

Philippine Accession to the Convention on Migratory Species

Background on the CMS

- The Convention on Migratory Species (CMS) is an environmental treaty under the United Nations Environment Programme.
- The Convention obliges Parties to:
 - Protecting migratory species;
 - Conserve or restore their habitats;
 - Mitigate obstacles to their migration; and
 - Controlling other factors that might endanger these species.

State Parties to the CMS

- The Philippines became a State Party to the CMS in 1994.
- To date, the Philippines is the only ASEAN country that is a Party to the CMS.
- The Philippines encourages other ASEAN member countries to accede to the CMS.


Process of Accession to the CMS

- A consultation among government agencies was held to:
 - Present the salient provisions of the CMS;
 - Discuss the advantages of ratifying the CMS; and
 - Discuss reservations, if any, of ratifying the CMS.

Process of Accession to the CMS


- If all government agencies are favorable to the ratification of the CMS, certificates of concurrence (COCs) were requested.
- These COCs were signed by their respective heads of office.
- Once the COCs were completed, the Department of Foreign Affairs collated and transmitted these, along with an Instrument of Accession to the Office of the President for signature or to the Philippine Senate for concurrence.

Certificate of Concurrence


Republic of the Philippines
OFFICE OF THE PRESIDENT
NATIONAL COMMISSION ON INDIGENOUS PEOPLES
2nd Floor N. della Meralda Bldg., Corner West & Quason Aves., Quezon City
Tel. No. 375-8534 • Telefax 375-1309
Website: www.ncip.gov.ph

CERTIFICATE OF CONCURRENCE
BY CONCERNED AGENCIES AND OFFICIALS

This is to certify that the **NATIONAL COMMISSION ON INDIGENOUS PEOPLES** has been consulted and has concurred with the requested action on the ratification of the **NAGOYA PROTOCOL ON ACCESS TO GENETIC RESOURCES AND THE FAIR AND EQUITABLE SHARING OF BENEFITS ARISING FROM THEIR UTILIZATION TO THE CONVENTION ON BIOLOGICAL DIVERSITY**, which was adopted on 29 October 2010 in Nagoya, Japan.


Atty. **LEONOR T. ORALDE QUINTAYO** of
Dhcrpc/scn

Quezon City, Philippines
11 September 2013

Process of Accession to the CMS: Presidential Ratification

- After signing the Instrument, the Office of the President returned this to the Department of Foreign Affairs.
- The Department transmitted the signed Instrument to the CMS Secretariat for deposit/registration.

Instrument of Accession

MALACAÑAN
MANILA

INSTRUMENT OF ACCESSION

TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

KNOW YE, that whereas, the *Convention for the Unification of Certain Rules for International Carriage by Air* was signed on 28 May 1999 in Montreal;

WHEREAS, the Convention recognizes the need to modernize and consolidate the Warsaw Convention and other related covenants on international carriage of passengers, baggage and cargo by air;

WHEREAS, the Convention facilitates the use of simplified and modernized documents of carriage, enabling the use of electronic or computerized data processing for the issuance of these documents;

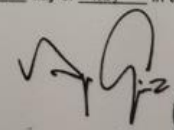

WHEREAS, the Convention entered into force on 4 November 2003 following the deposit of the thirtieth instrument of ratification, acceptance, approval or accession with the International Civil Aviation Organization (ICAO);

NOW, THEREFORE, be it known that I, **BENIGNO S. AQUINO III**, President of the Republic of the Philippines, after having seen and considered the 1999 *Montreal Convention for the Unification of Certain Rules for International Carriage by Air*, do hereby accede to and confirm the same and each and every article and clause thereof, with the reservation that the Convention shall not apply to (a) international carriage by air performed and operated directly by the Philippines for non-commercial purposes in respect of its functions and duties as a sovereign State; and (b) the carriage of persons, cargo and baggage for its military authorities on aircraft registered in or leased by the Philippines, the whole capacity of which has been reserved by or on behalf of such authorities.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

GIVEN under my hand at the City of Manila, this 26th day of May in the year of our Lord two thousand and fourteen.

BY THE PRESIDENT:

PAQUITO N. OCHOA, JR.
Executive Secretary

DEPARTMENT OF FOREIGN AFFAIRS
Information Technology, Communications

Instrument of Ratification

MALACMAN
BARCEL

INSTRUMENT OF RATIFICATION

TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

KNOW YE, that whereas, the Protocol Relating to an Amendment to the Convention on International Civil Aviation (Article 3 (a)) was signed during the 23rd Session of the International Civil Aviation Organization (ICAO) on 10 May 1984 in Montreal, Canada:

WHEREAS, the Protocol inserts an Article 2 bis to the original Convention, which relates to the use of weapons against civil aircraft in flight and interception of aircraft flying above a State's territory without authority;

WHEREAS, the Protocol, while recognizing the sovereignty of a state over its airspace, enjoins States from resorting to the use of weapons against civil aircraft so as not to endanger the safety of the aircraft and the lives of persons onboard; and

WHEREAS, the Protocol enjoins Contracting Parties to take appropriate measures to prevent any aircraft from flying without authority over its territory to be used for any purpose inconsistent with the objectives of the Chicago Convention;

NOW, THEREFORE, be it known that I, **BENIGNO S. AGUIRO III**, President of the Philippines, after having seen and considered the Protocol Relating to an Amendment to the Convention on International Civil Aviation (Article 3 (a)), do hereby ratify and confirm the same and each and every article and clause thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

GIVEN under my hand at the City of Manila, this 14th day of May in the year of Our Lord two thousand and fourteen.

BY THE PRESIDENT:





FAUSTO N. OCHOA, JR.
Executive Secretary


REPUBLIC OF THE PHILIPPINES

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FOREIGN AFFAIRS
International Technology, Communications
and Records Division
28 APR 2014
FOR THE DIRECTOR OF TRADE
LUIS R. REBANGOSA

Process of Accession to the CMS: Senate Concurrence

- In the event that Senate Concurrence was required, the Department sent a copy of the treaty, along with the original signed Instrument of Ratification, a position paper and copies of the Certificates of Concurrence to the Philippine Senate.
- The treaty underwent three readings in the Senate, as well as a public hearing.

Process of Accession to the CMS: Senate Concurrence

- Following the hearing, the Philippine Senate voted on the treaty. The treaty shall be deemed approved if 2/3 of the Senators voted for its approval.
- The Philippine Senate provided the Department with its concurrence.
- The Department transmitted the signed Instrument to the CMS Secretariat for deposit/registration.

Financial Obligations Under the CMS

- Article VII, paragraph 4 of the Convention states that:
- *“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. Financial regulations, including the provisions on the budget and the scale of contributions as well as their modifications, shall be adopted by unanimous vote of the Parties present and voting.”*
- The Conference of the Parties at its 11th Meeting (Quito, Ecuador, 4-9 November 2014) adopted the scale of contributions of Parties to the Convention based on the UN Scale of Assessment for the 2015-2017 triennium.