WORKING GROUP ON THE DEVELOPMENT OF A REVIEW PROCESS UNDER THE
CONVENTION ON MIGRATORY SPECIES**

(prepared by the Secretariat)

1. By its Resolution 11.7, the Conference of Parties to the Convention on the Conservation of Migratory Species of Wild Animals (CMS) decided to launch “an intersessional process to explore possibilities for strengthening implementation of the Convention through the development of a review process” (Res. 11.7, § 1).
2. Furthermore, it instructed the Secretariat “to propose terms of reference for a working group to be considered for adoption by the Standing Committee at its 44th Meeting” (Res. 11.7, § 2).

Action requested:

- i.) The CMS Standing Committee is invited to review and adopt the Terms of Reference for a working group to explore possibilities for the development of a review process.

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Background

3. By its Resolution 11.7 (Annex 1), the Conference of Parties to the Convention on Migratory Species (CMS) decided to launch “an intersessional process to explore possibilities for strengthening implementation of the Convention through the development of a review process” (paragraph 1). Furthermore, it instructed the Secretariat “to propose terms of reference for a working group to be considered for adoption by the Standing Committee at its 44th Meeting” (paragraph 2).

Objective

4. To compare existing review mechanisms that strengthen implementation of other Multilateral Environmental Agreements (MEAs), including the agreements established under Article IV(3) of CMS; define the most appropriate, cost-efficient and effective options of a review process for CMS; and prepare a report with recommendations for consideration to the 12th Meeting of the Conference of Parties to CMS.

Members of Working Group

5. The Working Group will consist of one member of the Standing Committee from each region (or one alternate), in order to ensure a cost-effective process, while remaining open to participation by other interested Governments. It will elect a Chair and Vice-Chair, one from a developing and the other from a developed country, at its first meeting. The Executive Secretary of CMS will participate as an advisor to the Group.

Terms of Reference for the Working Group

- Discuss a comparative analysis of best practices of existing review mechanisms of MEAs, including the CMS Family agreements, taking into account their advantages, disadvantages and the cost involved;
- Discuss an assessment of the feasibility for an existing body within CMS to exercise the functions of a review process (e.g. Standing Committee);
- Prepare options for a CMS review process, including: determination of what parts of the instrument and its resolutions be part of the review process; cost analyses; and financial and institutional implications for CMS.

6. All options will be considered under the principles of cost-efficiency and effectiveness as well as practicality and practicability for the Convention.

Working Arrangements

7. The Working Group will determine the structure of its work at its first meeting. Where at all possible, the Working Group will utilize existing meetings to conduct its work in order to reduce costs. The Secretariat will make available all expertise as required, including that of external consultants and experts if needed.

Budgetary Implications

8. The Executive Secretary is requested to seek extra-budgetary resources, if required, in order to facilitate the participation of the developing countries that are represented on the Standing Committee in the meetings of the Working Group and for outsourcing some of the work.

Timeline

Activity	Timing
Adoption of Terms of Reference for and establishment of Working Group	44 th Meeting of the CMS Standing Committee (14-15 October 2015)
Determination of structure of work and consideration of existing review mechanisms; Discussion of options for review mechanism and recommendations to CMS Conference of Parties	First Meeting of Working Group – stand-alone (June 2016)
Submission of review of progress	Second Meeting of Working Group back-to-back with 45 th Meeting of the CMS Standing Committee (2016)
Continuation of discussion started at First Meeting if required	If required - Third Meeting of Working Group (First half of 2017)
Submission of Report	12 th Meeting of the CMS Conference of Parties (October/November 2017)



CMS



CONVENTION ON MIGRATORY SPECIES

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UNEP/CMS/Resolution 11.7

Original: English

ENHANCING THE EFFECTIVENESS OF THE CONVENTION THROUGH A PROCESS TO REVIEW IMPLEMENTATION

Adopted by the Conference of the Parties at its 11th Meeting (Quito, 4-9 November 2014)

Recalling that the United Nations Environment Programme, in its *Guidelines on Compliance with and Enforcement of Multilateral Environmental Agreements* (2002), has identified “[s]trengthening of compliance with multilateral environmental agreements ... as a key issue”;

Noting that most major multilateral environmental agreements have established a process for facilitating implementation and providing support to those Parties experiencing difficulties with implementation;

Aware that two agreements within the CMS Family, the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA) and the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area (ACCOBAMS), already have processes for reviewing the effectiveness of implementation measures (AEWA Resolution 4.6, *Establishment of an Implementation Review Process* (2008), ACCOBAMS Resolution 5.4, *ACCOBAMS Follow-up Procedure* (2013));

Recognizing that both compliance with the Convention’s obligations and the effectiveness of implementation measures are critical to the conservation and management of migratory species;

Recalling Article VII, paragraph 5, of the Convention, which provides that “the Conference of the Parties shall review the implementation of this Convention” and may, in particular, “make recommendations to the Parties for improving the effectiveness of this Convention”;

Recalling Resolution 10.9, Activity 16, of the Future Structure and Strategies for CMS, which establishes a medium-term priority (by COP12–2017) to “improve mechanisms to measure implementation of CMS and its Family ... and identification of gaps and propose measures to close these gaps”; and

Recalling Article IX, paragraph 4, of the Convention, which directs the Secretariat “to invite the attention of the Conference of the Parties to any matter pertaining to the objectives of this Convention”;

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

1. *Launches* an intersessional process to explore possibilities for strengthening implementation of the Convention through the development of a review process;
2. *Instructs* the Secretariat to propose terms of reference for a working group to be considered for adoption by the Standing Committee at its 44th Meeting;
3. *Instructs* the Standing Committee at its 45th Meeting to review any progress, if a working group is established, and report to the 12th Meeting of Conference of the Parties;
4. *Instructs* the Secretariat to support the process;
5. *Requests* UNEP, Parties and other donors to provide financial assistance to support the development of the review process; and
6. *Requests* the Secretariat, where possible, to reduce costs by convening potential meetings of the Working Group in the most cost-effective way.