

## 2<sup>nd</sup> Meeting of the Working Group on the Development of a Review Process under the Convention on Migratory Species

*Bonn, Germany, 7-8 November 2016*

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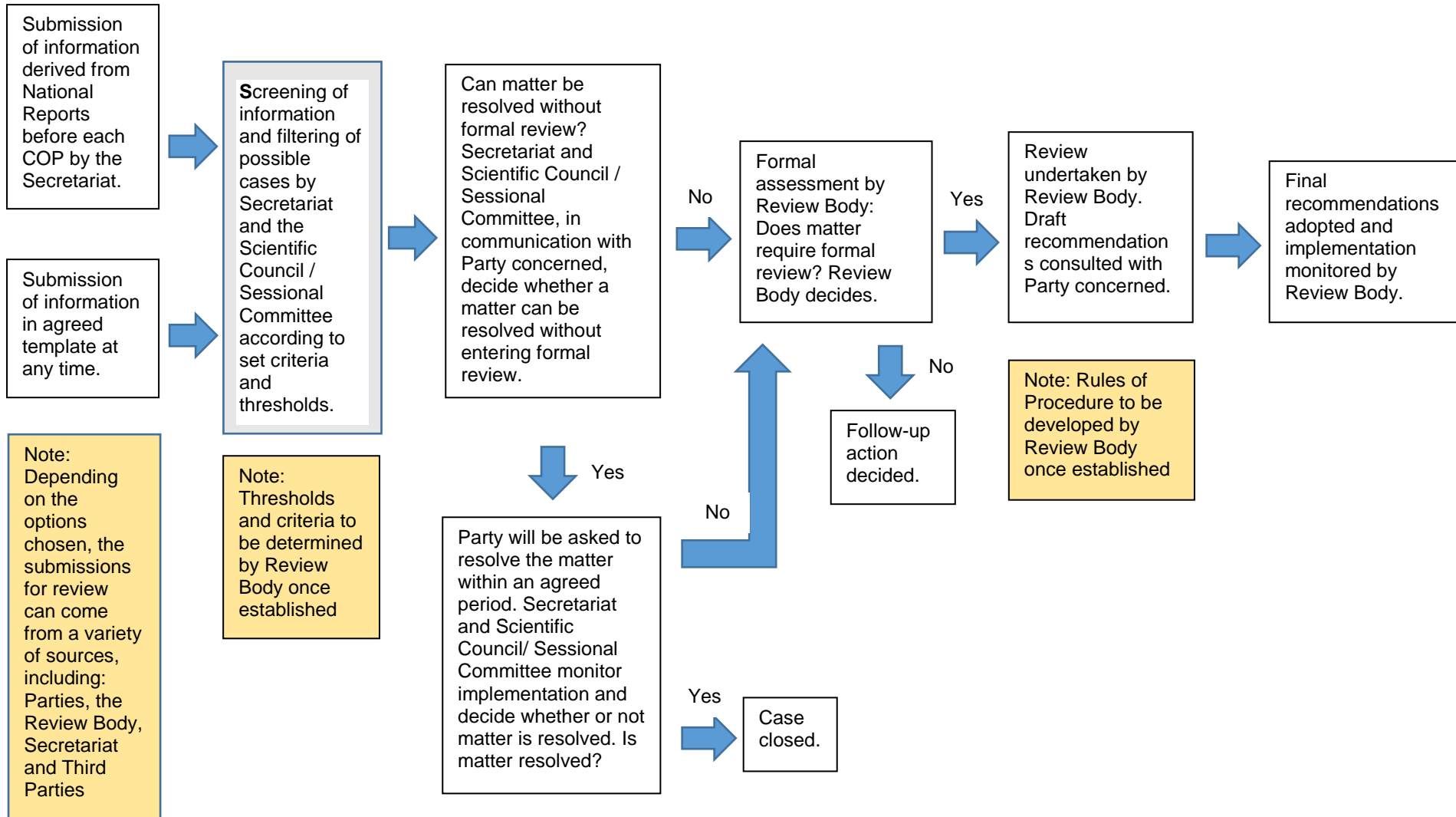
### FUNDAMENTAL ELEMENTS OF ANY IMPLEMENTATION REVIEW MECHANISM

<b>General principles</b>	<ul style="list-style-type: none"> <li>a) A supportive and facilitative approach is taken towards implementation matters, with the aim of ensuring long-term compliance.</li> <li>b) Implementation matters are handled in a time-efficient manner. Implementation measures are applied in a fair, consistent, transparent and consultative manner.</li> <li>c) Findings, reports and communications in implementation matters are treated in an open and transparent manner.</li> <li>d) Reviews are done in a synergistic and cooperative manner with other relevant processes, if needed and if time allows.</li> <li>e) The principles of flexibility and adaptability are incorporated to enable the review process to remain efficient over time.</li> <li>f) Reviews are guided by the principle of cost-effectiveness.</li> </ul>	
<b>Scope of review</b>	All legally binding obligations, including that of reporting, as set out in Annex I.	
<b>Basis for review</b>	Triennial review of National Reports and information submitted when a matter of non-implementation arises.	
<b>Initial information can be submitted by</b>	<ul style="list-style-type: none"> <li>[Self-reporting by Party]</li> <li>[Party-on-Party reporting]</li> <li>[Secretariat]</li> <li>[Review Body]</li> <li>[Third Party]</li> </ul>	Note that these options are not mutually exclusive and more than one can be chosen.
<b>Filtering/screening of information submitted</b>	The Secretariat with the assistance of the Scientific Council / Sessional Committee, if needed, according to set criteria and thresholds.	
<b>Bodies of review</b>	<ul style="list-style-type: none"> <li>[The Standing Committee with the support of the Scientific Council/Sessional Committee, if needed.]</li> <li>[A Subcommittee of the Standing Committee with the support of the Scientific Council/Sessional Committee, if needed.]</li> <li>[A separately established independent Implementation Committee with the support of the Scientific Council/Sessional Committee, if needed.]</li> </ul>	

<b>Sources of information to be drawn upon after commencement of the review process</b>	National Reports and any type of information that the review body deems relevant and reliable.
<b>Basic mechanics of review</b>	See flowchart.
<b>Measures to achieve implementation</b>	<p>Following identification of non-implementation, and when a Party has not taken remedial measures, any of the following measures may be recommended by the review body:</p> <ul style="list-style-type: none"> <li>a) provide further advice, information and appropriate facilitation of assistance and other capacity-building support to the Party concerned;</li> <li>b) request special reporting from the Party concerned;</li> <li>c) issue a written caution, requesting a response and offering assistance;</li> <li>d) alert other relevant Parties that a Party requires assistance with regard to a particular implementation issue;</li> <li>e) issue a warning to the Party concerned;</li> <li>f) request an implementation action plan (developed in consultation between the review body and the Party concerned) to be submitted to the review body by the Party concerned identifying challenges and appropriate steps, a timetable for when those steps should be completed and means to assess satisfactory completion;</li> <li>g) provide in-country assistance, technical assessment or a verification mission, upon consultation and agreement with the Party concerned.</li> </ul>
<b>Cost analyses and institutional implications</b>	<p>Note that currently the synthesis of national reports prepared for each meeting of the Conference of Parties is covered by voluntary contributions. Depending on the choice of review body and the volume of cases, costs may vary.</p> <p>There would be limited financial ramifications associated with using either the Standing Committee or a Subcommittee of the Standing Committee as the review body. However, depending on the workload of the review body, additional funds may be required for meetings.</p> <p>Approximate costs of a one-day meeting (assuming that the meeting would be conducted in English only):</p> <ul style="list-style-type: none"> <li>- Standing Committee (back-to-back with regular Standing Committee meeting): Euro 3,500</li> <li>- Subcommittee of Standing Committee (5 members, one from each region, back-to-back with regular Standing Committee meeting and Subcommittee members are the same as Standing Committee members): Euro 1,800</li> <li>- Independent Implementation Committee (5 members): Euro 8,500</li> </ul>

<b>Basic mechanics of review</b>	See flowchart.
<b>Measures to achieve implementation</b>	<p>Where a Party has not taken remedial measures, following its identification of non-implementation any of the following measures may be recommended by the review body.</p> <ul style="list-style-type: none"> <li>h) provide further advice, information and appropriate facilitation of assistance and other capacity-building support to the Party concerned;</li> <li>i) request special reporting from the Party concerned;</li> <li>j) issue a written caution, requesting a response and offering assistance;</li> <li>k) alert other relevant Parties that a Party requires assistance with regard to a particular implementation issue;</li> <li>l) issue a warning to the Party concerned;</li> <li>m) request an implementation action plan (developed in consultation between the review body and the Party concerned) to be submitted to the review body by the Party concerned identifying challenges and appropriate steps, a timetable for when those steps should be completed and means to assess satisfactory completion;</li> <li>n) provide in-country assistance, technical assessment or a verification mission, upon consultation and agreement with the Party concerned.</li> </ul>
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### MECHANICS OF REVIEW PROCESS



## ZERO OPTION

<b>General principles</b>	Status quo is maintained.
<b>Scope of review</b>	Zero
<b>Basis for review</b>	
<b>Initial information can be submitted by</b>	
<b>Filtering/screening of information submitted</b>	
<b>Bodies of review</b>	
<b>Sources of information to be drawn upon after commencement of the review process</b>	
<b>Basic mechanics of review</b>	
<b>Measures to achieve implementation</b>	No financial ramifications.

### Article III

4. Parties that are Range States of a migratory species listed in Appendix I **shall** endeavour:
  - a) to conserve and, where feasible and appropriate, restore those habitats of the species which are of importance in removing the species from danger of extinction;
  - b) to prevent, remove, compensate for or minimize, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species; and
  - c) to the extent feasible and appropriate, to prevent, reduce or control factors that are endangering or are likely to further endanger the species, including strictly controlling the introduction of, or controlling or eliminating, already introduced exotic species.
  
5. Parties that are Range States of a migratory species listed in Appendix I **shall** prohibit the taking of animals belonging to such species. Exceptions may be made to this prohibition only if:
  - a) the taking is for scientific purposes;
  - b) the taking is for the purpose of enhancing the propagation or survival of the affected species;
  - c) the taking is to accommodate the needs of traditional subsistence users of such species; or
  - d) extraordinary circumstances so require; provided that such exceptions are precise as to content and limited in space and time. Such taking should not operate to the disadvantage of the species.
  
7. The Parties **shall** as soon as possible inform the Secretariat of any exceptions made pursuant to paragraph 5 of this Article.

### Article VI

The Parties **shall** keep the Secretariat informed in regard to which of the migratory species listed in Appendices I and II they consider themselves to be Range States, including provision of information on their flag vessels engaged outside national jurisdictional limits in taking the migratory species concerned and, where possible, future plans in respect of such taking.

### Article VII

4. [...] Each Party **shall** contribute to the budget according to a scale agreed by the COP.

### Article VI

The Parties which are Range States for migratory species listed in Appendix I or Appendix II **should** inform the Conference of the Parties through the Secretariat, at least six months prior to each ordinary meeting of the Conference, on measures that they are taking to implement the provisions of this Convention for these species.